

Katie M. Shipp Testimony:

Thank you and Good Afternoon.

My name is Katie Shipp and I am the managing partner at Marsh Law Firm. Marsh Law Firm exclusively represents survivors of sexual abuse- primarily survivors of childhood sexual abuse. For over a decade, I have worked with survivors throughout the country- including hundreds of survivors in Pennsylvania and New York.

Over the years, I have received innumerable phone calls from adult survivors of childhood sexual abuse. The calls are all too familiar- they are reaching out because they finally have the strength to talk about what happened to them as a child and want to seek justice through the court system. Often, I am the first person they have ever told. Unfortunately, most of the time, I have to tell them that while I commend their courage, there's little we can do because of a statute of limitations that does not consider the reality of delayed disclosure for childhood sexual abuse.

Disclosing childhood sexual abuse is unlike disclosing victimhood in any other crime. Delayed disclosure is the norm. 1 in 5 survivors of childhood sexual abuse never disclose their abuse to another person.¹ For those who do, it often takes decades before they find the strength to come forward.² Survivors of institutional sexual abuse take even longer.³ In my experience, most survivors do not talk about the sexual abuse they endured until around age 50. Even then, the vulnerability it takes to come forward and share details of what happened should never be underestimated.

As children, survivors of sexual abuse are dealing with immediate trauma. Whether the abuse is ongoing or ended, they are in survival mode. Children often do not have the ability to truly understand what they endured nor do they have the ability to communicate it to the adults around them. Survivors report feeling ashamed and afraid. Societal norms, especially decades ago, taught children to remain quiet and respectful. To speak up and against adults, especially those trusted widely and in positions of authority, was taboo.

As child survivors turn into adults, they carry with them the impact of the abuse. Struggling to rebuild their lives, it's not uncommon for survivors to face obstacles such as housing instability, drug and alcohol dependency, lack of adequate employment, anxiety, depression, and the list goes on. It often takes a survivor obtaining some level of stability in adulthood before they are able and willing to speak out. Even then, survivors are afraid of what it means to carry the label "victim."

¹ CHILD USA (2023). CHILD USA Delayed Disclosure Factsheet: 2023. Attached as Exhibit 1.

² *Id.*

³ *Id.*

Childhood sexual abuse does not just impact the victim- but also their family, friends, and society as a whole. The wife of one of my clients explained,

Because of the impact of abuse on my husband's mental health, our whole family has suffered emotionally and financially. How could a child have the understanding and confidence to come forward. These are adult issues that take an adult to understand and stand up for themselves. It's time to protect our children! -Jane Doe 1

Another one of my clients asked that I share her words with you today. She is 34 years old, and missed the SOL extension by only a few weeks. She wrote:

It's nearly impossible to truly understand or empathize others' personal experiences until you live them yourself, and when reading about attempts to leverage this crucial matter with other political agendas (...), it is evident that some legislators have never walked in these steps and do not possess the capacity to empathize with survivors. Every survivor's journey is different, and it's unconscionable to expect survivors who have experienced trauma to conform to an arbitrary legal timeline. -Jane Doe 2

Outdated statutes of limitations have barred survivors like these from justice in PA and elsewhere throughout the country. Fortunately, many states, including New York, have passed window legislation that have allowed survivors to finally seek the justice they deserve.

As an attorney that practices in both Pennsylvania and New York, I have had the privilege of representing survivors under New York's window legislation known as the Child Victim's Act or CVA. For the first time, I was able to call the survivors who once entrusted their story with me and let them know that they finally have a pathway to justice. Several of my New York clients shared with me that one of the main reasons why they came forward was to shed light on the history of childhood sexual abuse and make sure that their grandchildren are protected better than they were.

Survivors want accountability and transparency- and that is something that can only be achieved by a window that allows us to pull back the curtain, hold those responsible accountable, and learn from the mistakes of the past so we don't repeat them in the future.

I sit here today not only as an attorney advocating for survivors but also as a mother of two young children. I was born and raised in Pittsburgh, Pennsylvania and am raising my two beautiful children in the same community I grew up in. By allowing survivors voices to be heard, we are erasing the stigma that has come, for far too long, with the label "victim." We must teach our children that if they have the courage to come forward, that something will be done to right the wrong. By holding perpetrators, and those institutions that enabled them, accountable- we are shifting the blame from the victim to those who were truly responsible. In doing so, we are also ensuring better protections for today's children. Regardless of what side of the aisle you sit on, this is something we all want. This is something tangible we can all do together and it's time to get it done.

