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Debating The Statute of Limitations In Child Sexual Abuse Cases; Current Limit Of Age 48 Would Be Lifted Under Bill

By Christopher Keating on March 17, 2010 7:04 PM | [Permalink](#) | [Comments \(2\)](#)

Attorneys and advocates called Wednesday for Connecticut to become the fourth state in the nation to eliminate the civil statute of limitations in child sexual abuse cases.

The current age of 48 was established by the legislature in 2002 when lawmakers said that a victim should have 30 years to make a claim upon reaching the age of 18. As such, the age of 48 was written into the law.

Sen. Andrew McDonald, a Stamford Democrat who co-chairs the judiciary committee, said that many of the witnesses Wednesday were talking about the Roman Catholic Church and the allegations of sexual abuse against the late Dr. George Reardon at St. Francis Hospital and Medical Center in Hartford. But he said the bill doesn't mention any particular entity.

"This legislation doesn't speak about anybody in particular," McDonald said. "It could be family members suing family members."

Prompted by the Reardon case, some lawmakers are trying to eliminate the statute of limitations - in a similar move to a failed attempt last year that expired in the judiciary committee without a vote. While attorneys in the Reardon case favor the bill, the Catholic Church, the American Tort Reform Association, and the Insurance Association of Connecticut all testified against it. An attorney for the Catholic Church said the bill is "almost certainly to be unconstitutional" if it is passed and signed into law.

"The purpose of the statute of limitations is to provide rights to both parties," said Susan Giacalone, representing the insurance association. "It would allow cases that have ceased - this would revive a claim that might be unconstitutional."

Maine, Delaware, and Alaska have all eliminated the civil statute of limitations in child sexual abuse cases, said Richard Kenny, an attorney for the past 35 years. In Delaware, there was a "window bill" that eliminated the statute of limitations retroactively for two years.

"The age 48 is purely an arbitrary number," Kenny said. "Someone that's 48 years of age and one week" is barred from making a claim, but someone who is 47 can file a lawsuit.

"We are not changing any of the requirements in terms of proving a case," Kenny said. "If the case cannot be proven, that case is going out the door. ... It's the plaintiff that needs to prove that case. ... The trend is going in the direction of extending the statute of limitations."

The civil statute of limitations has been changed three times in Connecticut, and the last extension was in 2002.

In some cases from decades ago, claims can be difficult to prove because many of the witnesses may have died. Rep. Michael P. Lawlor, the committee's co-chairman, said that in those cases, there may be very little provable evidence.

"You're relying on the emotions of the jury in some ways," Lawlor said.

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Well-known Hartford attorney Wesley Horton, on behalf of the Catholic Church, submitted written testimony against the bill that said the current law "is already extraordinarily generous to people with sexual abuse claims from their childhood."

"The important public purposes of having statutes of limitations will be eroded" if the bill passes, Horton wrote. "Law-abiding people, corporations, and insurance companies will lose confidence that they can rely on existing statute of limitations as they ask themselves and their legislators: 'what statute of limitations will be the next one to fall?'"

"I feel like that pedophile gets away with it after the statute of limitations. I don't agree with it," said Sen. Edwin Gomes, a Bridgeport Democrat. "I want him to get everything that comes to him. Everything."

Some victims have committed suicide, while others have suffered from substance abuse and depression, officials said.

"Sexual abuse and incest live and thrive in silence," said Andrea Judd Laws, who is now 51 years old.

She said she was 14 years old and was babysitting when she was abused by a family member.

"I was an easy going, happy, little kid, but now I was broken," Laws said. "At age 16, I attempted suicide for the first time. ... There are still times that I wish I said nothing. ... At least my parents understood why my personality changed so much. ... Make coming forward worth it. Change this law. No statute of limitations."

"Thank you for your bravery and your courage," McDonald told Laws.

Cary Silverman, an attorney representing the American Tort Reform Association, opposed the bill because he said that any statute of limitation should not be changed after the fact.

