

# National Partnership to End Interpersonal Violence Newsletter

January 2014

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Happy New Year NPEIV Readership!

2014 is upon us and with it the promise of great growth and change. As part of this growth we are excited to launch our 2014 bi-monthly newsletter, specifically designed to cover important topics selected to inspire thinking and action in support of individual knowledge enhancement. Please take personal action and spread the information by sharing your newsletter with others, we encourage you to also provide feedback. Together we can put an end to interpersonal violence!

January's focus is the Statute of Limitations (SOL). The SOL eliminates the ability for a victim to seek criminal prosecution or file civil litigation against their perpetrator, simply because one day passes another. In 2013 abuse victims gained access to justice more than any other time historically, but the battle continues. Prosecuting rapists is critical to a society that considers sexual abuse, public safety and justice for victims seriously. SOL's stringent time constraints render victims into silence...once again. Bills were introduced in sixteen states, and the momentum is growing.

Is the SOL, simply put, a protection for abusers?



[The Statute of Limitations on Child Sexual Abuse in the United States, and the Catholic Church's Defeat of the Victim in California, by Rev.](#)

The website,  
<http://sol-reform.com/News/partners-for-reform/>

offers a variety of information and tools for individuals as well as organizations to use in the fight against child sexual abuse. The website has a state by state listing that enables users to become aware of the laws and possible law changes in their particular states. Pages such as Tools for advocacy, Myths and Facts regarding statute of limitations, and partners for reform are excellent resources as agencies across all states seek justice for victims of sex abuse. Currently sol-reform.com is also featuring Marci Hamilton's book *Justice Denied*.

## Featured Organization Minnesota Coalition Against Sexual Assault Passing SOL Laws

In a webinar conducted by Executive Director, Donna Dunn, of the Minnesota Coalition Against Sexual Assault, titled "Statute of Limitations and its Connection to Prevention", Ms. Dunn talked about legislation, how it affects

## Tiffany Diane Moon

In the United States, California, known for its progressive culture, is in fact a state that claims some of the most restrictive statutes of limitations on sex offenses, particularly for those crimes perpetrated against children. Generous statistics indicate that one in three girls and one in six boys in the US will be sexually abused, and that an estimated 90 percent of these children will not report the crime. An ever amounting mass of research also indicates that, while survivors of child sexual abuse are known to suffer from serious and chronic resulting illnesses, including Depressive Disorders, Anxiety and Panic Disorders, and Post Traumatic Stress Disorder, most of these people will not be capable of recognizing, facing, or reporting the crime until well into adulthood, either because they have repressed the memories, could not face the trauma, or because they have not made the causal connection between their chronic life dysfunction and the crime committed against them. More disturbing than this is the fact that the average pedophile will claim hundreds of victims in his or her lifetime, leaving behind ever-continuing thousands of damaged adults who then require a lifetime of medical and mental-health care, and thousands of dollars in social services, most of which the average survivor never receives. The result is a national epidemic of untreated adult survivors of childhood sexual abuse who then become victims of sex trafficking and domestic violence, become homeless, commit suicide, or become perpetrators themselves. Yet, while nine US states have eliminated SOL restrictions, and 26 more have eliminated filing deadlines for abuse survivors of a certain age, or certain types of abuse, CA statutes still limit survivors to filing based on a minimal number of years since the age at which the abuse occurred, the obscure restriction of how severe the abuse was, and an ability of survivors to recognize the crime, cope with it, and take action by their mid 20s, an obstacle that both reason and fact-based data have indicated make filing for all abuse survivors impossible. The simple, responsible, and compassionate solution to this problem would be to eliminate the statute of limitations on sex crimes in CA entirely. But even small steps toward SOL reform in CA, such as windows to sue perpetrators, are heavily opposed by powerful institutions that shield perpetrators. Specifically, SOL reform in CA is opposed by the Catholic Church.

In 2003, hundreds of adults who had been sexually abused by Catholic priests in CA were able to seek restitution from the Church, thanks to Senate Bill 1779, which expanded the statute of limitations for a window of time, allowing survivors of child sexual abuse to file claims against the organizations

victims, and several key factors that contributed to the delay of the law.

Minnesota successfully passed the Child Victim Act on May 25, 2013. This law removes any limit on civil lawsuits as long as the abuse happens after 5/25/13. There is an additional 3 year window for abuse committed prior to that time. Ms. Dunn admits that it isn't ideal, however, they are pleased with the compromise.

