

CARDOZO

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TO: The Members of the New York State Assembly
FROM: Professor Marci A. Hamilton
RE: The Amended Child Victims Act, A2596B/S2568
DATE: June 16, 2009

I am writing to urge you to vote in favor of the Amended Child Victims Act, A2596B. This bill will put New York in the vanguard of states protecting children from sexual abuse. Its “window” provision is the most effective, proven method to identify perpetrators who are now secretly endangering New York’s children.

Two religious entities have objected to the Child Victims Act – the Catholic Conference and Agudath Israel. (Many others support the Child Victims Act.) These two groups have stated put forth three complaints: (1) it does not apply equally to public and private entities; (2) it is too open-ended; and (3) they will go bankrupt if the bill is passed.

The amended Child Victims Act meets the first two objections by adding explicit language to make it apply equally to private and public institutions and by capping the age of victims who may bring such suits at age 53. The claims of bankruptcy are without any basis. The California window did not send any religious, or other, group to the poor house. To the contrary, fair settlements were reached and services were unaffected. The settlements were derived from insurance and their extensive property holdings. In any event, it is unfair to expect society to fund the lifelong damage inflicted by callous institutions while they spend hundreds of thousands, if not millions, to lobby against children. If a jury finds that a plaintiff has proven they have caused the abuse of a child, justice demands that the defendants pay those costs.

The national movement to protect children from predators through the reform of statutes of limitations for child sex abuse is becoming stronger everyday. The logic is irrefutable – victims who can name their perpetrators help all children, but they cannot name them when unfairly short statutes of limitations shut courthouse doors long before victims are ready.

My website, www.sol-reform.com, is documenting this national movement. **This site now includes a page devoted to identifying the names of legislators across the country who have voted to expose the hidden predators and the names of those legislators who have chosen to keep their identities secret and, therefore, chosen to endanger children unnecessarily.** I sincerely hope that you will join the Delaware and California legislators who have chosen to protect children, rather than predators. Please vote for the Amended Child Victims Act.