



TO: Chairman Tim Briggs, Chairman Rob Kauffman & the Honorable Members of the House Judiciary Committee

FROM: Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Jessica Schidlow, Legal Director, CHILD USA

RE: Revival of Civil Child Sex Abuse Claims; HB1/SB1

DATE: March 28, 2023

Dear Chairman Briggs, Chairman Kauffman, and Honorable Members of the House Judiciary Committee,

Thank you for allowing us to testify today regarding the Joint Resolution to provide an amendment to the Constitution of the Commonwealth of Pennsylvania and further provide for a 2-year revival window for victims of child sexual (CSA) to bring their claims. Pennsylvania does not need to pass a constitutional amendment as a precursor to giving victims access to justice—our lawmakers can protect children today and facilitate healing now by passing a statutory window just as states across our borders already have.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science that can delay disclosure of childhood sexual abuse. She is also the founder and CEO of CHILD USA, a nonprofit interdisciplinary think tank devoted to ending child abuse and neglect and ensuring access to justice for victims. Jessica Schidlow is the Legal Director at CHILD USA where her department is responsible for tracking and studying SOLs for child sexual abuse (CSA) across the United States and around the globe, as part of CHILD USA's Sean P. McIlmail SOL Reform Institute.

Statutory revival of civil claims is constitutional in Pennsylvania and the process for passing a window far less arduous than that for a constitutional amendment. A statutory window will protect the citizens of this Commonwealth by making it possible for victims to come forward and identify their perpetrators and enabling institutions when they are ready. It is time for Pennsylvania to catch-up with the rest of the nation by bringing delayed, but still welcome, justice to these victims. By passing a statutory window, lawmakers validate victims and put perpetrators and institutions on notice that the state stands with the victims and children of this Commonwealth.

I. Research on Trauma and Delayed Disclosure Support a Statutory Revival Window for Child Sexual Abuse Claims

A. There is a Nationwide Epidemic of CSA Causing Lifelong Damage to Victims



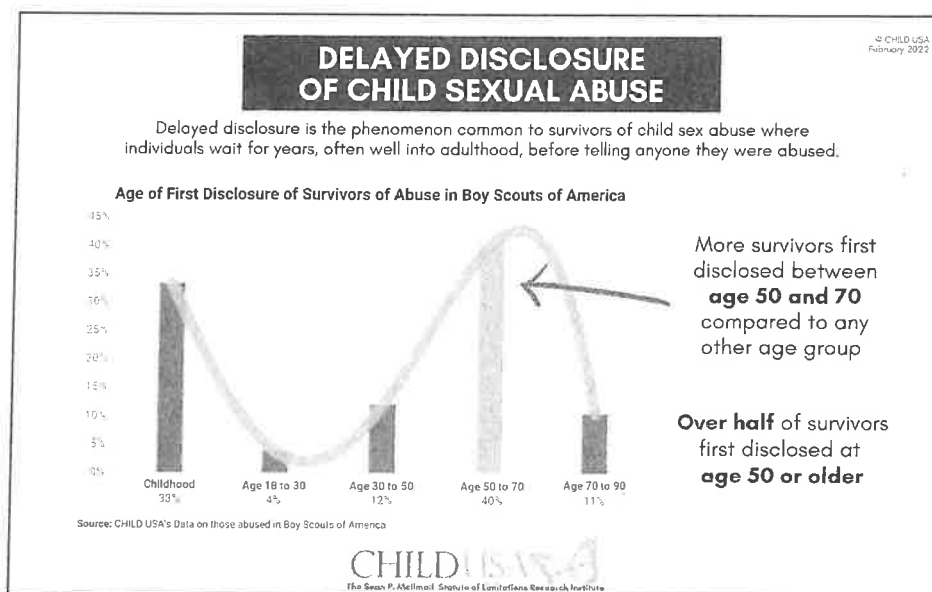
Currently, more than 10% of children are sexually abused, with at least one in five girls and one in thirteen boys sexually abused before they turn 18.ⁱ

The trauma stemming from CSA is complex and individualized, and it impacts victims throughout their lifetimes:ⁱⁱ

- Childhood trauma, including CSA, can have **devastating impacts on a child's brain**,ⁱⁱⁱ including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD)^{iv}; and disability.^v
- CSA victims suffer an **increased risk of suicide**—in one study, female CSA survivors were two to four times more likely to attempt suicide, and male CSA survivors were four to eleven times more likely to attempt suicide.^{vi}
- CSA leads to an increased risk of **negative outcomes across the lifespan**, such as alcohol problems, illicit drug use, depression, marriage issues, and family problems.^{vii}

B. CSA Victims Commonly Delay Disclosure of Their Abuse for Decades

Many victims of CSA suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, CSA victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities.^{viii} Additionally, CSA survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma surrounding victimization.^{ix} Further, many injuries resulting from CSA do not manifest until survivors are well into adulthood. These manifestations may coincide with difficulties in functioning and a further delay in disclosure of abuse.



Moreover, disclosure of CSA to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process, which involves the survivor knowing that he or she was abused, being willing to identify publicly as an abuse survivor, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that:

- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time at **age 50 or older**.
- **One-third** of CSA survivors **never report** their abuse to anyone.

For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse.^x To effectively protect children from abuse, SOL laws must reflect this reality.

II. Overview of Revival Windows for CSA Claims

Historically, statutes of limitation (SOLs), the arbitrary deadlines for prosecuting crimes and filing civil claims, have been unfairly short. For millions of victims, the SOLs on their claims expired long before they were able to come forward to seek justice. Short SOLs have kept the truth from the public by silencing victims, assisting perpetrators, and aiding institutional cover-ups. Because it is unconstitutional to revive a criminal SOL, there is only one way to restore justice to adult victims of child sex abuse whose civil and criminal SOL has expired, and that is to revive their civil claims.

Revival laws establish a specific period of time during which survivors can bring previously expired civil claims to court. When the revival period is a set amount of time after the law is passed, it is called a revival window, and claims can be filed while the window is open. States have opened windows for a few years or permanently. Revival windows enable adult victims of child sexual abuse to sue their abusers and/or the institutions responsible years after they were abused. These revival laws have been instrumental in giving thousands of victims across America a long overdue opportunity for justice. In effect, window laws shift to accommodate the inherent barriers to disclosure, enabling victims to come forward and file a lawsuit when they are ready. Revival windows are not solely about justice for victims; there are also **three compelling public purposes served by allowing older claims of abuse to proceed**; these are explained below:



HOW WINDOWS HELP EVERYONE



Identifies previously unknown predators

to the public, shielding other children from future abuse.



Shifts the cost of abuse

from the victims to the perpetrators and the institutions that enabled them.



Educates the public

about the prevalence and harm from child sex abuse so that families and the legal system can prevent abuse.



www.childusa.org

CHILD USA

The Susan F. McNeill Center
of Leadership Research
Institute at CHILD USA

Passing a statutory window will protect the children and adults of Pennsylvania by making it possible for victims to come forward and identify their perpetrators in a court of law. It would also shift the cost of abuse from the victims to the ones who caused it and bring delayed, but still welcome, justice to these victims. Revival windows validate victims and put perpetrators and institutions on notice that the state stands with the victims.

