

**Written Testimony for Susan Leighnor, M.A. – February 7, 2024**  
**Senate Concurrent Resolution 24-001**  
**Child Sexual Abuse Accountability Amendment**

Good morning Madame Chair and Committee Members,

I am Susan Leighnor and I am a victim of childhood sexual abuse. I am a proponent for SCR 24-001.

While I was born and abused in Kansas, Colorado has been my home for over 42 years.

I was born in Hutchinson, Kansas into a Catholic family. My family attended the Church of the Holy Cross. I attended Holy Cross Catholic School for first grade, fourth grade and CCD classes.

This is a photo of me in 1966 when I was 10 years old and in 4<sup>th</sup> grade.



Mass was always held in the morning before the school day began. After mass we would go back into the classrooms. One day after mass when I was 10 years old and in fourth grade, a boy came to our classroom and told my teacher, who was a nun, that I needed to go see Father, Monsignor Irvin F. Lampe. It was always an older boy who came to the classroom. He could have been an altar boy. I was led into the sacristy that was to the right of the altar where Monsignor Lampe was waiting for me. The boy went back out into the church and sat in a pew just outside the sacristy. As I stepped into the sacristy, Lampe was removing the white top he had worn during mass. He then sat down and pulled me close to him. He began talking to me about my parents getting a divorce. Lampe would go on to rape me.

After raping me, he held my hands and looked me in the face and told me that I was not going to talk about this. He told me this was like confession. We don't talk about what happens in confession so you are not going to talk about this. And if you do, you will go to hell.

I understood clearly that I could go to hell if I spoke about what had happened.

At some point, Lampe also told me that he was like God here on earth. If I was talking to him, I was, in fact, talking to God. This concept of a priest being God was not new to me. I learned throughout my catholic schooling that the priest was like God. I heard this many times from the nuns when I was in school.

I still remember the priest telling me to go back to class. So I walked back to my classroom, trying to straighten out my underpants as I walked down the hallway. I was confused, angry and unsure what had happened. I am sure I cried walking back to class. By the time I got back to class, I would have stuffed my tears because the nuns hated it when a child cried.

I was raped at least three times by Lampe. I know this because the first time I walked directly back to class. The second time, I decided to go into the restroom and straighten myself out. Another time, I stayed too long in the restroom and my teacher came looking for me. I had lost track of time. I remember standing at the sink, washing my hands, and the nun standing behind me talking, blah, blah, blah ...

One time when the boy came to class to get me, instead of walking out the door, I summoned the courage to walk up to the teacher's desk and tell her quietly that I did not want to go see Father. The nun looked at me and told me I had to go see Father. I told her again I did not want to go see Father. And again, she told me I had to go. As I walked out the door, I stopped and looked back over my shoulder at the teacher, hoping she would tell me not to go, but instead she told me I had to go, so I did.

The pattern was the same; the boy would come get me out of class and take me to the sacristy. The boy would sit in the pew. Lampe would shut the door.

I remember touching his penis.

One time, I struggled to get away from Lampe, but a 10 year old little girl is no match to a grown man.

Afterwards, I walked past the boy in the pew and returned to class.

Imagine, I was expected to continue learning for the rest of the day after being raped in the sacristy, by a man who was God here on earth. Let that sink in. For the rest of the day, I was expected to learn in class, have lunch with my friends, and play recess 3 times a day. And act as if nothing out of the ordinary had happened.

I was not the only child who was called to see the priest. I saw others get called to see him.

I never spoke about what happened to me to my parents, or anyone. Out of pure fear, I did not want to go to hell. This fear of going to hell was reinforced in me when a classmate, a little girl, was injured on the playground and died a day later. I remember thinking that I could die on the playground. And if I died on the playground, I did not want to go to hell.

You see, the concept of hell being a burning inferno with people screaming out in agony was real for me, and I certainly did not want to ever go to hell.

As the school year went on, Lampe was gone, or at least he was not at the school.

During this time, there were visiting priests who came to church and school. I was raped twice by an unknown visiting priest.