CHILD USA Delayed Disclosure Factsheet: 2023

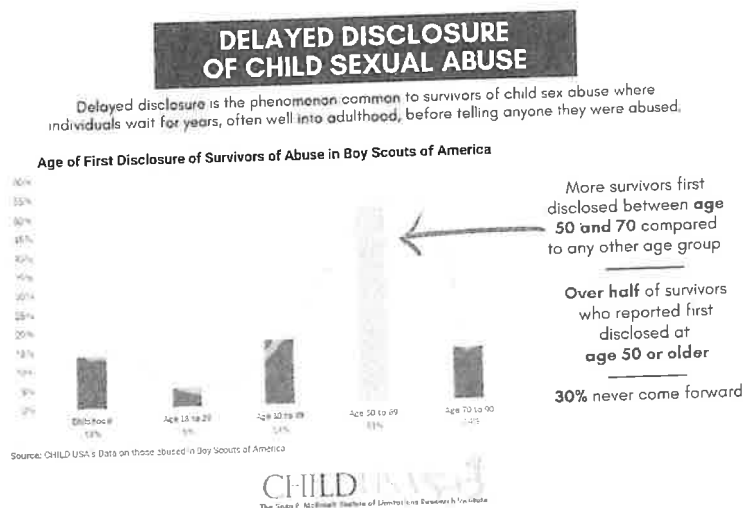
Overview of disclosure

Disclosure refers to when a survivor¹ of child sexual abuse (CSA) tells someone about the abuse they endured, whether to a peer, a parent, another adult, or to the authorities.

The consensus in the research is that CSA survivors who *do* disclose do so years, even decades, after being victimized.²

Disclosure of CSA is a long, complex process. Over 70% of survivors do not disclose within five years of their experience of abuse.³ CSA Survivors have stated that they were only able to acknowledge, define, and describe their experiences of CSA in adulthood.⁴ Estimates of the prevalence of sexual violence experienced by children are likely lower than the reality, due to both delayed disclosure and the fact that many survivors never disclose their experiences.⁵ Approximately 1 in 5 survivors of CSA have *never* disclosed their experiences of abuse.⁵

The process of disclosure often takes decades, and the “ideal” timing of disclosure should be decided by the survivor. General literature of disclosure timing for CSA has found that the average length of time before disclosure is around 20 years; however, this length of time may be longer for those who have experienced institutional abuse.⁶ For example, CHILD USA analyzed data on victims of abuse in the Boy Scouts of America and found that roughly half of all victims first disclosed at age 50 or older.



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Disclosing to mandated reporters and legal authorities is uncommon.

Reports of CSA remain largely outside the legal system, meaning accountability is rare. CSA survivors who do disclose often disclose to other youth, such as siblings or peers.⁷ The Department of Justice estimated that 86% of child sexual abuse went unreported by victims before adulthood.⁸

Among 10–17-year-olds, 66% of occurrences of CSA are not reported to parents or any adult at the time of the abuse, and police reports occur for only 19.1% of cases.⁹ Similarly, one study estimated only 10–15% CSA is reported to legal authorities.¹⁰

'Ideal' disclosure in a legal context is not the reality for survivors of CSA.

Immediate disclosure is rare. The perception of disclosure delay is often used to discredit survivors of CSA, which causes further trauma.¹¹ Most survivors are not able to disclose to a mandated reporter or legal authority, which

What barriers do survivors face?

CSA survivors face a variety of barriers to disclosure. There are profound long-term impacts of CSA trauma, and many survivors do not report their experiences of abuse at the time that the abuse occurred due to social, psychological, or institutional barriers.¹² Children who experience CSA might lack the knowledge needed to recognize CSA, not have a trusted adult they feel safe disclosing to, or not be believed when they attempt to disclose. Trauma that results from CSA, power differentials, and institutional power dynamics also influence disclosure timing.

Trauma response: Early experiences of trauma impact the individual and the connected brain functions of the hippocampus, prefrontal cortex, and amygdala.¹³ The impact on these brain functions diminishes the capacity for consciously managing recollections of traumatic events and moderating fear responses to these recollections.¹⁴ During abuse, some CSA victims experience dissociation – feeling immobile, paralyzed, or detached from one's body.¹⁵ This dissociative trauma response also affects memory formation and ability to describe the abuse.

Ability to communicate: Young children are typically unable to fully understand CSA and lack the language to describe the abuse.¹⁶ Children with developmental or intellectual disabilities also face increased challenges in disclosure.

