



November 1st, 2023

Senator Cabral-Guevara, Chair

Members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

Testimony on 2023 Senate Bill 302

Relating to: the statute of limitations for sexual contact with a child.

Thank you, Chairwoman Cabral-Guevara and other members of the committee, for hearing my testimony on Senate Bill 302 today. As adults, our job is to protect our children, but unfortunately, we cannot always do that. About 1 in 4 girls and 1 in 13 boys in the United States experience child sexual abuse. In the latest Wisconsin Department of Children and Families Child Abuse and Neglect report, there were 1,027 substantiated cases of sexual abuse to a child in 2021. For these children, the justice system will hopefully hold these offenders accountable. However, sexual assault is one of the most underreported crimes, with two out of every three cases being unreported. The long-term impacts of sexual assault can range from physical to mental to behavioral health issues as well as an increased risk for further victimization.

Gaining the courage to come forward about these types of attacks can take years. Child USA, a national think tank for child protection, released a report on the delayed disclosure of sexual assault for child victims. Multiple factors can contribute to delayed disclosure such as age, intellectual ability, gender, fear, shame, embarrassment, relationship to the predator, and so much more. SB 302 allows a victim ten more years to potentially come forward, disclose what happened to them when they were a kid, and bring forward civil charges.

Currently, civil charges regarding the sexual assault of a child must be brought forward before the alleged victim turns 35 years old. For criminal charges, either no statute of limitations exists or charges must be brought forth before the victim turns 45 years old, depending on the type of offense. This bill simply changes the statute of limitations for civil cases to before the alleged victim turns 45 years old. This will allow victims to bring private lawsuits against their attackers and certain institutions and hold them responsible for their wrongdoings or complacency for the same length of time they can bring criminal charges against their attacker.

This change opens the door for more individuals to get individual justice. It also brings the civil statute of limitations in line with the criminal statute of limitations for the exact same crimes. We need to protect our children, and in the instances that we fail to do so, we should allow enough time for these victims to get their criminal AND civil justice. Thank you, and I will take any questions at this time.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jesse James'.

Senator Jesse James

23rd Senate District

Sen.James@legis.wisconsin.gov



RICK GUNDRUM

STATE REPRESENTATIVE • 58TH ASSEMBLY DISTRICT

Testimony on Senate Bill 302

Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families |
November 1, 2023 | Room 300 Southeast

Distinguished members of the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families, thank you for the opportunity to testify on Senate Bill 302 this afternoon. I am proud to have authored this legislation with my friend and colleague, Senator Jesse James, to support victims of sexual abuse.

As state legislators, we are obligated to do whatever we can to protect our children. Sadly, we know about 1-in-4 girls and 1-in-13 boys in the United States experience sexual abuse as a child per statistics from the U.S. Centers for Disease Control and Prevention. It is imperative to hold those offenders accountable, but sexual assault can be much underreported. It can take many years for a victim of sexual assault to come forward.

Unfortunately, Wisconsin only provides a statute of limitations to bring forward a civil suit before the victim turns 35-years-old. Senate Bill 302 extends the statute of limitations to 45-years-old. By doing this, civil suits will be similar with what we have in state statute for criminal charges, depending on the type of offense.

To come forward on this topic for many child-sexual-assault victims is not easy because of their trauma. In setting the statute of limitations to 45-years-old, we are giving individuals who were victims of sexual assault when they were children more opportunities to file a civil suit against an offender. Senate Bill 302 gives victims more time to hold their attacker accountable for the crime they committed.

I thank for your time today and I will be happy to take questions.



MELISSA AGARD
STATE SENATOR
DEMOCRATIC LEADER

November 1, 2023

Thank you to the Chair Senator James and members of the Committee on Mental Health, Substance Abuse Prevention, Children and Families for holding a public hearing on SB 302, otherwise referred to as the Child Victims' Act.

I would also like to thank the bipartisan group of lawmakers who authored this proposal this session - Senator James, Representative Gundrum, and Representative Billings.

Survivors throughout our state deserve the opportunity to seek justice for abuse they experienced as a child if they choose.

