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Publication Date

2023-09-05

Breaking the Chains of Silence: Eliminating the Statute of Limitations on Child Sexual Abuse is Long Overdue

By Devyn Lopez, 2023 Cal-in-Sac Fellow and Jo Freeman Women in Politics Fellow¹

SACRAMENTO, CA. – “I am a person that survived childhood sexual abuse for years. I never forgot it, but I did not talk about it until my daughter was the age that my abuse started,”² Senator Nancy Skinner (D-Berkeley) stated as she addressed California’s Senate Judiciary Committee on June 27, 2023.

Senator Skinner testified in support of AB 452, the Justice for Survivors Act, a bill she introduced alongside Assemblymember Dawn Addis (D-Morro Bay) to end the civil statute of limitations for minors who have been sexually abused in California.

Senator Skinner is just one example of numerous individuals who have survived child sexual abuse (CSA) but find it challenging to disclose their traumatic experiences even many years after the incidents occurred. Sadly, CSA is a widespread and significant issue in society today. Whether it involves the distribution of explicit CSA material involving minors, human trafficking, sexual assault, or exploitation, children in the United States fall victim to these heinous crimes every day.

According to Kathryn Robb, the Executive Director of Child USA Advocacy, 13.5% of children are at risk of experiencing sexual assault before reaching the age of 18, and tragically, many of them endure such abuse repeatedly.³ Among CSA victims, girls are disproportionately affected, with approximately one in five facing sexual abuse before turning 18 years old.⁴

The long-lasting impact of CSA on survivors is profound, carrying the burden of trauma throughout their lives. Survivors of CSA face a significantly higher risk of suicidal tendencies.⁵ For instance, a study revealed that female CSA survivors were between two to four times more

¹ Based at UC Berkeley’s Institute of Governmental Studies, the Cal-in-Sacramento Fellowship Program sends approximately 30 Cal students to the state’s capital every summer for eight-week public service internships. The Jo Freeman Women in Politics Fellowship supports Cal-in-Sac Fellows whose individual research projects focus on women in politics, including research on public policies that affect women.

² *Senate Judiciary Committee, Tuesday, June 27, 2023*, <https://www.senate.ca.gov/media-archive/default?title=&startdate=06%2F27%2F2023&enddate=06%2F27%2F2023>.

³ “Addis and Skinner Introduce Bill to End Civil Statute of Limitations for Child Sexual Abuse,” Senator Nancy Skinner, February 6, 2023, <https://sd09.senate.ca.gov/news/20230206-addis-and-skinner-introduce-bill-end-civil-statute-limitations-child-sexual-abuse>.

⁴ 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).

⁵ 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).

likely to attempt suicide.⁶ The devastating effects of CSA highlight the urgent need to address this pervasive issue and provide accessible support and resources to those affected.

For many survivors, one of the dire consequences of CSA is not having the opportunity to disclose the abuse or seek legal justice against their perpetrators. Prior to November of 2022, there existed a statute of limitations that allowed minor victims of federal sex offenses or human trafficking offenses to file civil lawsuits for the abuse within a 10-year time frame.

For many survivors, this was not nearly enough time to process their abuse and come forward to seek legal justice against their perpetrators. In essence, the statute of limitations represents a specified deadline within which individuals can be prosecuted for a crime after it has been committed. Once the statute of limitations "runs out" on a case, the window to bring charges against the perpetrator becomes invalid.⁷

The statute of limitations varies state-by-state depending on the type of crime or offense committed, and the existing laws in each state. Crimes such as murder have no statute of limitations given the severity of the crime. Yet, survivors of CSA have often found themselves limited by the time allowed to come forward, speak out against their abusers and press charges. This is in large part because most sexual abuse cases are handled as civil cases rather than criminal cases.

Unlike criminal lawsuits, civil lawsuits generally handle disputes between two parties that typically end in recovery of damages for the victims while criminal cases have a more complicated legal process as the crimes are considered acts against society rather than offenses inflicted on individuals.⁸

In 2022, President Joe Biden enacted S. 3103, the Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022. This legislation removes the time restrictions for federal crimes involving minors, such as human trafficking, pornography, sexual abuse, and exploitation. Consequently, survivors now have the freedom to come forward and pursue legal actions against their abusers without any time limitations, giving them the necessary time and space to process their trauma and feel safe enough to take legal action.

This law recognizes that it is unreasonable to expect survivors to immediately report the abuse they endured or even fully understand that the harm inflicted upon them was a crime, especially when the perpetrators are individuals they know well, like family friends, or relatives. It acknowledges that many children may only grasp the severity of their experiences later in life, making it essential to provide them with a supportive environment to seek justice when they are emotionally ready.

