

LOCAL NEWS

Lawmakers, advocates, attorney general defend Child Victims Act in Maryland Supreme Court



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With several appeals of the constitutionality of a law that removed time limits for lawsuits brought by people sexually abused as children pending, child and victims advocacy groups, current and past lawmakers, and the state attorney general lined up to defend the 2023 Child Victims Act.

Offering testimonials from sex abuse survivors and historical analysis of the law's creation, the separate legal briefs, taken together, made one unequivocal message: The Supreme Court of Maryland should uphold the law, rejecting arguments by the Catholic Archdiocese of Washington and other institutions sued for child sexual abuse that the law violates the state's constitution.

Three cases — two arising from state Circuit Courts, one from U.S. District Court — raising identical questions about the law's constitutionality are

At the center of the legal debate is the precursor to the Child Victims Act, a 2017 law in which the Maryland General Assembly extended the period survivors could sue their abusers, and the institutions that enabled their torment, to a victim's 38th birthday.



Attorneys for the [Washington diocese](#), the Harford County Board of Education and the Key School in Annapolis — all of which have been sued under the child victims law — argue that 2017 law granted them permanent immunity from sex abuse lawsuits after a victim turns 38. The provision providing them protection, they contend, is called a “statute of repose.” They say that the legislature can’t take away their “vested right” to immunity.

Lawyers for those suing those institutions disagree. They contend the 2017 law amounted to a statute of limitations, which legislators can change or do away with at any time. Even if the Supreme Court finds that it was a statute of repose, the plaintiffs lawyers argue, the legislature changed such a law in 1991, so it can do so again.



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Seven current or former state lawmakers who either sponsored the 2017 law or the 2023 law — or both, in several cases — signed onto a brief authored by Kathleen Hoke, a law professor at the University of Maryland Francis King Carey School of Law in Baltimore, who has become one of the foremost experts on the Child Victims Act and the legal questions surrounding it.

“The General Assembly did not intend to eliminate their power to allow the filing of certain time-barred claims for child sexual abuse,” Hoke wrote on behalf of the lawmakers and the Survivors Network of those Abused by Priests, or SNAP. “It is clear and unequivocal that in 2023, the Maryland General Assembly used that power to give all living survivors of child sexual abuse the opportunity to file a lawsuit against an organization responsible for the abuse, regardless of when the sexual violence occurred.”

Attorney Jonathan Schochor is representing a group of men suing the Washington diocese, which covers five Maryland counties and is headquartered in Hyattsville. The proposed class-action complaint says the alleged abuse they suffered as young children at the hands of priests, deacons or other diocesan employees fits a pattern of abuse committed in the archdiocese.

Schochor’s is one of the cases before the Supreme Court, and he told The Baltimore Sun that the input from lawmakers could be significant to the

“They were sponsors of the 2017 legislation. They knew what they were doing. It was a statute of limitations,” said Schochor, outlining the position presented in their brief.

Maryland Attorney General Anthony Brown, a Democrat, also weighed in on the debate, [making good on his pledge](#) to defend the Child Victims Act when lawmakers were still considering it in the 2023 legislative session.

“The 2017 statute was a lawful exercise of the General Assembly’s authority to prescribe and adjust the time periods within which plaintiffs can sue — but so is the Child Victims Act,” wrote Assistant Attorney General Jeffrey S. Luoma, on Brown’s behalf.

In addition to the Prince George’s County case, a federal lawsuit alleging that a woman was repeatedly sexually assaulted at Key School in Annapolis, and a complaint in state court targeting the Harford County Board of Education also are pending in the Supreme Court.

Circuit Court judges in [Prince George’s](#) and [Harford](#) counties deemed the Child Victims Act constitutional, leading to the appeals. A federal judge asked the Maryland Supreme Court to rule on the law before hearing a lawsuit against the Key School.

A spokesperson for the Washington diocese declined to comment. Attorneys for the Harford education board and a Key School spokesperson did not respond to requests for comment. Their arguments mirrored each other in court papers, relying on the contention that the 2017 law created a statute of repose and that the legislature can’t take away their purported immunity.

The only other statute of repose in Maryland law exists in the construction industry, according to legal scholars. In that context, it protects the likes of builders and architects from liability related to injuries sustained in structures they designed and built after a certain amount of time passes following the completion of construction.

In a statute of repose, the clock for lawsuits starts ticking when the building is deemed operational, rather than when a person is hurt. With a statute of limitations, however, the law starts counting the period a person has to file a

Schochor, the attorney in the Prince George’s County case, said that fact bolsters their position that the 2017 law was a statute of limitations, not a statute of repose. The timeline, he said, is “triggered by the sexual abuse occurring and the injury to the plaintiff.”

In its own legal brief, the nonprofit organization Human Rights for Kids urged the Maryland Supreme Court to find the Child Victims Act constitutional, laying out the stories of three people who were abused in Maryland juvenile detention facilities as kids to support their position.

Since the Child Victims Act took effect Oct. 1, lawsuits have accumulated against the Maryland Department of Juvenile Services for abuse allegedly perpetrated in youth detention facilities.



Gov. Wes Moore shakes hands with Dave Lorenz of Survivors Network of those Abused by Priests (SNAP) as bill sponsor Del. C.T. Wilson comforts him after Moore signed House Bill 1, the Child Victims Act, at the State House in Annapolis on April 11, 2023. (Jerry Jackson/Staff)

The group noted that people abused as children often take decades to report the abuse, if they do at all. According to their brief, children abused in juvenile detention facilities, who are particularly vulnerable to abuse, are even less likely to report what happened to them. Even if they do come forward, they may be ignored, the brief said.

Almost three decades ago, a 15-year-old girl who lived in Salisbury public housing was arrested for shoplifting and sent to Thomas J.S. Waxter Children's Center, a juvenile detention facility in Laurel, according to the filing from Human Rights for Kids. The Sun does not name victims of sexual abuse without their consent.

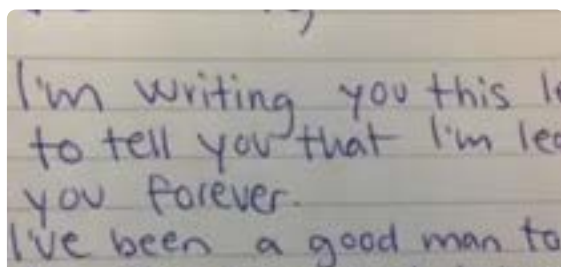
“At Waxter, both male and female guards quickly began to groom (the girl), initially offering her special privileges such as extra food. This apparent kindness, however, came at a horrific cost,” the nonprofit's attorneys wrote. “While alone in her cell or in the shower, the guards coerced her into undressing and molested her, fondling her breasts and genitals.”

The brief said the abuse worsened with time, with guards demanding her submission for basic privileges behind bars. When she was released, she reported the abuse to a juvenile services worker, “but no action was taken.” Now 42, the woman still struggles with depression stemming from her abuse.

“Despite her attempts to seek justice during the time of her abuse, she faced denial and shame at every turn. Now, over 20 years later, she has an opportunity to be heard,” the attorneys wrote, referring to the Child Victims Act. “Although her justice may be delayed, it does not have to be denied.”

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