A. Revival Windows Help Identify Hidden Child Predators and Institutions that Endanger Children

It is in society's best interest to have sex abuse survivors identify hidden child predators to the public—whenever the survivor is ready. The decades before public disclosure give perpetrators and institutions wide latitude to suppress the truth to the detriment of children, parents, and the public. Some predators abuse a high number of victims and continue abusing children well into their elderly years. Revival windows help protect Pennsylvania's children by identifying sexual predators in our midst so that they may be prevented from further abusing more children in Pennsylvania.

B. Revival Windows Shift the Cost of Abuse

CSA generates staggering costs that impact the nation's health care, education, criminal justice, and welfare systems. The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 is \$9.3 billion, and the average cost of non-fatal per female victim was estimated at \$282,734.^{xi} Average cost estimates per victim include, in part, \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs.^{xii} Costs associated with suicide deaths are estimated at \$20,387 for female victims.^{xiii} It is unfair for the victims, their families, and Pennsylvania taxpayers to be the only ones who bear this burden; revival laws level



the playing field by imposing liability on the ones who caused the abuse and alleviates the burdens on the victims and taxpayers.

C. Revival Windows Educate the Public

Revival windows also educate the public about the prevalence and dangers of CSA and how to prevent it. When predators and institutions are exposed, particularly high-profile ones like Larry Nassar, Jeffrey Epstein, the Boy Scouts of America, and the Catholic Church, the media publish investigations and documentaries that enlighten the public about the insidious ways child molesters operate to sexually assault children and the institutional failures that enabled their abuse. By shedding light on the problem, parents and other guardians are better able to identify abusers and responsible institutions, while the public is empowered to recognize grooming and abusive behavior and pressure youth serving organizations to implement prevention policies to report abuse in real time. Indeed, CSA publicity creates more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.

III. Constitutionality of Statutory Revival in Pennsylvania

Opponents of the statutory window claim that it is unconstitutional to enact retroactive civil statute of limitations in Pennsylvania, arguing for the arduous process of constitutional amendment. However, federal and state precedent speak differently. Along with a majority of the states, it is **constitutional in Pennsylvania to revive an expired civil SOL.**^{xiv}

A. Reviving expired civil SOLs does not violate due process under the Pennsylvania or Federal Constitution.

It is unconstitutional to revive a criminal SOL, because it violates the Ex Post Facto Clause.^{xv} At the same time, it is constitutional to revive a civil SOL.^{xvi} Under the federal Constitution, revival of a civil SOL is constitutional if two due process requirements are met: (1) **clear legislative intent** and (2) the **change is to a procedural element**, like a statute of limitations.^{xvii}

While the precise question of the constitutionality of revival of child sex abuse SOLs has not been addressed by the Pennsylvania Supreme Court, the Court has applied these due process principles in *Bible v. Dep't of Labor & Indus.*, 548 Pa. 247, 696 A.2d 1149 (Pa. 1997), when it held a retroactive amendment to the Workers' Compensation Act constitutional because "[w]e have used the same reasonableness/balancing of interests analysis in applying the due process protections of the Pennsylvania Constitution . . . '[T]raditionally, retrospective laws which have been deemed reasonable are those which impair no contract and disturb no vested right, but only vary remedies, cure defects in proceedings otherwise fair, and do not vary existing obligations contrary to their situation when entered into and when prosecuted.'"^{xviii} The Pennsylvania Supreme Court's reasoning controls, and in *Bible*, the court found that an amendment which retroactively changed the compensation for loss of hearing for workers' compensation claims did not violate due process. The amendment did not impair claimants' right to receive compensation for hearing loss, which would have been substantive, but merely changed the remedy, and retroactive application of the amendment to pending cases was constitutional.



Since the Supreme Court articulated the modern constitutional standard in *Landgraf* in 1997, the retroactive application of lengthened statutes of limitations has not been found to disturb vested rights under Pennsylvania law.^{xix} In *McDonald v. Redevelopment Authority*, 952 A.2d 713, 718 (Pa. Commw. Ct. 2008), *appeal denied*, 600 Pa. 772, 968 A.2d 234 (Pa. 2009), which involved statutes of limitations under eminent domain, the Court held that a retroactive restriction in the limitations period from five years to one did not violate the plaintiffs' due process rights. The shortening of an SOL for a plaintiff was permissible, because it was just a procedural change, not a substantive change. The same reasoning applies to defendants, and thus to SB 540—mere alteration of an SOL does not violate due process in Pennsylvania. Pennsylvania is thus in line with the majority of states, which have **not** found that defendants have a vested right in expired SOLs post-*Landgraf*.^{xx}

Pennsylvania courts have observed a distinction—even in the sovereign immunity context—between retroactive application of a legislative procedural enactment, such as revival of an SOL, and actual retrospective or retroactive laws which might violate either the Ex Post Facto clause, or Due Process. Expressly following *Landgraf*, one Pennsylvania Court has reasoned:

A statute does not operate retrospectively merely because it is applied in a case arising from conduct antedating the statute's enactment, or upsets expectations based in prior law. Instead, the court must ask whether the new provision attaches new legal consequences to events completed before its enactment. A statute is retroactive only if it changes the legal consequences of acts completed before its effective date. The...amendments do not impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed. As such they do not operate retroactively. ...Furthermore, as our Supreme Court has explained the modified timing requirements...are procedural and therefore do not fall within the categories of retrospective laws prohibited by the Ex Post Facto Clause.

Commonw. v. Johnson, 732 A.2d 639, 643 (Pa. Super. Ct. 1999) (internal citations omitted). **Consistent with this reasoning, a statutory window does not retroactively alter the burdens on the parties, or the penalties for defendants who commit or create the conditions for the sexual abuse of children at the time of the commission of the offense. It merely changes one procedural element of the civil law governing child sex abuse: the timing of bringing a civil lawsuit.**

As the *Landgraf* Court noted in discussing the reasonableness of retroactive legislation, "there is no such thing as a vested right to do wrong."^{xxi} This principle has long existed under Pennsylvania law as well. There is no such thing as a vested right to commit a wrong, nor to cover up a crime.^{xxii} Due process concerns are muted where the defendant would be claiming a vested right arising out of the very same procedural problem which motivated the legislature to act, and fundamental fairness cuts in favor of retroactive reach intended to cure the wrong.^{xxiii} The key distinction is that the pedophile and aiding and abetting institutional defendants knew full well when they



endangered and harmed children that they were violating the law. There is no unfair surprise in subjecting them to liability, because when they acted, they were on full notice that they should not have done what they did. The revival will do no more than impose on them the liability they created through their own wrongful actions at the time they acted wrongfully.^{xxiv}

B. The plain language of the Pennsylvania Remedies Clause protects those "injured" not those who caused the injury.

Aware of the foregoing law, the Catholic Bishops and their big business supporters have now fallen back on an alternative theory—that the Remedies Clause of the State Constitution supposedly bars revival of a cause of action. The purpose of the Remedies Clause is to protect plaintiffs from legislative action that will undermine the existence of an individual's remedy for an injury done. It is a constitutional guarantee of open courts **for plaintiffs**, and a not shield to block court access in favor of powerful defendants. Unlike a general Due Process concern which must be applied to either party, the Remedies clause text limits its own application, stating, "*all courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.*" Pa. Const. Art. 1 § 11.