The legislation was enacted after two other failed attempts, one 10 years ago, one 6 years ago. Ms. Dunn explained that there were several things that contributed to the passage this time:

1. Timing - in the November 2012 elections Minnesota had a Democratic House, Senate and Governor . Within the state there were several highly visible revelations of sex abuse within organizations. That coupled with the Penn State exposure, the climate in the state was right.
2. Resources and Leadership - the National Center for Victims came to provide leadership. The Minn. CASA had already established a leadership role and connected to

that protected their perpetrators, the employees for whom the organizations were responsible. This collection of lawsuits exposed a network of abuse within the Catholic Archdiocese of Los Angeles and the Diocese of San Diego, and it was the beginning of the exposure of one of the largest sexual-abuse cover-ups in the United States, as the vast remaining records of LA Cardinal Roger Mahony's willful protection of pedophiles were finally ordered to be released 10 years later.

([http://www.bishop-accountability.org/docs/san\\_diego/](http://www.bishop-accountability.org/docs/san_diego/)) But this small SOL window that allowed some of these CA Church-abuse survivors to receive restitution also shut hundreds of other Church-abuse survivors out. In 2013, the National Center for Victims of Crime sponsored the "Child Victims Act," an action in several states that would open a new window, expanding the statute of limitations on child sexual abuse, and allowing currently-able survivors who were unable to act under such windows as CA's SB 1779 to finally seek justice. In CA, the Child Victims Act was [Senate Bill 131](#). The bill was supported by the California Police Chiefs' Association and the Consumer Attorneys of California, and it was opposed by the Catholic Church, which spent over \$250,000 to block it, and succeeded. As with each attempt at SOL reform, the Church argued that the SOL extension unfairly targeted the Church, and that it was unreasonable because people move, die, or memories fade, making evidence unreliable. But the Church has demonstrated that it regularly covers up child sexual abuse at an administrative level, and clear evidence has been found, again and again. The only barrier to prosecution of pedophile priests and the Church officials who protect them in CA is the statute of limitations. I am the proof:

I was one of the more than 100 Church-abuse survivors in San Diego, CA, alone who would have received restitution through SB 131. In October of 1980, I was kidnapped by my abuser from the School of the Madeleine in San Diego, CA. After I was taken, the school and the Catholic Diocese of San Diego made a willful choice not to call police, to protect their reputations, rather than my life. The school and the Diocese gave me to my rapist. Today, I am still suffering the effects; I am permanently disabled. But the school is still refusing to acknowledge, apologize for, or compensate for the evidenced event. My attempts at reporting my abuse at the school, retrieving my records, and receiving apology and compensation for disability treatment have been ignored, impeded, and met with public abuse from school officials, and hate mail from its patrons. My best chance at receiving acknowledgement and restitution from the institution that is responsible for my sexual assault was through SB 131. But instead, the Catholic Diocese of San Diego, and parishes across the state, are openly celebrating their defeat of me and the other survivors of Church abuse in CA



legislators and lobbyist.

3. Know the opposition - They were well prepared for the organizations who opposed them.
4. Testimony - Survivors sharing their stories was critical.
5. Attention - they fine tuned the message to draw attention to the fact that the current statute of limitations was an arbitrary number and victims deserved to seek help on their own timeline.

Ms Dunn stated that the elimination of Statute of Limitations is a prevention move because it challenges the norm that it isn't important. It says to the survivor, "We believe you, and we welcome your story."

(Material gathered from a Prevent Connect and Ms. Foundation Webinar, entitled: Statute of Limitations and its Connection to Prevention - 11/24/13)

whose lives depended on the SOL window that SB 131 would have provided.

On the afternoon of Saturday, 12 October, the deadline for CA Governor Jerry Brown to act on SB 131, he vetoed the bill. In an unusually long veto statement, Governor Brown, a former seminarian, regurgitated, verbatim, the arguments of the Church's \$250K campaign.

([http://gov.ca.gov/docs/SB\\_131\\_2013\\_Veto\\_Message.pdf](http://gov.ca.gov/docs/SB_131_2013_Veto_Message.pdf)) At the moment Brown's veto statement was posted, celebratory thank-you letters were posted by churches all over the state. No time was given for Church-abuse survivors to mourn. Instead, the very parishes and schools that had abused us, that were fighting us, that had continued to hurt us for years, were celebrating their defeat of us. And for weeks, the celebration continued with new postings from every diocese and parish that had something to gain by preventing the lawsuits and the embarrassment of its victims.

