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**To: Governor Tom Wolf  
Members of the Pennsylvania Senate  
Members of the Pennsylvania House of Representatives**

**From: Cathleen Palm, Founder**

**Date: September 26, 2016**

**Re: House Bill 1947 - Childhood Sexual Abuse Statute of Limitations**

Today, all across this Commonwealth, children are being sexually assaulted. Each of these children are courageously struggling to survive the assault against their body and spirit. More than likely, each of these children remain oblivious to the political debates unfolding about whether and how to reform the statute of limitations (SOLs) for childhood sexual abuse. Still every sexually abused child will be directly impacted by the decisions made before the 2015-2016 legislative session ends on November 30th.

Sexually abused children are in dire need of leadership and urgency on their behalf before November 30<sup>th</sup>.

**The Center for Children's Justice (C4CJ) urges each of you to quickly identify where there is common ground on House Bill 1947 and to act expeditiously to enact reforms on behalf of the sexually abused child.**

Reverting to the House passed version of House Bill 1947 seems inviting since it might lead Pennsylvania to further extend the civil SOL and then finally apply it retroactively.

Advancing an extended civil SOL that is applied retroactively powerfully recognizes that there are life-long consequences of childhood sexual abuse that impact physical health, emotional well-being, educational attainment, employability, and social interactions. A retroactive provision also provides redress for the fact that justice for the sexually abused child of yesterday, the adult survivor of today, has been uneven and too often denied.

Still the PA Senate acted unanimously to strip the retroactive civil provision from House Bill 1947 that is a significant hurdle to overcome in the evaporating days of the 2015-2016 session. Also, the rightful anger that has resulted from the Senate's action has obscured other choices made by the Senate within House Bill 1947.

For instance, the PA Senate stipulated that the child being sexually assaulted today should have an unlimited period of time to file a civil claim against: the perpetrator **or** the person who conspired with another to bring about

the abuse **or** a person having “actual knowledge” that failed to file a report with law enforcement or a county children and youth agency. Also, the Senate, like the House, waived sovereign and government immunity in childhood sexual abuse, but the Senate lowered the threshold to negligence (versus gross negligence).

Truth be told, neither legislative chamber passed a version of House Bill 1947 that is good enough for the child being sexually assaulted today or the adult who has survived past acts of childhood sexual abuse. There is still time to get to a better bill before November 30<sup>th</sup>.

C4CJ believes that as Governor and as members of the PA House and PA Senate, you must find a path forward to give adult survivors of past acts of childhood sexual abuse – adults of all ages – the opportunity to initiate a civil claim no matter how long ago the abuse occurred. If, however, that path does not become a reality in the 2015-2016 legislative session each of you must commit to work together to:

1. Secure a retroactive provision related to civil claims for childhood sexual abuse early in the 2017-2018 legislative session; and
2. Enact, before November 30<sup>th</sup>, the other necessary and overdue SOL reforms woven into House Bill 1947 that will aid the child being sexually assaulted today.

C4CJ believes it is not only possible, but imperative for each of you to look beyond the conflict that has enveloped House Bill 1947 and to work overtime to find common ground. That path begins with comparing the House and Senate passed versions of House Bill 1947. In doing so it quickly becomes clear that there is common ground.

For example, overwhelming majorities of the PA Senate and PA House voted to eliminate the criminal SOL. 38 states have already eliminated, in whole or part, criminal SOLs related to childhood sexual abuse.

Majorities of the Pennsylvania General Assembly also voted this year, at a minimum, to extend (going forward) the civil SOL up to age 50. Finally, each chamber of the PA General Assembly also wants to waive sovereign and government immunity in childhood sexual abuse.

The courage of the sexually assaulted child should guide the decisions made on House Bill 1947. Children are counting on each of you to use the final days of the 2015-2016 legislative session to act with urgency and intention to protect every child in our Commonwealth from sexual abuse.