Internalization of abuse: Psychological barriers to disclosure include feelings of self-blame, guilt, or fear of retribution.¹⁷ Survivors may also not disclose due to perceived responsibility, feelings of shame, fear of negative consequences for themselves or others, and threats made by the perpetrator.¹⁸ Trauma responses of fear and shame inhibit disclosure and could outweigh the desire, intention, or ability to disclose abuse.¹⁹ Self-blame after experiences of sexual abuse also contribute to long-term physical and psychological health consequences.²⁰ Disclosure is a traumatic experience, and victims fear disbelief or blame for their experiences of abuse.²¹ Feelings of alienation or isolation can perpetuate self-blame and minimization of the abuse.²²

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Many survivors who disclose in adulthood have reported feelings of confusion, distrust in their memory, and fear of being emotionally hurt or not being believed.²³

Gender: Although girls are more likely to experience CSA, male victims tend to disclose abuse later in life. Gender norms and stereotypes impact disclosure timing for males.²⁴

Relationship to Perpetrator: Perceived authority of the perpetrator and the relationship between the victim and perpetrator are primary barriers of CSA disclosure during childhood.²⁵ The majority of CSA perpetrators are an immediate family member, extended family member, or someone known to the child.²⁶ This close relationship causes hesitation to disclose abuse when the victim feels that they need to protect the abuser.²⁷ Disclosure has been found to be more difficult for the victim if the perpetrator is a family member or close to the family, especially if the perpetrator lives with the victim.²⁸ Negative reactions to disclosure are more common when the perpetrator of abuse is a relative rather than an acquaintance or stranger.²⁹

Dysfunction in family: Power dynamics within the family include manipulation by the perpetrator in the form of grooming or threats.³⁰ CSA often cooccurs with other forms of child abuse or domestic violence, and survivors have reported fearing the reactions of others if they disclosed, or the consequences of disclosure if police or other authorities became involved.³¹

Institutional setting: Institutional abuse can occur in a variety of settings, including but not limited to schools, residential schools, foster care, after-school programs, scouting groups, religious institutions, sporting organizations, and hospitals. Institutional CSA is characterized by contact with the abuser being established through an organization, or the abuse occurring in an institutional context.³² Many perpetrators of institutional CSA have a close relationship with the victim and are often a trusted adult in a position of authority or power.³³ The victim of abuse often feels the need to protect their abuser due to this close relationship, and the perpetrator can maintain control by threatening to send the child away, abuse or harm their loved ones, and induce guilt or self-blame.³⁴ Institutional abuse is facilitated by dynamics of depersonalization, deprivation and isolation, as power differentials between the institution and child are exploited.³⁵ This exploitation limits opportunities for disclosure and reduce the likelihood for the victim to be believed if they do disclose their experiences of CSA.

Environmental & Cultural Barriers: Environmental and cultural barriers to disclosure include the stigma of abuse and the label of “victim”, taboos regarding sexuality, patriarchal views, and lack of services or resources. Fearing the stigma of abuse after disclosure, and the fear of being targeted or not believed, is a barrier that persists throughout the lifetime. Neighborhood or community conditions also act as a barrier, especially if there is a lack of school or community support.³⁶ Peers can be important confidantes for children as they encourage disclosure to trusted adults; lacking peer support is therefore a barrier to disclosure.³⁷

Why does disclosure matter?

It is critical to understand the science behind delayed disclosure because it influences society’s perception of child sex abuse survivors. After disclosing that they were abused, survivors often face an array of questions, often aiming to cast doubt on the disclosure. Many of these questions

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hinge on the fact that the survivor did not disclose the abuse as a child. Without an understanding of the evidence-based pattern of disclosure, it is difficult for individuals—whether they be loved ones, legal authorities, or lawmakers—to comprehend why victims would wait years before telling their story.

Disclosure timing also impacts the path to justice for victims of CSA. By the time most victims come forward about their abuse, the arbitrary deadlines for filing legal claims—known as statutes of limitation (SOLs)—have expired. These short SOL laws fail to account for the fact that most child sex abuse victims are unable to disclose at the time of their abuse, which silences victims, assists perpetrators, and aids in institutional cover-ups.

Path to Justice

CHILD USA is working to reform Statutes of Limitation nationwide.

Most states and the federal government have made access to justice, or SOL reform, a priority. Forty-nine states, or 98%, and five territories have amended their CSA SOLs since January 2002.³⁸ However, many of these states only open temporary SOL windows, or have focused exclusively on Criminal SOLs. Many jurisdictions have amended their SOLs several times and continue to propose new SOL reform bills year after year. In 2021 alone, fourteen states and the Northern Mariana Islands reformed their SOLs for CSA, and many states are revisiting the issue in 2022.³⁹ Despite the progress made, roughly half of states are still behind on Civil SOL reform, and CHILD USA continues to fight for the protection of children through comprehensive Civil and Criminal SOL reform.