Today, I still receive hate mail from School of the Madeleine staff and parents because I spoke out about what happened to me at the school. I am still disabled. I still have no treatment. I am still impoverished. I am living on food stamps. I am fighting for Social Security Disability. I am fighting for my life. And today, the Catholic Church in CA is still celebrating its most recent defeat of SOL reform. I am the consequence of CA's statute of limitations on child sexual abuse. And I am not alone. Statute of limitations reform in CA depends on an unimpeded focus on the law, on statistics, on fiscal concerns, on ethics concerns, but to date, SOL reform in CA has been influenced largely by the Catholic Church. Until the state of California eliminates the statute of limitations on sex crimes, it allows a religious institution to be responsible for the defeat of the victim.

### [Support the Summit in September!](#)



19<sup>th</sup> International Conference & Summit on Violence, Abuse & Trauma  
Linking Research, Practice, Advocacy & Policy  
"Collaboration & Commitment for Change"  
September 7-10, 2014 | Town & Country Resort & Convention Center  
San Diego, CA



## SOL Reform, by Devin M. Storey, Esq.

California's civil statute of limitations relating to childhood sexual abuse is needlessly complex to say the least. First enacted in 1986, California Code of Civil Procedure § 340.1 has since been amended on five occasions. Often, the Legislature simply slapped a band aid on obvious problem areas of the law

rather than completely reworking the statute into a comprehensive and functional scheme. As a result of the fragmented evolution of the statute, several different limitation periods could apply depending on whether the defendant is the abuser or an entity that employed the molester, which particular entity employed the abuser, whether limited statutory exceptions apply, when the plaintiff was born, and in limited circumstances, when the abuse occurred. Did I mention the statute was needlessly complex?

While a comprehensive discussion of the nuances of the statute of limitations in California could fill this entire newsletter, this article will focus on a specific flaw in the statute of limitations that has left many deserving survivors without an ability to seek justice. Through recent amendments, the Legislature has allowed survivors of abuse who were born on or after January 1, 1977, an opportunity to bring claims against institutions that employed their abuser (if statutory requirements are satisfied). What about survivors of abuse born prior to January 1, 1977, you ask? Good question.

The problems with the statute of limitations in this regard are exemplified by a recent decision of the California Supreme Court. In *Quarry v. Doe*, (2012) 53 Cal.4th whether six brothers that were molested by a Catholic priest during the early 1970s were permitted to bring a claim against the Diocese that employed the molester. Like many who suffer from childhood sexual abuse, the brothers tried very hard to put the abuse behind them and not to contemplate what had been done to them. As a result, each brother suffered for many years without understanding the pivotal role the abuse had played in causing their long lasting psychological and emotional problems. That all changed when their abuser gave a deposition and admitted that he had molested the brothers. As witnesses in an ongoing lawsuit, the brothers first came to understand that the abuse had caused them to suffer grievous injury. The brothers filed a lawsuit in 2007.

The brothers' case ultimately went before the Supreme Court of California where, by a 5-2 vote, the Majority of the Court decided that the brothers had waited too long to bring their claims. Paradoxically, the Court ruled that the brothers should have taken advantage of a special provision allowing older abuse survivors to pursue their claim during a "one year window" that opened on January 1, 2003, even though the brothers did not understand that they had been harmed by the abuse until after that window closed.

In a dissenting opinion, Justice Carol Corrigan noted the anomalous nature of a ruling that singled out older abuse

survivors that had not yet come to understand the ways they had been impacted by the abuse. Justice Corrigan stated:

"All plaintiffs younger than 26 on January 1, 2003, are free to sue within three years of the date they discover their injuries, even if they make that discovery at an advanced age. Plaintiffs over the age of 26 who had discovered their injuries before January 1, 2003, were permitted to sue within the one-year window created by section 340.1(c), no matter how long ago they were molested. Thus, a plaintiff molested in 1960 at the age of 12, who discovered his or her injury in 2002 at the age of 54, would be able to sue during the window period. Under the majority's reading, however, section 340.1(c) bars suit by a plaintiff molested in 1988 at the age of 12, who discovered his or her injury in 2004 at the age of 28. This claim is more recent and the injury was discovered at an earlier age than the hypothetical claim based on a 1960 molestation. Nevertheless, under the majority's holding the older claim would be viable and the younger claim barred. It seems unlikely that the Legislature would single out one class of plaintiffs for arbitrary treatment, depriving them of any opportunity to sue upon discovery of their injuries while allowing other plaintiffs who suffer the same kind of injury a reasonable time after discovery to seek redress."