With the statutory window, the legislature is simply trying to protect a plaintiff's ability to proceed in court in pursuit of a remedy for the injury already done. This bill does not create a new substantive theory but rather makes it possible for the one who was injured to receive "due course of law." All Pennsylvania courts agree that the "legislative branch cannot dissolve a right to recover once a case accrues. ...' If, at that moment in a particular case, the law would provide the plaintiff access to a remedy, no subsequent law can take it away."^{xxv}

In *Ieropoli v. AC&S Corp.*, 577 Pa. 138, 842 A.2d 919 (Pa. 2004), the Pennsylvania Supreme Court held that the statute limiting successor asbestos-related liabilities for corporations was unconstitutional. The court analyzed the history of the Remedies Clause in Pennsylvania, and found that the legislation violated the Remedies Clause, because it *extinguished the plaintiff's accrued cause of action* to recover for his asbestos-related illness. The *Ieropoli* Court "held that under the Remedies Clause, *a cause of action* that has accrued is a vested right which cannot be eliminated by subsequent legislation."^{xxvi} Any attempt to broaden the *Ieropoli* holding or reasoning to include tortious defendants is belied by the words of the Pennsylvania Supreme Court itself, re-stated its own *Ieropoli* holding as follows: "we held that the statute was unconstitutional as applied to complaints filed before its effective date because the statute extinguished already existing *causes of action.*"^{xxvii} According to the Pennsylvania Supreme Court, "the guarantee of a 'remedy by due course of law' in Article 1, Section 11, means that a case cannot be altered, in its 'substance' by a subsequent law."^{xxviii} Procedural changes are not problematic under the Remedies Clause, and statutes of limitation are procedural in Pennsylvania, not substantive.^{xxix}

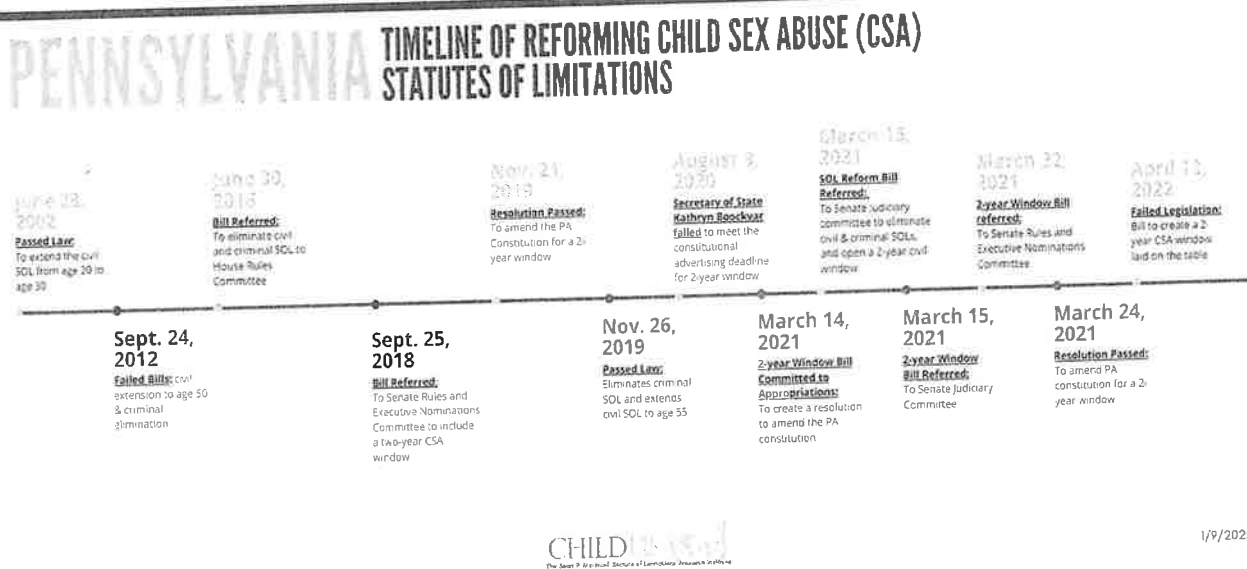
Given the due process holdings of cases such as *Bible* and *McDonald*, neither *Ieropoli* or *Konidaris* do alter the text of the Remedies Clause to make it apply to not only those injured but also those responsible for the injury. Again, *there is no vested right to do wrong in Pennsylvania.*^{xxx} Thus, the plain language of the Remedies Clause should control.^{xxxi}



Given longstanding precedent and modern jurisprudence, it is clear that a statutory revival window, if enacted, would be a proper exercise of legislative judgment in the state of Pennsylvania. The only way to have this question answered once and for all is to pass the window and allow the Justices of the Supreme Court of Pennsylvania to answer the question themselves. Under Pennsylvania law, as under federal, “any legislative enactment, enjoys a presumption of constitutionality,” those who wish to challenge it “bear a heavy burden to prove it unconstitutional” and “[a] statute will only be declared unconstitutional if it clearly, palpably and plainly violates the constitution.”^{xxxii}

Pennsylvania’s children and adult survivors deserve at least this much respect by this body for their civil rights.

IV. Partisan Politics Leave Victims Stranded at the Finish Line



Despite the constitutionality of statutory revival under the Federal and Pennsylvania State Constitutions, politics have driven this simple child-protection measure to the arduous requirements for a constitutional amendment. A constitutional amendment in Pennsylvania cannot be enacted until it is approved by both chambers of the state legislature in two consecutive sessions before being placed on the ballot for voters to decide. Proposed amendments must also be properly advertised by the Department of State. Specifically, the Department is constitutionally required to advertise the language of the proposed constitutional amendment in two newspapers in every county, in each of the three months before the next election.

The House and Senate did pass a constitutional amendment to provide the window in 2019 in response to the groundbreaking Statewide Grand Jury Report which revealed more than 300 pedophilic priests across the six Pennsylvania dioceses. However, the Department of State made



an egregious error by failing to properly advertise the language of the amendment, preventing it from reaching the ballot in the 2021 primaries and bringing the process back to square one. In 2021, the joint resolution proposing an amendment passed both chambers, again, meaning it would need to be approved for a second time in each chamber during the 2023-2024 session before appearing on the ballot. Both parties pledged to prioritize the constitutional amendment in early 2023. Instead, the Republican-controlled Senate continued their political gamesmanship by packaging the bi-partisan constitutional amendment with two politically charged, wholly unrelated amendments—a move that is unnecessary, inappropriate, and potentially unconstitutional. It is also cruel to the victims who have been waiting 17 years for justice in the Commonwealth.

This political packaging also sends a message to the victims in this state and the hidden predators that victims are once again second-class citizens whose proven needs are to be held hostage by a process drenched in politics they do not deserve.

To be sure, Pennsylvania does not need to amend its state constitution in order to revive expired sex abuse claims, nor should it make revival of expired civil claims contingent on an amendment. A constitutional amendment in Pennsylvania is unnecessary and would be detrimental. It will only serve to temporarily placate the public, while stalling important claims and keeping victims from shifting the cost of their abuse to the ones who caused the abuse. Instead of asking victims, advocates, legislators, and the public to enter into the time-consuming process of constitutional amendment, lawmakers should pass a statutory window as soon as possible. It is constitutional in Pennsylvania to revive an expired civil SOL and doing so will empower Pennsylvania's victims to bring those responsible for their harms to justice.