Currently, civil charges regarding the sexual assault of a child must be brought forward before the alleged victim turns 35 years old. Senate Bill 302 extends the statute of limitations to file a civil action in court against a perpetrator of child sexual abuse to 45 years old.

Extending the statute of limitations to the age of 45 gives survivors of childhood sexual abuse the ability to come forward when they are ready. Children may be unable to disclose sexual abuse for many years, even decades due to a number of factors including a sense of shame, guilt, embarrassment, or misplaced self-blame for the abuse. They may also even fear the consequences of reporting their experiences.

Oftentimes the physical and psychological impacts of sexual abuse, especially to children, prevent survivors from pressing charges or bringing civil cases against their abusers until they are older. This legislation will provide survivors with the additional time that they may need to process their experience and feel comfortable bringing forth a formal complaint.

While no piece of legislation can ever erase the trauma of sexual violence and abuse, no one should experience barriers to justice. It is the role of the government to step up and provide for a safer, more compassionate path to healing - so that victims become survivors.

For far too long, legal barriers have halted justice and healing for survivors. It is time to put an end to keeping the known abuse of children in the shadows. Again, thank you for holding a public hearing and I look forward to seeing this bill move through the legislative process.

I am happy to answer questions or address any concerns that may arise from committee members or our Senate colleagues.

In Service,

Melissa Agard

NASW WI TESTIMONY IN SUPPORT OF 2023 SENATE BILL 302 BEFORE THE SENATE COMMITTEE ON MENTAL HEALTH, SUBSTANCE ABUSE, CHILDREN AND FAMILIES

Senate James and members of the Senate Committee on Mental Health, Substance Abuse, Children and Families.

Thank you for holding a hearing on Senate Bill 302. We support this bill but strongly believe it should include a three-year release from the statute of limitations. We also believe that there should not be an age limit at all in criminal or civil court for child sexual assault.

As has been stated this bill will increase the age that survivors can take a perpetrator or the organization that protected them to civil court, to align with the current 45-year limit for criminal court. However this bill only applies to people who will be sexually assaulted as of the day the bill goes into effect. This bill does not address the likely thousands of childhood sexual assault survivors in Wisconsin who have never had a chance to take their perpetrator to court. These survivors will never have a chance to experience closure, healing or justice unless they are allowed an opportunity to take their perpetrator to court with a three-year release of the statute of limitations. Experience has shown that once one person comes out, other survivors get the courage to also take action against their perpetrator. The experience of healing, closure and justice is not only felt by the survivors themselves but also often by their family of origin who may feel a sense of guilt for not protecting them from the perpetrator.

In terms of the time limit on reporting, Child USA analyzed data on victims of the Boy Scouts of American and found that over half first disclosed when they were over 50¹. Why is this the case? Many victims respond to child sexual assault by blaming themselves and feeling a sense of guilt.²

Other common trauma responses include shame and fear of negative consequences if they tell someone about their abuse, particularly when they receive threats from the perpetrator.^{3,4}

Not only does sexual assault have long-lasting psychological impacts that victims must overcome before they can file a civil case, but it can take years for some of the negative outcomes of sexual abuse to manifest. According to clinician Mic Hunter, “a child who seemed unharmed by childhood abuse can develop crippling symptoms years later.”⁵

In addition to helping bring closure, healing and justice for hundreds of victims of childhood sexual assault, passage of a Child Victims’ Act with a three-year release of the statute of limitations would likely result in the identification of hundreds of perpetrators. In California, more than 1,000 survivors of childhood sexual assault took advantage of the state’s one-year window to file a civil suit against their abuser, identifying over 300 previously unsuspected perpetrators.⁶

When similar legislation was enacted in Delaware, over 170 civil lawsuits were filed.⁷ Minnesota’s statute has resulted in over 200 abusers being identified.⁸

Passage of the Child Victim’s Act with a three-year release of the statute of limitations, would make it possible for victims of childhood sexual abuse to bring a civil suit against their abuser, regardless of how many years it takes them to overcome the negative physical and psychological effects of the abuse.

I am happy to answer any questions you might have.

Marc Herstand, MSW CISW
Executive Director
National Association of Social Workers, Wisconsin Chapter

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