"They ought not to be changed retroactively," said Silverman, who also testified against the Connecticut bill last year. "Connecticut has the longest statute of limitations that I'm aware of."

Nine other states have studied the issue during the past year, and eight did not receive a vote out of the legislative committee, Silverman said. But Oregon passed a law during the past year that raised the statute of limitations to 40 years of age - which is lower than Connecticut's current level of 48 years old.

West Hartford resident John C. Brandon, 57, said that he met Dr. Reardon when he was 10 years old in 1962 and was in traction "when he came onto the ward one night" at St. Francis Hospital. Brandon said he then left with Reardon and went to an office in the hospital that was equipped as a photography studio.

"This guy had no business to be trolling the wards like the Grim Reaper," Brandon said. "He did it many, many times for many, many years. I think it's clear he was a doctor, and doctors are treated with a lot of reverence and respect."

Brandon said he recalled the details of the photography studio in the hospital.

"This was big equipment - reflectors that you use to reflect the light," he said. "Folks like me would like to have some redress because it's the right thing to do. ... You're just left shaking your head, like what just happened?"

He said he had not recalled Reardon's name, adding, "This was the first and only time meeting the guy."

"What happened to you is outrageous, whether it happened in 1962 or now," Gomes said. "I don't care when it happened. ... I don't think there should be any statute of limitations."

Anne Latrina Brown, a former nurse at the state's Riverview Hospital, said the statute should be lifted. Many of those she treated at Riverview who had severe addictions to alcohol and drugs had been sexually abused as children.

Jennifer Judd Aparico said she was "still in survivor mode" and did not immediately report the alleged abuse by her family member for many years. Her aunt, Andrea Judd Laws, testified earlier at the hearing.

"Counseling was not an option because they are mandated reporters," she said. "Every door was closed at every turn. ... I thought I was protecting my siblings. You can do what you want to me. Just leave them alone."

"I'm not sure exactly when it stopped," she said, adding that many thoughts had been



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blocked out from her mind.

Sen. John Kissel said, "That took an incredible amount of courage to do."

Peter Sullivan said that in 1968 his three brothers and he were all victimized by Reardon.

"Only my youngest brother is allowed to bring suit," Sullivan told legislators. "I have no recourse whatsoever because I am over 48. I don't know how anyone can say that is justice. ... I've been to the West Hartford Police Department to look at pictures of myself. It's a nightmare I'm going to have to live with the rest of my life. ... It's just not justice."

Sullivan contacted the West Hartford police, and he was asked to bring pictures of himself from those days in the 1960s.

"All four of us were victimized, and in 30 years, not one of us talked to each other about it," Sullivan said. "We all thought it was an individual situation with each of us."

A lawyer for various churches who handles abuse cases, L. Martin Nussbaum, said later that the church often hires insurance archaeologists to find old insurance policies.

"Claims that are that long ago are reparations," Nussbaum told lawmakers. "Because of the out-sized press coverage, there's less and less confidence in the judicial system."

A lawsuit was filed against the Hare Krishnas with 400 claimants that led to a bankruptcy in Los Angeles that has not received much publicity nationally, he said.

"There's been out-sized reporting about the Catholic situation," Nussbaum said. "Compare that to the public schools, anywhere in the country, but there's a perception that there's a Catholic problem."

"Because of sovereign immunity, there's no recovery" in cases against public schools, he said. Both Nussbaum and John King, an attorney for the church, said there is no "level playing field" in the process of filing lawsuits between public and private cases.

After the Connecticut law was changed in 2002, 81 claims were filed against the Catholic Church, Nussbaum said. "Statute of limitations perform an important purpose," he said.

"Every single time, in every single state ... they have been plaintiffs attorneys seeking to sue the Catholic Church," Nussbaum said. "The bill is almost certainly to be unconstitutional. ... This legislation is really being driven by the Dr. Reardon case. ... This is about the Reardon case."