V. Debunking the Arguments Against a Revival Window

In their most recent attempt to stave off window legislation, Senate Republicans are touting a recent report from the Susquehanna Valley Center for Public Policy, a local conservative think tank. The report, "The Economic Impact of a Constitutional Amendment to Implement Pennsylvania House Bill 14 of the 2021-22 Session," is full of false information and represents an egregious misuse of social science research. Focusing on inflated estimates of potential lawsuits that would be filed against public schools, the authors, Peter Zaleski and Charles Greenawalt, attempt to scare voters into opposing justice for CSA survivors.

CHILD USA published a report debunking the many egregious claims in the Susquehanna report.^{xxxiii} One such misrepresentation made in the report, the Susquehanna estimate range of between 10,000 to 100,000 claims being filed against public schools during a PA window is wildly inflated. CHILD USA estimates that, based on data from states that previously opened statutory windows, **less than 1,000 cases** would be filed against public schools. The \$32.5 billion figure cited is based on the 100,000 claims estimate, which lawmakers should dismiss out of hand as baseless and unrealistic. In reality, religious institutions make up the majority of claims filed during open windows. Schools, residential facilities, and other youth-serving organizations make up a much smaller portion of the named defendants.

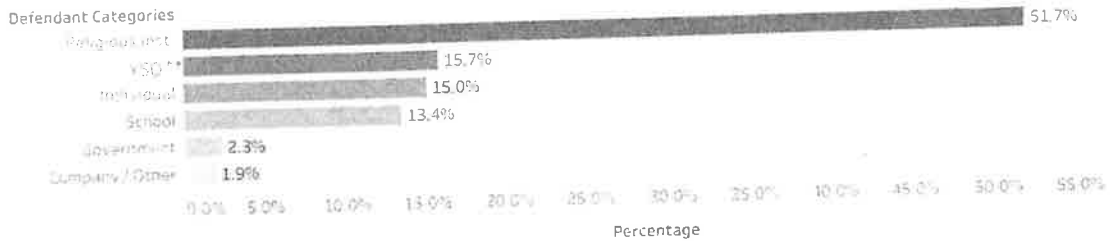


State	Year	Population	Number of lawsuits filed	Percent of population that filed lawsuits under revival window
Arizona	2020	7,151,502	358	0.01%
California	2003	35,484,453	1,150	0.003%
Delaware	2011	907,381	1,402	0.15%
Delaware	2008	876,794	175	0.02%
Georgia	2016	10,300,000	20	0.0002%
Hawaii	2018	1,421,000	206	0.01%
Michigan	2018	9,984,000	332	0.003%
Minnesota	2016	5,523,000	1,006	0.02%
New Jersey	2021	9,267,130	1,220	0.01%
New York	2021	19,800,000	10,857	0.05%
N. Carolina	2021	10,550,000	241	0.002%
Utah	2019	3,206,000	4	0.0001%

The table above highlights two additional important state examples: Delaware (2011) and New York (2021). Delaware represents the state in which the highest proportion of the population (.15%) filed a CSA claim under a revival window. If we applied the same aggressive rate of claims to Pennsylvania's population, we would expect a total of less than 20,000 claims. The Zaleski and Greenawalt estimate of 10,000 would mean that half of all claims filed under a Pennsylvania revival window would be against public schools. To understand why that is completely unrealistic, we can turn to evidence from New York. The New York Child Victims Act (CVA) was the most successful SOL window legislation passed at the state level, resulting in almost 11,000 total claims. CHILD USA collected court records from the state's eight most populous counties and categorized the defendants named in legal complaints.



NY CVA: Child Sex Abuse Cases by Defendant Category *

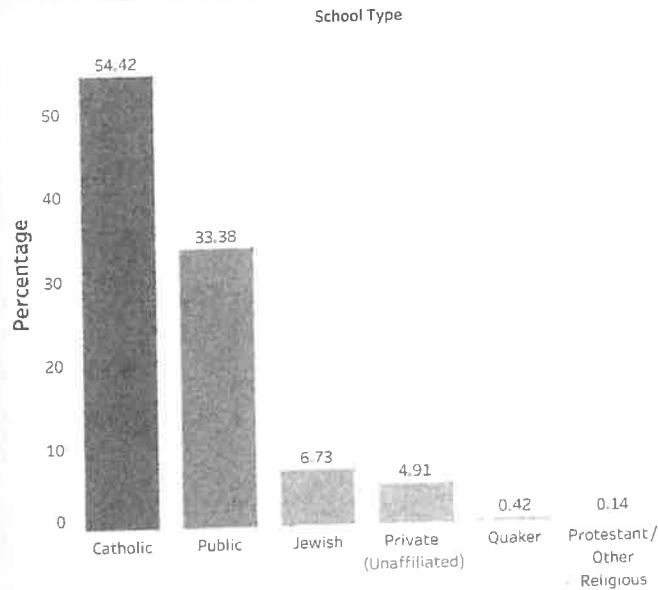


*Based on defendant records pulled from New York's eight most populous counties
 **Youth-Serving Organization

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 August 11, 2021

Schools were named as defendants in 13% of the cases we analyzed, only 1/3, or 5%, of which were public schools. If we apply this same rate from New York to the projected total claims in Pennsylvania above, we would expect under 900 claims against public schools. Adjusted for population, an accurate estimate of the range of claims filed against public school in Pennsylvania would thus be between 300 to 900.

NY CVA: Child Sex Abuse Cases by School



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Likewise, a revival window will not result in an avalanche of claims overwhelming the justice system and putting defendants at a serious disadvantage. Indeed, this has not happened in any state that eliminated the SOLs, whether through prospective elimination or revival of expired civil SOLs. When states have revived expired SOLs, the result has been a significant number of cases filed that disclose numerous child perpetrators previously unidentified, but in raw numbers a relatively small percentage of cases.

Institutions that fear window legislation do so for two reasons: either they know of many cases of abuse in the past or they expect many in the future. If these outlandish claims about cases flooding courthouses in the Commonwealth were correct, it would support the need for an immediate revival window on an emergency basis. It is nonsensical to argue against the window because you anticipate so many victims to come forward.

VI. The Rest of the Nation Has Listened To Victims While Pennsylvania Has Tuned Them Out

Pennsylvania's civil SOL is increasingly short at age 55 when compared to developments in the rest of the country. Despite many efforts in the state to eliminate civil SOLs or pass a window, the civil SOL still remains at age 55. This means that victims of abuse in Pennsylvania bear the burden of acknowledging and exposing their abuse at much earlier points than in many of her sister states. Pennsylvania has generated the most grand jury reports on child sex abuse in the country and is the only state to have definitive evidence of sex abuse cover ups in every diocese, yet they remain behind the tidal wave of action to empower victims to hold perpetrators accountable.

Since 2002, when the Boston Globe published its Pulitzer prize-winning Spotlight series on the cover-up of clergy abuse in the Boston Archdioceses, there has been a growing trend to provide access to justice through SOL reform. Legislation allowing adult victims of child sexual abuse to seek justice has gained popularity, as lawmakers have realized that victims often take longer to come forward and that SOLs have historically prevented them from making claims in the past.

The most common approach has been to revive pre-existing common law or statutory civil claims for CSA as more than **30 U.S. States and Territories** have already done.^{xxxiv} By far, the most popular means of reviving for states has been with a revival "window". Nineteen states have passed revival windows since 2002—and while Pennsylvania was dawdling, states like California, Delaware, New York, and Hawaii managed to pass their second or even third revival window.

