

New York Could Rise This Year Out of Last Place in the Protection of Children from Child Sex Abuse

There is a glimmer of hope that the New York legislature will take up the issue of child protection by considering the Child Victims Act, **A2872 and S63**, the first week in June. New York—alongside Alabama, Michigan, and Mississippi—ranks among the **worst four states** in the United States for access to justice for child sex abuse victims. In other words, New York closes its courts to victims sooner than 46 other states.

The Child Victims Act—originally introduced a decade ago—does only one thing, though it is monumentally important, by eliminating the criminal and civil child sex abuse statute of limitations (SOL) and reviving expired civil SOLs. The silent victims get their day in court (if they want) and the public is informed about the hidden child abusers in the state. **Georgia** also was among the worst of the worst until it enacted the Hidden Predator Act this year. **New York** should strive to join the upper echelon of states that have given victims real opportunities for justice, like California, Delaware, Hawaii, and Minnesota. Not a single one of those states has experienced the sky falling or an explosion in lawsuits or other calamities. But victims in those states have been sent the message that it was not their fault and their state is interested in their welfare. The opposite message has been delivered in New York.

Assemblywoman Marge Markey has worked tirelessly for the last decade to improve the victims' lot in New York, and the New York Assembly has a decent record on trying to improve the statutes of limitations for child sex abuse. The Assembly passed earlier versions of the Child Victims Act by large margins in 2005, January 2006, June 2006, 2007, and 2008. When the Senate would not even hold hearings or raise the bill in a committee, then-House Majority Leader Sheldon Silver started to refuse backing another vote until the Senate did something.

Five years ago, on June 2, 2010, now-New York Attorney General **Eric Schneiderman** as Chairman of the Senate Codes, held the one and only vote in committee in the New York Senate so far. I gave him props for opening the discussion in the Senate, where Republicans have been rabidly opposed to letting victims get to court, but in truth it was an exercise in frustration. Committee members **Senators Andrew Lanza** and **John Flanagan** carried on about how religious they are and how they would not want to “hurt” the Catholic Church. Their lack of concern for their abused constituents was stunning. Listening to them, it was apparent that they did not know that most victims are victims of incest and that many predators have over 100 victims over the course of their lives and never age out of abusing kids. In other words, the Church is irrelevant to most abuse and predators are grooming their next victims while the members of the New York legislature fiddle. Or maybe they didn't care?

In the intervening five years, the CVA has not received any more attention in the Senate, and the Assembly has continued to wait. 2015 appears to be different, however, with the possibility that Senate Codes **Chairman Michael Nozzolio** will bring the bill up for discussion in committee June 2, exactly five years since Schneiderman did. So what has happened in the meantime?

First, victims like Olympic speedskater **Bridie Farrell** have bravely come forward about their abuse in New York. Second, the Horace Mann Action Coalition refused to let the prestigious Horace Mann School get away with strong-arming its victims and silencing the truth of its cover up of serial pedophiles. Their **report** issued this week tells the

story of the cover up, the consequences, and prescribes the best means for all private schools to protect children. One of those recommendations: open the SOLs. Third, the person most heavily invested in blocking New York's SOL reform—Cardinal Timothy Dolan—was tarred this year when the Seventh Circuit ruled that the \$55 million he moved from the Milwaukee Archdiocese's bank accounts into a so-called cemetery trust to cheat abuse victims could be **fraudulent**. He also lobbied hard against SOL reform in Wisconsin before moving to New York, so his pathway is strewn with actions that favor the predators over child safety. Fourth, the Duggar story teaches them that abuse is not limited to institutions. Abuse also thrives in the darkness of family secrets, and in fact **incest** victims constitute the largest number of victims. Finally, even Georgia is making “progressive” New York look bad.

New York legislators have a simple choice next week: child predators or New York's children. Let's let a decade be the maximum timetable for the passage of SOL reform in New York.