⁶ See Note 4.

⁷ "Statute of Limitations," California Courts: The Judicial Branch of California, 2023, <https://www.courts.ca.gov/9618.htm?rdeLocaleAttr=en>.

⁸ "The Mississippi Bar," The Mississippi Bar: The Difference Between a Civil and Criminal Case, 2023, <https://www.msbar.org/for-the-public/consumer-information/the-difference-between-a-civil-and-criminal-case/>.

The elimination of the statute of limitations for federal sex crimes against minors is a highly anticipated achievement for numerous survivors of CSA and victim advocates. However, not everyone is in favor of extending or eliminating the statute of limitations. Concerns that such extensions may be driven more by a desire for "prosecutorial power" and "vengeance" on the part of the victims, rather than prioritizing their healing and recovery are prominent.⁹ Many people argue that the existence of time restrictions through the statute of limitations is essential as they encourage "reliable investigations" and prosecutions, preventing cases from being influenced by "faded memory" or "unreliable evidence."¹⁰

It is reasonable to ensure that defendants are granted the right to due process. The intention behind giving victims the option to file civil lawsuits without a specific deadline is not to unjustly prosecute innocent individuals or to actively pursue incarcerating as many defendants as possible. Instead, eliminating the statute of limitations aims to empower survivors, giving them the choice to report their abuse when they feel ready to do so. However, even with this extension, victims will still need sufficient evidence to establish that the defendant is responsible for the harm they have endured.¹¹

Eliminating the statute of limitations is not a futile effort aimed at endangering anyone; instead, it is a vital step for many survivors who struggle to speak out about their experiences. There is evidence that disclosing instances of sexual abuse is profoundly challenging, and the elimination of the statute of limitations serves a purpose as it acknowledges the need to allow survivors sufficient time to recover and cope with the aftermath of abuse.¹²

This extended time is crucial because there are survivors who remain silent about their abuse for years, often due to their inability to properly address the trauma inflicted by these events. Particularly when survivors are young, they must contend with numerous consequences that frequently remain suppressed and untreated because confronting a distressing past is immensely difficult.

Senator Skinner shattered the chains of silence that had bound her due to her own CSA experience for years. She courageously advocated for the urgent elimination of the statute of limitations, not only for the current generation of children but for those to come. Despite enduring significant trauma in her childhood, she stood confidently before a group of California senators, a composed demeanor that often takes survivors years to achieve when discussing their own abuse. Her willingness to raise her voice in support of fellow survivors is commendable. This undertaking is understood best by survivors themselves, as it requires a taxing mental effort to publicly confront the harsh realities of CSA, especially considering its ongoing prevalence.

⁹ Michael Vitiello, "Expanding Statutes of Limitations for Sex Crimes: Bad Public Policy," University of the Pacific Scholarly Commons, January 2022,

<https://scholarlycommons.pacific.edu/cgi/viewcontent.cgi?article=1674&context=facultyarticles>.

¹⁰ See Note 7.

¹¹ "Civil Cases," United States Courts. <https://www.uscourts.gov/aboutfederal-courts/types-cases/civil-cases#:~:text=In%20a%20civil%20case%2C%20the,harm%20the%20plaintiff%20has%20suffered>.

¹² Tina B Goodman-Brown, et. al., "Why Children Tell: A Model of Children's Disclosure of Sexual Abuse," *Child Abuse & Neglect*, Volume 27, Issue 5, 2003, Pages 525-540, ISSN 0145-2134

[https://doi.org/10.1016/S0145-2134\(03\)00037-1](https://doi.org/10.1016/S0145-2134(03)00037-1).

(<https://www.sciencedirect.com/science/article/pii/S0145213403000371>)

For numerous survivors, Senator Skinner's actions serve as an inspirational model for the steps needed to safeguard children from being left vulnerable or burdened by the heinous actions of their abusers by raising awareness about the gravity of CSA. Much like Senator Skinner, many survivors dedicate a significant portion of their lives to preventing further CSA and ensuring that perpetrators are held accountable.

How can children who are often not even old enough to comprehend what sex is, be expected to fully decipher that they have been sexually abused? Why are survivors of CSA burdened with the expectation to have their healing journey pigeonholed into a set number of years?

As expressed by Sierra Scott, a writer for a national anti-sexual violence organization in the U.S., “Many survivors often repress their memories...when trauma and sexual violence happens in developmental stages of a child's life, this can have a huge impact on a child’s sense of safety, belonging, and identity in the world. In the aftermath of trauma as a child, children may have been pressured to never speak of their abuse or told that no one would believe them. Other CSA survivors may have been abused by their family members and have no one to trust or even have a concept of what trust means.”¹³

Recovering from the impact of CSA is an intricate and taxing journey that is too often oversimplified. While the law may have previously maintained that the statute of limitations on sexual abuse crimes is necessary to protect defendants, every victim deserves their day in court if they choose to do so.