It's also worth noting that nearly courts that have considered the constitutionality of these revival laws have upheld them, even where they adopted a stricter standard of constitutionality than the federal standard.^{xxxv} Moreover, no state with a statutory CSA revival window and a Plaintiff's Remedies Clause similar to Pennsylvania's, has invalidated the revival window under the Remedies Clause. In fact, 5 states with a Remedies Clause have found their child sexual abuse revival law constitutional based on Due Process, and in Connecticut in part based on the Remedies Clause. Another 6 states with Remedies Clauses in their constitution have revived child sexual abuse claims, without challenge. They are Arizona, Kentucky, Montana, Oregon, Vermont, and West Virginia. Therefore, it is disingenuous to argue that Pennsylvania's Constitution is distinctive

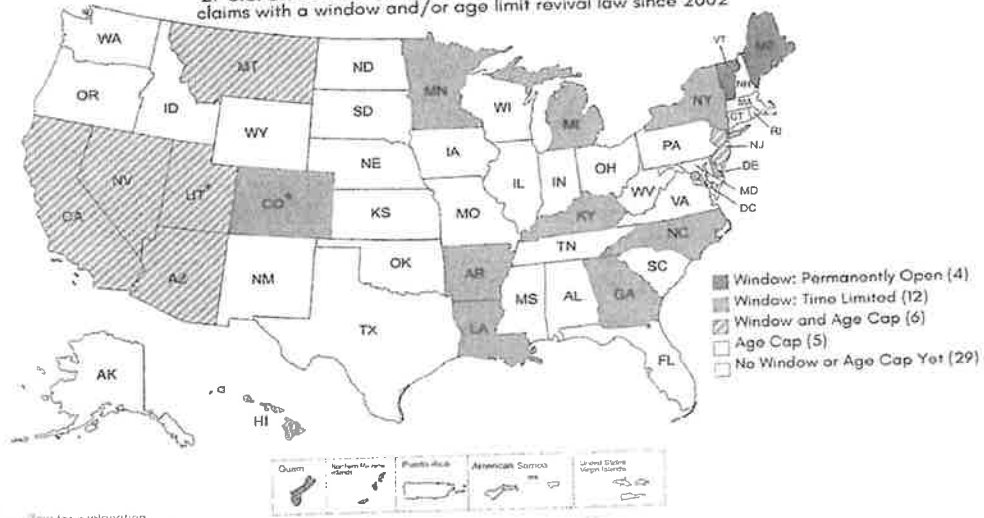


and would thus somehow require a contrary result from that seemingly dictated by the ordinary, commonly understood meaning of the term “open courts.”^{xxxvi}

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Nov. 24, 2021

Revival Laws for Child Sex Abuse: Windows and Age Caps

27 U.S. States and Territories revived previously expired CSA claims with a window and/or age limit revival law since 2002



*See childusa.org/law/ for explanation

CHILD USA
The Sean P. Maloney Institute of Limitations Research and Policy

These revival laws have been instrumental in giving thousands of victims across the nation a long overdue opportunity for justice. They also make states a safer place for children by educating the public about hidden predators and institutions that endanger children in their communities.

The most effective way to remedy the wrong of having unreasonably short SOLs for so long is to completely revive all expired claims with a permanently open revival “window.” This is exactly what Guam did in 2016 and Vermont did the same in 2019, and Maine and Northern Mariana Islands too in 2021. Now any person that was sexually abused as a child in Maine, Vermont, NMI, or Guam may sue their abuser or any responsible person or institution when they are ready. In effect, the law was shifted to accommodate the psychological realities that can delay disclosure.



Window Report Card

Window laws open access to justice for adult survivors of child sex abuse whose civil claims already expired. Survivors can sue while the window is open.

A+	Maine, Vermont, Guam & N. Mariana Islands	Window permanently open for claims against all types of defendants
B	Arkansas, California, Delaware, Hawaii, Louisiana, New Jersey, & New York	Window open for 2 or more years for claims against all types of defendants
C	Arizona, Colorado, Kentucky, Minnesota, Montana, North Carolina, & Washington D.C.	Window not explicitly for claims against all types of defendants
D	Georgia, Michigan, Nevada, & Utah*	Window open for claims against perpetrators only or for physician abuse only
F	Pennsylvania & All Other States	No window/hidden predators are protected

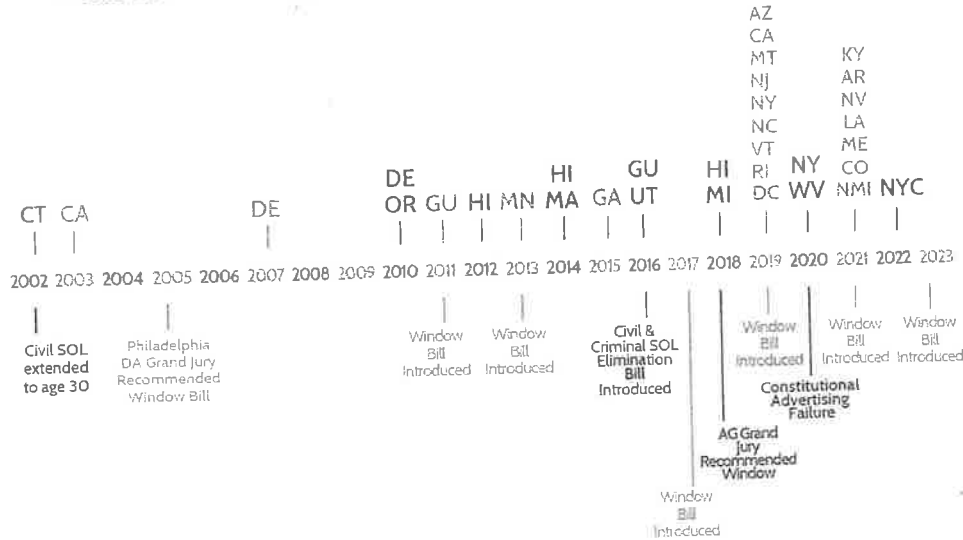
CHILD USA
The Center for Child Protection & Prevention

Since 2011, when lawmakers introduced the very first window bill, Pennsylvania has been left in the dust. And the results have been grim. Over these 12 years, many children here have been needlessly at risk of abuse, many adults here who were abused as children are still needlessly suffering, and many who caused and concealed the risk and pain are still freely going about their business, undetected and unpunished. Why? Because our state has fallen way behind our neighboring states by refusing to enact a simple procedural measure that has proven to be effective in the fight against child sexual abuse and cover-ups of the same. Make no mistake about it, Pennsylvania lawmakers who have staunchly opposed and fought tirelessly against SOL reform are aiding and abetting the perpetrators of these heinous crimes.





**While Pennsylvania Has Dithered Toward a Child Sex Abuse Window,
24 States and 3 Territories Have Passed Laws Reviving Child Sex Abuse Claims**



Simply look at our three boarding states. Delaware had one of the earliest windows from 2007 to 2009. It unveiled the ugly truth that one pediatrician had abused over 1,000 children in his offices. The window revealed this serial predator and removed him from practice thereby protecting countless scores of future children from his inevitable abuse.

