



March 26th, 2021

Senate Judiciary Committee - S. 99, Civil Statutes of Limitations for Child Physical Abuse
Sarah Robinson, MSW, Deputy Director

Thank you for taking testimony on S. 99 today, a bill to further Vermont's reform of civil statutes of limitations for civil actions related to child abuse. As Vermont's leading voice on domestic and sexual violence, the Vermont Network works to promote policies that support victims and survivors of violence to thrive and live lives free from violence.

The Vermont Network supports S. 99. This legislation builds on important statute of limitations reforms enacted in 2019, when Vermont repealed the civil statute of limitations on claims related to child sexual abuse. These previous reforms have been immensely helpful to victims and extending these reforms for victims of child physical abuse will provide one mechanism to seek justice for victims who experienced severe child abuse by an individual or institution entrusted to their care. Compared with criminal processes, civil actions can have the potential to provide even more meaningful and material justice to victims of abuse. While criminal justice processes are designed to focus on individual culpability related to specific acts, civil actions can provide a mechanism for broader accountability and reform. Importantly, civil actions provide an opportunity to seek damages not only from individuals who caused harm, but also institutions that were entrusted with keeping children safe. In this way, civil actions have the potential to not only provide accountability, but to also encourage institutional reforms that can prevent further or future abuse from occurring.

This particular proposal will provide meaningful options to victims of child abuse whose lives have been irrevocably altered by their experience of abuse. These victims include child victims of severe household domestic violence, and victims of child abuse experienced in an institutional setting. The current 3-year statute of limitations for civil actions related to child physical abuse sets forth a timeline that has no relation to the dynamics of this sort of abuse or the challenges that victims face in coming forward. For many individuals, it can take years to fully understand the scope and impact of abuse experienced in childhood. It can take even longer to navigate the complicated process of taking action to seek various paths of justice against those entrusted with keeping them safe. Lifting these limits expands victims' ability to seek healing and justice.

One additional item for potential consideration by the committee is whether Vermont's statutes regarding access to records by victims after they reach adulthood need to be strengthened. In many cases of abuse, victims seek to make sense of their memories and experiences by seeking available documentation about their care. Access to records has posed a significant barrier to healing for victims in the past and may be an area for future consideration.

We thank the Committee for your consideration and look forward to working with members on this bill as it progresses.