Towards the end of fourth grade, after mass, someone came to the classroom and told my teacher that Father wanted to see me. So I went to the sacristy. This time, Father Francis Cox was there. (He had said the morning mass before school.) As Cox sat in the chair, he called me over to come near him. He held out his arm and wrapped it around me. Cox told me he wanted to introduce me to the new priest who was going to take over when Father Lampe left. He motioned for me to sit on the bench to his left which I did. After I sat down, I noticed another priest across the room. Cox then introduced me to Father William Wheeler. After introducing me, Cox walked out of the room. I watched him leave and I was scared to death. I knew Cox but I did not know this new priest. Within a minute or two of meeting Wheeler, he was raping me.

There was no grooming involved with Wheeler. It was a full-on attack within a minute or two. The next thing I remember is Wheeler sitting close to me on my left side talking, blah blah, blah ... I was terrified.

Both Cox and Wheeler were Irish priests.

As I had done in the past, I went back to class...to learn...to eat lunch...to play recess.

A day or two later, as I was walking down the hall for recess, I was officially introduced to Wheeler by the principal. He was standing slightly behind her as she was talking. He gave me a stone-cold look that went right through me, as if to say, I will kill you if you say anything about meeting me before. I never said a word about meeting Wheeler or being raped.

I went to public schools after fourth grade.

I attended CCD class at Holy Cross when I was 12 years old. CCD was on Wednesdays after school. Early in the semester, after CCD class started, my teacher told me that Father wanted to see me. She said I was to go over to the rectory to see him. I had no choice, so I walked over and met with Wheeler. I was raped again by Wheeler. Afterwards, I walked back to the school and hid out in the bathroom until I left for home. I do not think I went back to the CCD classes ever again. I never told anyone what happened.

This was truly horrific. I was a 12 year old girl who had just begun menstruating several months before. Imagine, being a 12 year old girl and having a priest know that you are menstruating. It happened to me...

I repressed all the memories of my rapes by Lampe, Cox, Wheeler, and the visiting priest. Never to be spoken of until 50 years later when the memories returned. I was in my early 60s when I first spoke of being raped in school. The most recent flashback I had was 5 months ago. My repressed memories are the direct result of multiple traumatic events I endured as a child at Catholic school, i.e. sexual assault, rape and being terrorized.

According to the book "Unto Us A Child: Abuse and Deception in the Catholic Church" by Donald T. Phillips, Wheeler was known as a problem priest for years. He was a problem priest back in the 50s when he was sexually abusing children. Yet, he was sent to Holy Cross in Hutchinson in the 1960s and 70s.

As investigations continue around the country and details emerge about clergy abuse, i.e. Colorado and Pennsylvania, the Catholic Church was aware of sexual predators for decades in their churches and

schools and continued to provide safe harbor for these priests. Their solution to problem priests was to move them around from parish to parish and school to school.

In good faith, my family trusted the church to teach and protect their daughter and granddaughter. The education I received from the church/school was not what my parents sent me to school to learn. No parent wants their child terrorized and abused the way I was terrorized and abused.

The Catholic Church and any institution that protects serial sexual predators should be held accountable for what happened under their roof. As in my case, I was raped multiple times in the sacristy and in the rectory. SCR 24-001 will help lift the veil of secrecy that only serves to protect serial sexual predators, and the institutions and organizations that shield them from accountability.

According to research conducted by John Jay College, and issued in a report to the United States Conference of Catholic Bishops in 2011, incidences of sexual abuse in the Catholic Church was highest between the mid-1960s and the mid-1980s. 94% of incidences of sexual abuse from 1950 through 2009 took place before 1990. Any amendment limiting or capping the time allotted for victims and survivors to report sexual abuse will, in fact, eliminate the most prolific years of sexual abuse in the catholic church.

Over the last 6 years, I have spent thousands of hours and thousands of dollars reliving the agony and trauma of what I endured at school and church as a child.

All survivors of childhood sexual abuse must be able to find justice for the harm done to them, no matter how long it takes for a victim-survivor to come forward.

For these reasons, I support SCR 24-001 and urge the Committee to vote “yes” to pass this critical amendment.

Thank you for considering my testimony and for allowing me to share with you my painful, heartbreaking, and destructive childhood.

Respectfully,  
Susan Leighnor, M.A.