Then there are the more recent New York and New Jersey, windows. Approximately 11,000 and 1,300 cases were filed in each state respectively against all types of defendants such as churches, schools, the Boy Scouts, and family members. Those lawsuits have generated considerable media coverage. As a result, countless citizens in these two states now know the names of scores of child molesters, some of them still in positions around children. They also know the organizations that put kids at risk and how their policies and procedures enabled abuse. They have reformed their archaic, predator-friendly child sex abuse laws. Not only did these states make it easier for victims of horrific childhood trauma to file lawsuits, expose abusers, protect others, and deter cover ups, but they also facilitated healing and gave victims access to justice long overdue.

In addition to being publicly exposed and ousted from jobs, many New York and New Jersey child predators have lost access to boys and girls they were 'helping' as volunteer coaches, tutoring at the local library, or providing private music lessons to in their apartments. Countless police and prosecutors know far more about who and where potentially dangerous abusers are working or living. In short, children in these two states are now safer than children in Pennsylvania.

Similar efforts to provide access to justice for CSA victims are underway in states across the nation. In the first three months 2023, SOL reform bills have been introduced in 35 states including 22 bills to eliminate the civil SOL entirely and 20 for civil revival by either age cap extension, a



revival window, or both.^{xxxvii} Since January, 19 windows have been introduced in state legislatures across the nation with such legislation having already passed in the Arkansas and Maryland State Senates.^{xxxviii} Lawmakers in New York and Texas have introduced bills that would create a permanent window. In February, a bill proposing a permanent revival window against all defendants passed out of Committee in New Mexico and a similar bill has already passed in the Washington House.

While a window is no panacea, it is a huge, just, and immediate step forward for some of our most wounded and most vulnerable citizens. It also speeds the process of making child-serving organizations more accountable. So, it is time for Pennsylvania to catch up to the other 19 states that have adopted civil 'windows.' Families here need and deserve the same information about and protection from predators that families across our borders already have. Our lawmakers can provide this, just by cracking open the courthouse doors and letting victims expose those who hurt them and those hurting kids now.

We ask that you reject the constitutional amendment approach under SB1 and HB1 in favor of separating out the window amendment and finishing what you started years ago. It's time. Survivors of child sexual abuse have already waited too long to be able to access justice they deserve—this process must not add to the delay. For more information about SOL reform, visit childusa.org/sol/ or email info@childusa.org.

Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



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ⁱ G. Moody, et. al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18(1164) BMC PUBLIC HEALTH (2018) (finding a 20.4% prevalence rate of CSA among North American girls); M. Stoltenborgh, et. al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis*



of Prevalence Around the World, 16(2) CHILD MALTREATMENT 79 (2011) (finding a 20.1% prevalence rate of CSA among North American girls); N. Pereda, et al., *the prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 CLINICAL PSYCH. REV. 328, 334 (2009) (finding a 7.5% and 25.3% prevalence rate of CSA among North American boys and girls respectively).

ⁱⁱ B. A. van der Kolk, *The Body Keeps the Score: Memory & the Evolving Psychobiology of Posttraumatic Stress*, 1(5) HARVARD REV. OF PSYCHIATRY 253-65 (1994); see also Hoskell, L. & Randall, M., *The Impact of Trauma on Adult Sexual Assault Victims*, JUSTICE CANADA (2019), https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf.

ⁱⁱⁱ As explained by the Center for Disease Control, “Adverse Childhood Experiences” (“ACEs”), like CSA, “have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity.” Vincent J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14(4) AM. J. PREV. MED. 245 (1998); S.R. Dube et al., *Childhood Abuse, Household Dysfunction, and the Risk of Attempted Suicide Throughout the Life Span: Findings from the Adverse Childhood Experiences Study*, 286 JAMA 24, 3089 (Dec. 2001).

^{iv} Josie Spataro et al., *Impact of Child Sexual Abuse on Mental Health: Prospective Study in Males and Females*, 184 Br. J. Psychiatry 416 (2004).

^v See Felitti, at 245–58; see also R. Anda, et al., *The Enduring Effects of Abuse and Related Adverse Experiences in Childhood*, 256 EUR. ARCH PSYCHIATRY CLIN. NEUROSCIENCE 174, 175 (Nov. 2005) (“Numerous studies have established that childhood stressors such as abuse or witnessing domestic violence can lead to a variety of negative health outcomes and behaviors, such as substance abuse, suicide attempts, and depressive disorders”); M. Merricka., et al., *Unpacking the impact of adverse childhood experiences on adult mental health*, 69 CHILD ABUSE & NEGLECT 10 (July 2017); see also Sachs-Ericsson, et al., *A Review of Childhood Abuse, Health, and Pain-Related Problems: The Role of Psychiatric Disorders and Current Life Stress*, 10(2) J. TRAUMA & DISSOCIATION 170, 171 (2009) (adult survivors are thirty percent more likely to develop serious medical conditions such as cancer, diabetes, high blood pressure, stroke, and heart disease); T.L. Simpson, et al., *Concomitance between childhood sexual and physical abuse and substance use problems: A review*, 22 CLINICAL PSYCHOL. REV. 27 (2002) (adult survivors of CSA are nearly three times as likely to report substance abuse problems than their non-survivor peers).

^{vi} Beth E. Molnar et al., *Psychopathology, Childhood Sexual Abuse and other Childhood Adversities: Relative Links to Subsequent Suicidal Behaviour in the US*, 31 PSYCHOL. MED. 965 (2001).

^{vii} Shanta R. Dube et al., *Long-Term Consequences of Childhood Sexual Abuse by Gender of Victim*, 28 AM. J. PREV. MED. 430, 434 (2005).

^{viii} Delphine Collin-Vézina et al., *A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse*, 43 CHILD ABUSE NEGL. 123 (2015).

^{ix} Ramona Alaggia et al., *Facilitators and Barriers to Child Sexual Abuse (CSA) Disclosures: A Research Update (2000-2016)*, 20 TRAUMA VIOLENCE ABUSE 260, 279 (2019).

^x Often, this happens in the context of therapy; sometimes it is triggered many years after the abuse by an event the victim associates with the abuse; other times it happens gradually or over time as a victim recovers their memory. Hoskell, at 24.

^{xi} Elizabeth J. Letourneau et al., *The Economic Burden of Child Sexual Abuse in the United States*, 79 CHILD ABUSE NEGL. 413 (2018).