Yasmin Campos-Mendez, a Social Worker and Public Policy Manager at a national organization that works to end gender-based violence accurately points out, “The statute of limitations does not have a trauma-informed lens! It is a statute that expects ALL victims and or survivors to disclose the abuse that happened to them and cooperate with the criminal legal system within a specific time frame. Otherwise, it doesn’t validate or recognize an incident to be able to seek justice through the criminal legal system.”¹⁴

Each victim's journey is unique and cannot be confined to a generalized timeline for all victims. It is critical to understand that perpetrators need to be held accountable for damaging victims in ways that are emotional, mental, physical, or spiritual because victims must learn to cope with PTSD and the loss of innocence that cannot be recovered.¹⁵ All too often, this is done by individuals who are supposed to protect children, such as parents and caregivers or close family friends.

Enacting S. 3103 is a tremendous victory, but this paramount legislation is long overdue. As evidenced by the lack of elimination of the statute of limitations until last year, victims of CSA have not been prioritized in the federal legal system.

¹³ Scott, Sierra., June 27, 2023.

¹⁴ Campos-Mendez, Yasmin, July 11, 2023.

¹⁵ See Note 12.

Child sexual abuse is layered, particularly because it occurs during crucial developmental stages of a child's life when safety, care, and play should be guaranteed.¹⁶ However, for many survivors of CSA, this safe and nurturing environment is not a reality. Reporting the abuse to adults may not be an option, as many children face abuse inside their own homes.

Survivors often face disbelief, blame, and guilt, convincing themselves they are responsible for the abuser's actions or that they could have stopped the abuse sooner. As a result, many survivors take months, years, or even decades to process their trauma and share their experiences with someone, while others may never disclose the abuse due to fear, lack of support or threats made against their safety. Some survivors, who gather the courage to speak up and report their abuse, find themselves unable to file civil lawsuits against their abusers due to the expiration of the statute of limitations.

The challenges faced by victims of child sexual abuse are vast, especially for those who encounter additional barriers such as legal status, language barriers or are in intimate relationships with their abusers. For example, immigrant youth—particularly girls, are more at risk and suffer higher rates of CSA than other populations.¹⁷ Many victims may not feel safe enough to come forward and disclose their abuse.

Providing victims with the option to file civil cases does not guarantee closure, but it can be a way for them to regain some control over their lives and begin their healing journey as they confront their painful past. It is important to recognize that traumatic memories may be suppressed for some survivors; they never forget the abuse they endured. Traumatic memories can be deeply ingrained, causing victims to continuously relive past traumas.¹⁸

The challenge lies not in remembering the abuse but in reaching a point where survivors feel safe enough to talk about it. It is time that the experiences of abuse for CSA survivors are acknowledged as urgently as other crimes and that victims are no longer stigmatized due to the depraved actions of abusers.

Author's Note:

I am filled with immense gratitude for the opportunity to write this opinion piece. Voicing the realities that many survivors of CSA must confront is of essence to me because no one fights harder for the community of CSA survivors than survivors themselves. As a survivor of CSA, I consider myself fortunate in the way my abuse was disclosed. It came to light early enough in my life, allowing me to report my abuser and see him prosecuted by the state of California.

Unlike many survivors, I did not make the choice to tell someone about the abuse; my abuse came to light after an incident that could no longer be concealed. I was blessed to have a supportive family that believed me and stood by my side throughout the entire process from reporting the abuse to confronting my abuser in court.

¹⁶ See Note 12.

¹⁷ Orloff, Leslye, July 13, 2023.

¹⁸ Levine, P., Ph.D. "Trauma and Memory: Brain and Body in Search for the Living Past." North Atlantic Book, Berkeley, Ca. 2015.

The disclosure experience¹⁹ was life-changing, and I often contemplate how different my life would have been if my abuse did not come to light on that day. Would I have found the strength to disclose the abuse on my own? What path would my life have taken? While I endured years of suffocating silence caused by the abuse, I feel blessed to have been able to transform that pain into fuel to advocate for myself and for other survivors.

I extend my gratitude to the victim advocates that took the time to speak with me and contribute to this written piece. To any survivor who may be reading this, I am deeply sorry you had to endure such a terrible violation of your youth and innocence. You are a beautiful blessing that defies all odds. If no one has told you before, please know that you are believed. You are not alone, and there is support available for you. <3