For the most recent updates, check out the 2023 SOL Tracker: <https://childusa.org/2023sol/>

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References

- ¹ This factsheet will follow the Sexual Assault Kit Initiative's (SAKI) guidelines, using the term "victim" in the context of the experience of sexual abuse, and the term "survivor" in the context of the ongoing recovery process and the long-term effects of sexual violence. However, it is important to acknowledge and respect that individuals may have preferred terms for their own experience and identity.
SAKI (2015). *Victim or Survivor: Terminology from Investigation Through Prosecution*
<https://sakitta.org/toolkit/docs/Victim-or-Survivor-Terminology-from-Investigation-Through-Prosecution.pdf>
- ² McElvany, R. (2015) Disclosure of child sexual abuse: delays, non-disclosure and partial disclosure. What the research tells us and implications for practice. *Child Abuse Review*, 24: 159-169.
"There is consensus in the research literature that most people who experience sexual abuse in childhood do not disclose this abuse until adulthood, and when disclosure does occur in childhood, significant delays are common" (p. 160).
- ³ Collin-Vézina, D., Sablonnière-Griffin, D. L., Palmer, A. M., Milne, L. (2015). A preliminary mapping of individual, relational, and social factors that impede disclosure of childhood sexual abuse. *Child Abuse & Neglect*, 43, 123–134. doi:10.1016/j.chiabu.2015.03.010
"Results from population surveys conducted in Canada and the US show similar trends: 70–75% of respondents reporting CSA waited five years or more before disclosing the abuse, or had never disclosed prior to the survey" (p. 124).
- ⁴ Tenèr, D. & Murphy, S. B. (2014). Adult disclosure of child sexual abuse. *Trauma, Violence and Abuse*, 16(4), 379-505. https://doi-org.proxy.library.upenn.edu/10.1177/1524838014537906open_in_newPublisher
- ⁵ Bottoms, B. et al. (2016). Abuse Characteristics and Individual Differences Related to Disclosing Childhood Sexual, Physical, and Emotional Abuse and Witnessed Domestic Violence. *Journal of Interpersonal Violence*, 31(7): 1308-1339; McGuire, K. & London, K. (2020). A retrospective approach to examining child abuse disclosure. *Child Abuse & Neglect*, 99: 104263.
- ⁶ Alaggia, R., Collin-Vézina, D., & Lateef, R. (2019). Facilitators and Barriers to Child Sexual Abuse (CSA) Disclosures: A Research Update (2000–2016). *Trauma, Violence, & Abuse*, 20(2), 260–283. <https://doi-org.proxy.library.upenn.edu/10.1177/1524838017697312>.
"Adult studies typically had a mean age between 40 and 50 years" (p.278).
- ⁷ Manay, N., et al. (2022). "It's complicated because we're only sixteen": A framework for understanding childhood sexual abuse disclosures to peers. *Journal of Interpersonal Violence*, 37(304): NP1704-NP1732.
- ⁸ Kilpatrick, D. et al. (2003). Office of Justice Programs National Institute of Justice Research in Brief on Youth Victimization: Prevalence and Implications. Washington, DC: United States Department of Justice.
- ⁹ Gewirtz-Meydan, A., & Finkelhor, D. (2020). Sexual Abuse and Assault in a Large National Sample of Children and Adolescents. *Child maltreatment*, 25(2), 203–214.
<https://doi.org/10.1177/1077559519873975>
- ¹⁰ McGuire & London., 2020. "Researchers estimate only about 10–15 % of CSA and 7–9 % of CPA cases ever reach authorities" (p.2).
- ¹¹ Gewirtz-Meydan, A. (2020). The relationship between child sexual abuse, self-concept and psychopathology: The moderating role of social support and perceived parental quality. *Children and Youth Services Review*, 113: 104938.
- ¹² Spalek, B., McCall, C., Bacon, H. (2016). Institutional child sexual abuse: Impacts and responses. *Freedom from Fear*, 2016(12), 98–103. <https://doi.org/10.18356/3e2fad74-en>
- ¹³ Cross, D., Fani, N., Powers, A., Bradley, B. (2017). Neurobiological development in the context of childhood trauma. *Clinical Psychology Science and Practice* 24(2) 111-124 doi:10.1111/cpsp.12198
- ¹⁴ Cross et al., 2017. "Under adverse neurobiological conditions, such as those shaped by frequent or enduring trauma, the individual and connected functions of the hippocampus, PFC, and amygdala can be impacted in ways that not only facilitate inappropriate associations among perceptual, contextual, and attributional information about traumatic events, but also diminish capacity for consciously managing recollections of the events and moderating fear responses to the recollections" (p.112-113).
- ¹⁵ Cross et al., 2017. "Notably, individuals with histories of childhood trauma often report depersonalized dissociation, or feeling disconnected from their own bodies" (p.119).
- ¹⁶ Collin-Vézina et al., 2015. "Immature development at the time of abuse refers to the survivors' recollections of