^{xii} *Id.*

^{xiii} *Id.*

^{xiv} *Chevron Chemical Co. v. Superior Court*, 641 P.2d 1275, 1284 (Ariz. 1982); *City of Tucson v. Clear Channel Outdoor, Inc.*, 105 P.3d 1163, 1167, 1170 (Ariz. 2005) (*barred by statute*, ARIZ. REV. STAT. ANN. § 12-505 (Ariz. 2010)); *Mudd v. McColgan*, 183 P.2d 10, 13 (Cal. 1947); *20th Century Ins. Co. v. Superior Court*, 109 Cal. Rptr. 2d 611, 632 (Cal. Ct. App. 2001), cert. denied, 535 U.S. 1033;(2002); *Shell W. E&P, Inc. v. Dolores Cnty. Bd. of Comm’rs*, 948 P.2d 1002, 1011-13 (Colo. 1997); *Rossi v. Osage Highland Dev., LLC*, 219 P.3d 319, 322 (Col. App. 2009) (citing *In re Estate of Randall*, 441 P.2d 153, 155 (Col. 1968)); *Doe v. Hartford Roman Catholic Diocesan Corp.*, 317 Conn. at 439-40; *Sheehan v. Oblates of St. Francis de Sales*, 15 A.3d 1247, 1258-60 (Del. 2011); *Riggs Nat’l Bank v. District of Columbia*, 581 A.2d 1229, 1241 (D.C. 1990); *Canton Textile Mills, Inc. v. Lathem*, 317 S.E.2d 189, 193 (Ga. 1984); *Vaughn v. Vulcan Materials Co.*, 465 S.E.2d 661, 662 (Ga. 1996); *Roe v. Doe*, 581 P.2d 310, 316 (Haw. 1978); *Gov’t Employees Ins. Co. v. Hyman*, 975 P.2d 211 (Haw. 1999); *Hecla Mining Co. v. Idaho State Tax Comm’n*, 697 P.2d 1161, 1164 (Idaho 1985); *Peterson v. Peterson*, 320 P.3d 1244, 1250 (Idaho 2014); *Metro Holding Co. v. Mitchell*, 589 N.E.2d 217, 219 (Ind. 1992); *Harding v. K.C. Wall Products, Inc.*, 831 P.2d 958, 967-968 (Kan. 1992); *Ripley v. Tolbert*, 921 P.2d 1210, 1219 (Kan. 1996); *Sliney v. Previte*, 473 Mass 283, 41 N.E.3d 732 (Mass. 2015); *Allstate Ins. Co. v. Kim*, 829 A.2d 611, 622-23 (Md. 2003); *City of Boston v. Keene Corp.*, 406 Mass. 301, 312-13, 547 N.E.2d 328 (Mass. 1989); *Rookledge v. Garwood*, 65 N.W.2d 785, 790-92 (Mich. 1954); *Pryber v.*



Marriott Corp., 296 N.W.2d 597, 600-01 (Mich. Ct. App. 1980), *aff'd*, 307 N.W.2d 333 (Mich. 1981) (per curiam); *Gomon v. Northland Family Physicians, Ltd.*, 645 N.W.2d 413, 416 (Minn. 2002); *In re Individual 35W Bridge Litigation*, 806 N.W.2d 820, 830-31 (Minn. 2011); *Cosgriffe v. Cosgriffe*, 864 P.2d at 778; *Panzino v. Continental Can Co.*, 364 A.2d 1043, 1046 (N.J. 1976); *Bunton v. Abernathy*, 73 P.2d 810, 811-12 (N.M. 1937); *Orman v. Van Arsdell*, 78 P. 48, 48(N.M. 1904); *Gallewski v. Hentz & Co.*, 93 N.E.2d 620, 624-25 (N.Y. 1950); *Hymowitz v. Eli Lilly & Co.*, 539 N.E.2d 1069, 1079-80 (N.Y. 1989); *McFadden v. Dryvit Systems, Inc.*, 112 P.3d 1191, 1195 (Or. 2005); *Owens v. Maass*, 918 P.2d 808, 813 (Or. 1996); *Bible v. Dep't of Labor & Indus.*, 696 A.2d 1149, 1156 (Pa. 1997); *McDonald v. Redevelopment Auth. of Allegheny Cnty.*, 952 A.2d 713, 718 (Pa. Commw. Ct. 2008), appeal denied, 968 A.2d 234 (Pa. 2009); *Twomey v. Carlton House of Providence, Inc.*, 11 R.I. 264, 271 (R.I. 1974); *Dandeneau v. Board of Governors for Higher Educ.*, 491 A.2d 1011, 1012 (R.I. 1985); *DeLonga v. Diocese of Sioux Falls*, 329 F. Supp. 2d 1092, 1101-1102 (S.D. 1994); *Stratmeyer v. Stratmeyer*, 567 N.W.2d at 223; *Lane v. Dep't of Labor & Indus.*, 151 P.2d 440, 443 (S.D. 1944); *Ballard Square Condo. Owners Ass'n v. Dynasty Constr. Co.*, 146 P.3d 914, 922 (Wash. 2006), superseded in part by statute Wash. Rev. Code 25.15.303, as recognized in *Chadwick Farms Owners Ass'n v. FHC, LLC*, 160 P.3d 1061, 1064 (Wash. 2007), overruled in part by 207 P.3d 1251 (Wash. 2009); *Pankovich v. SWCC*, 163 W. Va., 259 S.E.2d 127, 131-32 (W. Va. 1979); *Shelby J.S. v. George L.H.*, 381 S.E.2d 269, 273 (W. Va. 1989); *Neiman v. Am. Nat'l Prop. & Cas. Co.*, 613 N.W.2d 160, 164 (Wis. 2000); *Vigil v. Tafoya*, 600 P.2d 721, 725 (Wyo. 1979); *RM v. State*, 891 P.2d 791, 792 (Wyo. 1995).

^{xv} *Stogner v. California*, 539 U.S. 607, 610 (2003).

^{xvi} *Landgraf v. USI Film Prods.*, 511 U.S. 244, 267 (1994).

^{xvii} See *Republic of Austria v. Altmann*, 541 U.S. 677, 692-93 (2004); see also *Landgraf*, 511 U.S. at 267-68; *Chase Sec. Corp. v. Donaldson*, 325 U.S. 304, 311-15 (1945); *Campbell v. Holt*, 115 U.S. 620, 6 S. Ct. 209 (1885).

^{xviii} *Id.* at 260, 1156 (quoting *Krenzelak v. Krenzelak*, 503 Pa. 373, 382-83, 469 A.2d 987, 991 (Pa.1983) (internal citation omitted).

^{xix} *McDonald v. Redevelopment Auth.*, 952 A.2d 713, 718 (Pa. Commw. Ct. 2008), *appeal denied*, 600 Pa. 772, 968 A.2d 234 (Pa. 2009) (“[N]o one has a vested right in a statute of limitations or other procedural matters, and the legislature may at any time alter, amend or repeal such provision without offending constitutional restraints.”).

^{xx} *Supra* note 2.

^{xxi} *Landgraf*, 511 U.S. at 297, 114 S. Ct. at 1510, 128 L. Ed. 2d at 272 (quoting *Freeborn v. Smith*; 69 U.S. 160, 2 Wall. 160, 175, 17 L. Ed. 922 (1865)).

^{xxii} *Kiskaddon v. Dodds*, 21 Pa. Super. 351, 355 (Pa. Super. Ct. 1902) (“No one has a vested right to do wrong”); *Satterlee v. Matthewson*, 16 Serg. & Rawle 169, 191 (Pa. 1827) (“there can be no right to do wrong”).

^{xxiii} *Gilman v. United States*, 290 F. 614, 616 (D. Pa. 1923) (“[T]here can be no vested right to do wrong. Claims contrary to justice and equity cannot be regarded as of that character. Consent to remedy the wrong is to be presumed.”).

^{xxiv} *Johnson*, 732 A.2d at 643.

^{xxv} *Konidaris v. Portnoff Law Associates, Ltd.*, 598 Pa. 55, 74, 953 A.2d 1231, 1242 (Pa. 2008) (citing and quoting *David Schuman, The Right to a Remedy*, 65 Temp. L. Rev. 1197, 1206, 1208 (1992)); see also *Stroback v. Camaioni*, 449 Pa. Super. 395, 674 A.2d 257 (Pa. Super. Ct. 1996).