"Let me interrupt you. I don't think that's fair," McDonald said. "I don't think it's an accurate statement to say that's the focus of the legislation, at least from my perspective."

Nussbaum added, "I've never seen a clearer record that if the legislature passes the bill, it will pass a bill that is unconstitutional."

Both St. Francis Hospital and the Archdiocese of Hartford are currently being in the Reardon case.

"I didn't know that the Archdiocese was a defendant in that litigation," McDonald told the lawyers for the Connecticut Catholic Public Affairs Conference.

Nussbaum said the state legislature passed a law in 2002 that allowed more lawsuits against the Catholic Church, but "it did nothing about identical circumstances" in a case involving female athletes and sexual abuse at Southington High School.

"Is it possible that the Catholic Conference could be sued? The Vatican is being sued in some cases," Nussbaum said.

At one point, a legislator said the testimony was personal for him.

"I understand this issue in a very personal way," said Rep. Gary A. Holder Winfield, a New Haven Democrat. "This bill is not about the Catholic Church. This bill is beyond the Catholic Church. ... There's a lot of pain for those people."

Categories: [Andrew McDonald](#), [Michael Lawlor](#)

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2 Comments

By Sister Maureen Paul Turlish on [March 17, 2010 11:05 PM](#)

Hartford attorney Wesley Horton, speaking on behalf of the Catholic Church in Connecticut says that the state law "is already extraordinarily generous to people with sexual abuse

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claims from their childhood.

This is wrong and it is a morally deficient position for any religious denomination to take.

The law as it now stands in Connecticut is arbitrary and discriminatory, particularly in holding that while those under the age of 48 should have access to justice those over that age, no matter by how little, are to be denied such access.

"Extraordinarily generous?"

Such a statement is patronizing and demeaning to all victims of childhood sexual abuse in suggesting that they should depend on anyone's generosity when the real issue here is justice.

There should be no accommodation in law that gives more protection to those who sexually abuse children then it does to their victims.

Cary Silverman is wrong. Delaware leads the parade.

With the signing of the Child Victims' Law in 2007 Delaware now has no criminal or civil statutes of limitation in regard to the sexual abuse of children.

In addition a civil window of two years was included with Delaware's law for bringing forward previously time barred cases of abuse - by anyone. That window closed in July of 2009.

I was privileged to testify before the Delaware Senate and House Judiciary committees in support of Delaware's law but my church did not support it.

Lawyers Nussbaum and King speak of a "level playing field."

This is not a game!

More often than not this has been a never-ending nightmare for victims and their families who received stones when they asked for bread, who were vilified and intimidated when all they sought was pastoral care and concern.

It is a grave concern for me as a women religious that the majority of bishops along with the their Catholic Conferences have viciously opposed the removal of statutes of limitation in every state where such action has been proposed.

What did the bishops mean in 2002 when they promised accountability and transparency? Does it become a question of what is meant by those terms? Where has such rationalization been heard before?

"If I speak with the tongues of men, and of angels, and have not charity, I am become as sounding brass or a clanging cymbal." 1 Corinthians 13:1

What is it about those who continue to put their power, authority, institutional prestige and image before ever thinking of the physical safety and spiritual well being of Lord's little ones?

Sister Maureen Paul Turlish
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By MICHAEL SKIENDZIELEWSKI on [April 12, 2010 8:47 PM](#)

"There's been out-sized reporting about the Catholic situation," Nussbaum said. "Compare that to the public schools, anywhere in the country, but there's a perception that there's a Catholic problem."

PERCEPTION??

There he goes again, Marty the Lawyer.....confusing facts, evidence, depositions, statements, grand jury reports, indictments, prison sentences, suicides, alcoholism, drug abuse, medical records, etc. with, what did you call it, Marty.....PERCEPTION of a Catholic problem?

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There you go again with that high-altitude Colorado thinking and insight!

Michael Skiendzielewski
Philadelphia, PA

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