



**Senate Judiciary Committee
Proponent Testimony for House Bill 35
Emily Gemar, Public Policy Director
Ohio Alliance to End Sexual Violence
September 20, 2023**

Chair Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee:

Thank you for the opportunity to submit proponent testimony for House Bill 35. The Ohio Alliance to End Sexual Violence (OAESV) is Ohio's federally-designated sexual violence coalition. We advocate for initiatives to support victims of crime, including improvements to the statutes of limitations for survivors of sexual violence.

Dynamics of power, control, silence, and ambivalence perpetuate sexual abuse. In this case, it happened in a widespread institution – one in which children were disempowered and those with power covered up abuse and failed in their duty to safeguard the youth in their care. This case is representative of the many systems that allow sexual violence to happen and then fail victims when it occurs.

In our work with thousands of survivors across Ohio, we see many aspects of child sexual abuse perpetrated in homes, K-12 school systems, youth organizations, and more. Survivors come to OAESV and our member programs days, months, or years after their sexual abuse when they are finally ready to report. Unfortunately, very few options are available to survivors of child sexual abuse in Ohio.

It is normal for survivors abused by persons with power over them to wait to report, particularly when the perpetrator is an adult and the survivor is or was a child. Survivors wait for decades, often well into adulthood, before disclosing the abuse to anyone.¹ Delayed disclosure, coupled with restrictive statutes of limitations, impact the path to justice for survivors. By the time most survivors come forward about their abuse, the statutes of limitations for filing legal claims have expired. Simply put, the doors to justice are locked and most survivors of child sexual abuse are denied legal recourse.

OAESV believes the legislature must pass House Bill 35 to provide justice for survivors of the Boy Scouts of America organization – but we want to reiterate what this horrific situation instructs: First, our current civil limitations structure is too limited for practical accountability. Second, we cannot predict the vast variety of sexual abuses that will come out over time. Third, no legislated caveat to a limitations period for specific groups of survivors will suffice to hold institutions accountable for the distinct trauma of decades-long cover-ups and inaction. It only creates a system wherein survivors must lobby the legislature each time an abuse case is uncovered. The only way to ensure justice for all sexual abuse survivors is to extend the civil and criminal statute of limitations in a manner that allows survivors to

¹ In a study of over 1,000 survivors, the average age at the time of reporting child sexual abuse was about 52. See Spröber, N., Schneider, T., Rassenhofer, M., Seitz, A., Liebhardt, H., König, L., & Fegert, J. M. (2014). Child sexual abuse in religiously affiliated and secular institutions: a retrospective descriptive analysis of data provided by victims in a government-sponsored reappraisal program in Germany. *BMC public health*, 14, 282. <https://doi.org/10.1186/1471-2458-14-282>

pursue justice without a specifically legislated exception to the general rule. We encourage this committee to create a taskforce to study the needs of survivors of child sexual abuse and rape impacted by SOL limitations and other legal barriers in Ohio.

Holding institutions accountable for the sexual abuse of children in their care sends a message that sexual assault will not be tolerated. This will serve the state's overall public safety interests as we can all agree that it's unacceptable for children to be sexually abused – especially in places where they are supposed to be safe.

OAESV urges this body to remember that we do not educate our populace on the civil and criminal statutes of limitations for sexual abuse, so most are not aware of the period before they experience abuse. We also ask you to remember that sexual abuse survivors are whole persons with families, financial obligations, goals, and dreams. The abuse they suffer and their recovery from it does not erase the rest of their lives or their responsibilities during the statute of limitations periods. The statutes of limitations Ohio provides are simply not long enough for survivors to navigate their recovery and meaningfully pursue justice.

Thank you again for the opportunity to provide testimony. OAESV encourages passage of House Bill 35.