^{xxvi} *Konidaris*, 598 Pa. at 64, 953 A.2d at 1236 (quoting *Konidaris v. Portnoff Law Assoc., Ltd.*, 884 A.2d 348, 353 (Pa. Cmwlth. 2005) (emphasis added)).

^{xxvii} *Johnson v. Am. Std.*, 607 Pa. 492, 500, 8 A.3d 318, 323 (Pa. 2010) (emphasis added).

^{xxviii} *Ieropoli* 577 Pa. at 149, 842 A.2d at 926 (quoting *Menges v. Dentler*, 33 Pa. 495, 498-99 (Pa. 1859)).

^{xxix} *Seneca v. Yale & Towne Mfg. Co.*, 142 Pa. Super. 470, 474 (Pa. 1941); see also, *In re Condemnation of Real Estate by Carmichaels*, 88 Pa. Commw. 541, 490 A.2d 30 (Pa. Cmwlth. 1985); *Upper Montgomery Joint Authority v. Yerk*, 1 Pa. Commw. 269, 274 A.2d 212 (Pa. Cmwlth. 1971).

^{xxx} *Kiskaddon v. Dodds*, 21 Pa. Super. 351, 355 (Pa. Super. Ct. 1902) (emphasis added); *Satterlee v. Matthewson*, 16 Serg. & Rawle 169, 191 (Pa. 1827).

^{xxxi} *Ieropoli*, 577 Pa. at 148, 842 A.2d at 925 (noting that “the fundamental rule of construction which guides us is that the Constitution’s language controls”).

^{xxxii} *Ieropoli*, 577 Pa. at 153-154, 842 A.2d at 928 (quoting *Erfer v. Commonwealth*, 568 Pa. 128, 794 A.2d 325, 331 (Pa. 2002)) (citation omitted).



xxxiv CHILD USA, *History of Child Sex Abuse Statutes of Limitations Reform in the United States: 2002 to 2021*, at 151-160, available at <https://childusa.org/wp-content/uploads/2021/02/2021-02-26-2020-SOL-Report-2.16.21-v2.pdf>.

xxxv John I M Doe v. Big Brothers Big Sisters of Am., No. CV2020-017354 (Ariz. Super. Ct. Sept. 28, 2021); John C D Doe v. Big Brothers Big Sisters of Am., No. CV2020-014920 (Ariz. Super. Ct. Aug. 26, 2021), review denied, No. CV-22-0003-PR (Ariz. April 8, 2022); Coats v. New Haven Unified Sch. Dist., 259 Cal.Rptr.3d 784, 792 (Cal. Ct. App. 2020); Huth v. Cosby, No. BC565560, 2022 WL 17583304, at *3 (Cal.Super. May 17, 2022); Huth v. Cosby, No. BC565560, 2022 WL 17583301, at *4 (Cal.Super. Sep. 27, 2022); Roman Catholic Bishop of Oakland v. Superior Court, 28 Cal.Rptr.3d 355, 359 (Cal. Ct. App. 2005); Whitwell v. Archmere Acad., Inc., No. CIV.A.07C08006RBY, 2008 WL 1735370, at *2 (Del. Super. Ct. Apr. 16, 2008); Roe v. Ram, No. CIV. 14-00027 LEK-RL, 2014 WL 4276647, at *9 (D. Haw. Aug. 29, 2014); S.Y. v. Roman Catholic Diocese, 2021 WL 4473153, at *4 (D.N.J. Sep. 30, 2021); B.A. v. Golabek, 18-cv-7523, 2021 WL 5195665, at *6 (D.N.J. Nov. 8, 2021); W.F. v. Roman Catholic Diocese of Paterson, 2021 WL 2500616 (D.N.J. June 7, 2021); Coyle v. Salesians of Don Bosco, 2021 WL 3484547 (N.J.Super.L. July 27, 2021); T.M. v. Order of St. Benedict of New Jersey, Inc., MRS-L-399-17 (Law Division, Morris County); Bernard, v. Cosby, No. 121CV18566NLHMJS, 2023 WL 22486, at *8 (D.N.J. Jan. 3, 2023); ARK269 v. Archdiocese of New York, No. 950301/2020, 2022 WL 2954144, at *1 (N.Y. Sup. Ct. July 19, 2022); McGourty v. Archdiocese of New York, No. 950410/2020, 2022 WL 2715904, at *1 (N.Y. Sup. Ct. July 12, 2022); Baum v. Agudath Israel of America, No. 950207/2019, 2022 WL 2704237, at *1 (N.Y. Sup. Ct. July 8, 2022); ARK10 v. Archdiocese of New York, No. 950038/2019, 2022 WL 1452438, at *1 (N.Y. Sup. Ct. May 9, 2022); S.K. v. Svrcek, No. 400005/2021, 2021 WL 7286456, at *5 (N.Y. Sup. Ct. Dec. 1, 2021); Shearer v. Fitzgerald, No. 0514920/2020 (N.Y. Sup. Ct. Oct. 1, 2021), on appeal No. 2021- 07975 (App. Div.2d Dept.); Giuffre v. Prince Andrew, Case No. 1:21-cv-06702-LAK (S.D.N.Y. 2021); Aldridge v. The Governing Body of Jehovah's Witnesses, No. 519063/2020, 2022 WL 17633010, at *1 (N.Y. Sup. Ct. Dec. 07, 2022); Doe v. Yeshiva University, No. 950012/2020, 2022 WL 17585094, at *1 (N.Y. Sup. Ct. Dec. 09, 2022); Rubin v. Poly Prep Country Day School, No. 501400/2020, 2023 WL 187905, at *1 (N.Y. Sup. Ct. Jan. 13, 2023); S.T. v. Diocese of Rockville Centre, Index No. 099997/2019, Supreme Court, Nassau County (May 18, 2020); PB-65 Doe v. Niagara Falls City Sch. Dist., No. E174572/2021, 2021 WL 5750878, at *4 (N.Y. Sup. Ct. Oct. 26, 2021); Farrell v. United States Olympic & Paralympic Comm., 567 F.Supp.3d 378 (N.D.N.Y. 2021); PB-36 Doe v. Niagara Falls City Sch. Dist., 152 N.Y.S.3d 242 (N.Y. Sup. Ct. 2021); PC-41 Doe v. Poly Prep Cty. Day Sch., No.20 Civ. 3628, 2021 WL 4310891, at *3-9 (E.D.N.Y. Sept. 22, 2021), appeal filed, (2d Cir.Oct.22, 2021); Torrey v. Portville Cent. Sch., 125 N.Y.S.3d 531 (N.Y. Sup. Ct. 2020) (Table); Kastner v. Doe, No. 900111 (Sup. Ct. Nassau Cty. Jan. 14, 2022); Giuffre v. Dershowitz, No. 19 CIV. 3377 (LAP), 2020 WL 2123214, at *2 (S.D.N.Y. Apr. 8, 2020); Bell-Kerr v. Baltimore-Washington Conference of the United Methodist Church, No. 2021 CA 0013531B (D.C. Super. Ct.).

xxxvi *Id.*

xxxvii See CHILD USA 2023 TRACKER, available at <https://childusa.org/2023sol/#2020c>.

xxxviii AL; AR; CA; IA; KS; MD; MA; MN; MO; NM; NY; ND; OH; PA; RI; SC; TX; UT; WA