As aptly described by Justice Corrigan, the Majority's decision in *Quarry* exposed a hole in the statute of limitations. Any person born on or after January 1, 1977, had the ability to bring a claim against a negligent employer within three years of discovering his or her claim. A person born prior to that date that had discovered the cause of his or her injuries before 2003, had the opportunity to bring a claim during that calendar year. But, a person born prior to January 1, 1977 who did not discover the cause of his or her injuries until after 2003 was left with no recourse.

In response to the *Quarry* decision, California State Senator Jim Beall (D - San Jose) took the lead in trying to correct the inequity exposed by the Supreme Court's ruling. Senator Beall worked with the National Center for Victims of Crime, and many brave survivors of childhood sexual abuse, to author Senate Bill 131 (SB 131), which was intended to provide a more comprehensive scheme allowing survivors a fair chance at justice. As originally proposed, SB 131 would not only have corrected the flaw exposed by the *Quarry* decision, but would have streamlined the statute of limitations scheme by removing outdated language and procedures that placed unnecessary burdens on survivors of abuse.

From the outset, SB 131 faced very stiff opposition.



Organizations such as the California Catholic Conference, California Association of Private School Organizations and USA Swimming, whose members faced the possibility of litigation if SB 131 was enacted, strenuously opposed the bill. Lobbyists representing this combined resistance to change canvassed both houses of the Legislature urging that Statute of Limitations Reform should be rejected, and the unfair status quo preserved.

Despite the vigorous opposition, SB 131 was approved in seven different votes as it wound its way through the Legislature, and was ultimately approved by both the Senate and the Assembly. During that process, the Bill was amended on three occasions to be more of a direct response to the Quarry decision, but even in this narrower form, it would have allowed many survivors of childhood sexual the opportunity to seek justice.

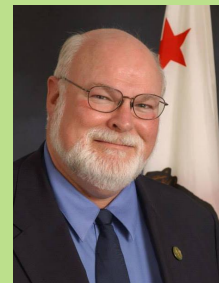
While being approved by both houses of the California Legislature was a major step in the Statute of Limitations Reform effort that brought a sense of optimism to many survivors of childhood sexual that had been excluded from justice following the Quarry decision, a major hurdle still remained in front of SB 131: California Governor Edmund G. Brown. Governor Brown is known to be independent and unpredictable. His history as a Jesuit Seminarian caused many to believe he would be receptive to the pleas of the Catholic opposition to SB 131. These concerns appear to have been well-founded. Governor Brown took no action with regard to SB 131 for more than month, before quietly vetoing the bill at the last instant. In a three page letter explaining his decision, Governor Brown echoed each of the points raised by the Catholic opposition.

Where does this leave us? In a technical sense, we are left with a long and complicated statute that irrationally excludes many of the people who would most benefit from the ability to seek accountability through the civil justice system: those who have been dramatically harmed for many years by the abuse and who have only recently come to understand the affect the abuse has had on their lives. However, in a broader sense, we are left with a Legislature that has seen the need for change, a dedicated champion in Senator Beall who is committed to making a difference in the lives of abuse survivors, a collective of advocates like the National Center for Crime that are devoted to seeing this inequality corrected, and amazingly resilient survivors who will not give up. While the quest for Statute of Limitations Reform was dealt a momentary blow with the veto of SB 131, this remarkable collection of people will continue to pursue change.



## From the desk of Sen. Beall:

Protecting and helping children has always been a top priority for me throughout my public service career. I played a role in creating Santa Clara County's first-in-the-nation Children's Health Initiative to ensure that every child in the county could get health coverage. At Sacramento, I was able to get a law passed to extend benefits for foster care youth beyond 18 to age 21 so they would be able to attend college and lead productive lives.



What happens to us as children - for better or worse - serves as the foundation for our adult lives. This was never more apparent than when I listened to the stories of anguish told to me by several women who said they had been sexually abused by their gymnastics coach when they were young teens.

They told me how their anger, humiliation, and frustration had harmed their relationships as they became adults. Because of a glitch in the law, they were denied an opportunity to seek justice against the organization that enabled the coach to prey on innocent children, they said.

After that meeting, I was convinced the law needed to be changed to help victims get justice so I introduced SB 131. Senate Bill 131 was written to clarify an ambiguity in the law that had arbitrarily stopped adult survivors of childhood sexual abuse from suing private institutions for willfully harboring their abusers. I fought to get this bill passed by the Legislature. It reached the Governor's desk where it was vetoed.

It was a disappointing outcome. But, it has not stopped me from examining and considering new proposals next year to ensure people who were suffered child abuse get their day in court.

If you're interested in contributing to the newsletter, please contact your Action Team Chair for more details!

Sincerely,

Jennifer Turfler  
National Partnership to End Interpersonal Violence

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