



Del. C.T. Wilson, a Democrat who chairs the House Economic Matters Committee, speaks in support of legislation that creates a framework for legal recreational marijuana in the state, moments before the House of Delegates voted 103-32 for the bill on March 10, 2023, in Annapolis. (AP Photo/Brian Witte)

MD Supreme Court to hear arguments Tuesday on Child Victims Act

Ian Round // September 9, 2024 // 5 Minute Read



The Maryland Supreme Court is set to hear arguments on Tuesday over whether the 2023 Child Victims Act should be overturned because of an obscure legal term primarily used in construction law.

[UPDATE: Child Victims Act's inclusion of 'statute of repose' debated at MD Supreme Court](#)

The Roman Catholic Archdiocese of Washington says the term — “statute of repose” — gives it and institutions in similar positions permanent immunity from some lawsuits, an immunity that couldn’t be repealed by the Child Victims Act.

Del. C.T. Wilson, a Charles County Democrat who was sexually abused as a child, sponsored both the CVA and the 2017 law that included the “statute of repose” language. That bill found a balance between justice for victims and fairness to institutions accused of enabling abusers, extending the statute of limitations while raising the bar for winning a claim.

Wilson said those words were “snuck in the bill,” without his knowledge, by a staffer for a powerful lawmaker working to undermine the law and protect the church. Wilson said he had never heard of the term, even in law school.

If the court strikes down the CVA, which ended that statute of limitations, hundreds of victims would be unable to seek accountability, decades after they were abused.

“It is emotionally crushing to me to imagine that I might be the person that protected the Catholic Church,” Wilson told The Daily Record. “They have perverted what I tried to do. We felt tricked.”

Three CVA cases

Gov. Wes Moore signed the Child Victims Act into law in April 2023, days after the Maryland Attorney General’s Office published a report on abuse within the Archdiocese of Baltimore. (That archdiocese declared bankruptcy to avoid the anticipated flood of claims and is not involved in the debate over the CVA’s constitutionality.)

Lawmakers anticipated immediate challenges and included a provision in the CVA allowing the Maryland Supreme Court to rule on it quickly. The court is hearing three CVA cases after differing decisions in lower courts earlier this year; the Montgomery County Circuit Court rejected it, while the Prince George’s County Circuit Court upheld it.

In addition to the Archdiocese of Washington, which is headquartered in Hyattsville and covers five Maryland counties, the Key School in Annapolis and the Harford County school system are also challenging the law. The latter two are consolidated into one case.

In July, the Church of Jesus Christ of Latter-Day Saints settled a related lawsuit that had originally been scheduled for argument with the other three.

The law was a historic win for victims after years of attempts to loosen the statute of limitations for claims against “non-perpetrator” defendants, such as churches and schools, that employed abusers.

But the Archdiocese of Washington argues that debate ended in 2017, when the General Assembly passed the law that included the “statute of repose” language, which gave it a permanent “vested right.”

‘It’s not in the mechanics of the bill’

Maryland law only includes one “statute of repose,” which applies to the construction industry. It protects builders from wrongful death, personal injury and other claims after a building has been open for 20 years, according to a January 2023 presentation to the legislature by University of Maryland Francis King Carey School of Law professor Kathleen Hoke.

The purpose of the law, Hoke wrote, is to create a vested property right in consideration of “the economic best interests of the public” and to “protect insurers’ ability to predict future claims.”

As opposed to a statute of limitations, a statute of repose “sets a date by which a claim must be filed regardless of whether the injured party is aware of injury and who caused it or whether the injury has even occurred.”

"After more than 20 years of debate over the appropriate time limits for asserting claims of child sexual abuse, the Legislature in 2017 took action to resolve the issue once and for all — at least for defendants, like the Roman Catholic Archbishop of Washington, who were not themselves perpetrators of abuse," the archdiocese's first Supreme Court brief states.

"As a general matter, of course, a legislature may repeal existing laws and substitute new ones," it continued. "But it may not do so in a manner that destroys substantive rights that have vested under the terms of existing law. And that is what the application of the CVA would do in this case."

The Daily Record sought comment from the archdiocese, an attorney representing the archdiocese, attorneys representing the Key School and Harford County Schools, and an attorney who wrote an amicus brief opposing the CVA on behalf of insurance companies and other clients. All either declined to comment, referred to court filings or did not respond.

Jonathan Schochor, who is representing two of the defendants against the archdiocese, argues the 2017 law doesn't apply to the "substantive language" of the Child Victims Act.

"It's in a descriptor of the bill," he said in an interview. "It's not in the mechanics of the bill."

Further, he said the law was clearly a statute of limitations, and not a statute of repose, because it dealt directly with the harm suffered by victims and didn't benefit the economy.

"What is the economic and public benefit of immunizing admitted sexual abusers?"