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- being ill-equipped when the abuse occurred to fully comprehend the situation, which hampered their capacity and willingness to tell. These experiences included a lack of understanding of sexuality, confusion about the abuse, and potential outcomes of telling” (p. 129).
- ¹⁷ Wolfe, D. A., Jaffe, P. G., Jetté, J. L., Poisson, S. E. (2003). The impact of child abuse in community institutions and organizations: Advancing professional and scientific understanding. *Clinical Psychology: Science and Practice*, 10(2), 179–191. <https://doi.org/10.1093/clipsy.bpg021>
- ¹⁸ Collins-Vézina et al., 2015. “Internalized victim-blaming encompasses experiences of embarrassment and shame, which were often related to self-blame and feeling responsible for the abuse” (p. 128).
- ¹⁹ Hunter, 2013.
- ²⁰ Filipas, H. H. & Ullman, S. E. (2006). Child sexual abuse, coping responses, self-blame, posttraumatic stress disorder, and adult sexual revictimization. *Journal of Interpersonal Violence*, 21(5), 652-762.
- ²¹ Hunter, S.V. (2013). Disclosure of child sexual abuse as a life-long process: Implications for health professionals. *The Australian and New Zealand Journal of Family Therapy*, 32(2), 159-172. <https://doi-org.proxy.library.upenn.edu/10.1375/anft.32.2.159>
- ²² Collins-Vézina et al., 2015. “Participants explained how these feelings also led to feelings of isolation and alienation, which one individual described as a pain that was unbearable and others articulated as having an invisible ‘handicap’” (p. 128).
- ²³ Tener & Murphy. (2014).
- ²⁴ Alaggia et al., 2019. “Although women are at double the risk of being subjected to CSA, the ratio of women to men in most disclosure studies has not been representative. This finding may be indicative of male victims more likely delaying disclosing their CSA experiences, leaving male disclosure in child and youth samples underrepresented” (p.278).
- ²⁵ Hershkowitz, I. et al. (2007). Exploring the disclosure of alleged child sexual abuse with victims and their parents. *Child Abuse and Neglect*, 31: 111-123.
- ²⁶ Gewirtz-Meydan & Finkelhor. (2020)
- ²⁷ Spalek et al., 2016.
- ²⁸ Alaggia et al., 2019. “In addition, relationship with perpetrator is a factor whereby research indicates that disclosure is made more difficult when the perpetrator is a family member or close to the family” (p.277).
- ²⁹ Gewirtz-Meydan & Finkelhor., 2020.
- ³⁰ Collins-Vézina et al., 2015.
- ³¹ Alaggia et al., 2019. “Families with rigidly fixed gender roles, patriarchal attitudes, power imbalances, other forms of child abuse and domestic violence, chaotic family structure, dysfunctional communication, and social isolation have been found to suppress disclosure” (p.277).
- ³² Blakemore, T., Herbert, J. L., Arney, F., Parkinson, S. (2017). The impacts of institutional child sexual abuse: A rapid review of the evidence. *Child Abuse & Neglect*, 74, 35–48. <https://doi.org/10.1016/j.chiabu.2017.08.006>
- ³³ Spalek et al., 2016.
- ³⁴ Spalek et al., 2016.
- ³⁵ Blakemore, T., Herbert, J. L., Arney, F., Parkinson, S. (2017). The impacts of institutional child sexual abuse: A rapid review of the evidence. *Child Abuse & Neglect*, 74, 35–48. <https://doi.org/10.1016/j.chiabu.2017.08.006>
- ³⁶ Alaggia et al., 2019.
- ³⁷ McElvany, 2015.
- ³⁸ Hamilton, M. A., Bohn, A., Brainard, B., Nasar Hanan, A., Nixon, C., Schidlow, J., Brigstock, N. (2022). *2021 Annual Report: A national overview of the movement to prevent child sexual abuse and to empower victims through statutes of limitation reform since 2002*. CHILD USA.
- ³⁹ Hamilton et al., 2022.