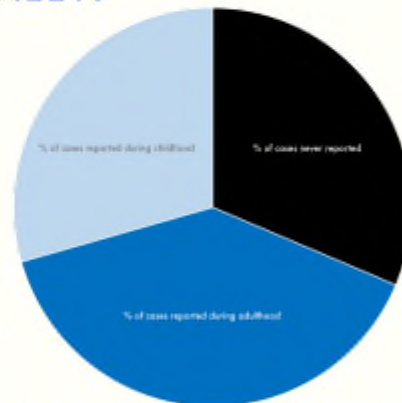
# What's the cost of child sex abuse?

## THE AVERAGE LIFETIME COST OF CHILD MALTREATMENT IS **\$830,928.00 PER VICTIM**

Child maltreatment includes: physical abuse, sexual abuse, emotional abuse (psychologic abuse), and neglect. **The toxic stress and trauma associated with childhood sexual abuse (CSA) are even higher for CSA victims than those who experience other forms of child maltreatment.\***

## ESTIMATES PLACE THE ECONOMIC BURDEN OF ABUSE AT **\$2 TRILLION ANNUALLY.**

This number is based on the estimated incidence of *investigated* annual cases and is likely significantly higher when taking into consideration the high incidence of unreported cases. As the black section of the pie chart graphic shows, nearly 1/3 of cases are never reported.



## HOW TO SOLVE THE PROBLEM

Cure the injustice of unfair SOLs to: (1) identify hidden child predators, (2) shift the cost of abuse from the victims and the taxpayers to those that caused it, and (3) educate the public and prevent future abuse.

\*M. Metzke, et al, Unpacking the impact of adverse childhood experiences on adult mental health, *Child Abuse Negl.* (2017); Angelaki I, Gillespie EL, Panagioti M, Childhood maltreatment and adult suicidality: a comprehensive systematic review with meta-analysis. *Psychological Medicine* 1-22 (2019); Gail Hamet, *Childhood Trauma Exposure & Toxic Stress: What the PNP Needs to Know*, J Pediatric Healthcare (2015); Perryman Group, *Suffer the Little Children: An Assessment of the Economic Cost of Child Maltreatment* (2014)



The Sean P. McIlmail Statute of  
Limitations Research Institute  
at CHILDUSA



## WHAT IS SEX TRAFFICKING?

Sex trafficking is “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act...” 22 U.S.C. § 7102(12).

When a defendant “benefits, financially or by receiving anything of value, from participation in a venture which has engaged in” one of the sex trafficking crimes, they are liable for sex trafficking. 18 U.S.C. § 1591 (a)(2).

## SEVERE SEX TRAFFICKING:

Severe sex trafficking is “[s]ex trafficking in which a commercial sex act is **INDUCED BY FORCE, FRAUD, OR COERCION**, or in which the person induced to perform such an act has not attained 18 years of age.” 22 U.S.C. § 7102(11)(a) (emphasis added).

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# THE ELEMENTS OF SEVERE SEX TRAFFICKING

AN ACT, VIA MEANS, FOR THE PURPOSE OF SEXUAL EXPLOITATION. <sup>12</sup>

## MEANS

Force, fraud, or coercion.

*This is NOT an element of trafficking for minors; only an act and purpose are necessary. <sup>13</sup>*

## ACT

Inducement, recruitment, harboring, transportation, providing, obtaining.

*An adult victim's consent is irrelevant to whether trafficking occurred. <sup>15</sup>*

## PURPOSE

Commercial sex.

*Payment is irrelevant to whether trafficking occurred. <sup>15</sup>*

### Important Notes:

- Movement is NOT an element of sex trafficking <sup>14</sup>
- An analysis of sex trafficking requires considering the totality of the circumstances for each victim.
- Trafficking operations can vary from one trafficker to a global enterprise with recruiters, business managers, and money managers.

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# DELAYED DISCLOSURE

CHILD USA 2023 FACTSHEET

A COMPREHENSIVE REPORT ON DELAYED DISCLOSURE IN CASES OF CHILD SEXUAL ABUSE. INSIGHTS, IMPLICATIONS, AND PATHWAYS FORWARD.



ANDREW ORTIZ, M.S.S.P  
SOCIAL SCIENCE DIRECTOR, CHILD USA

## OVERVIEW OF DISCLOSURE

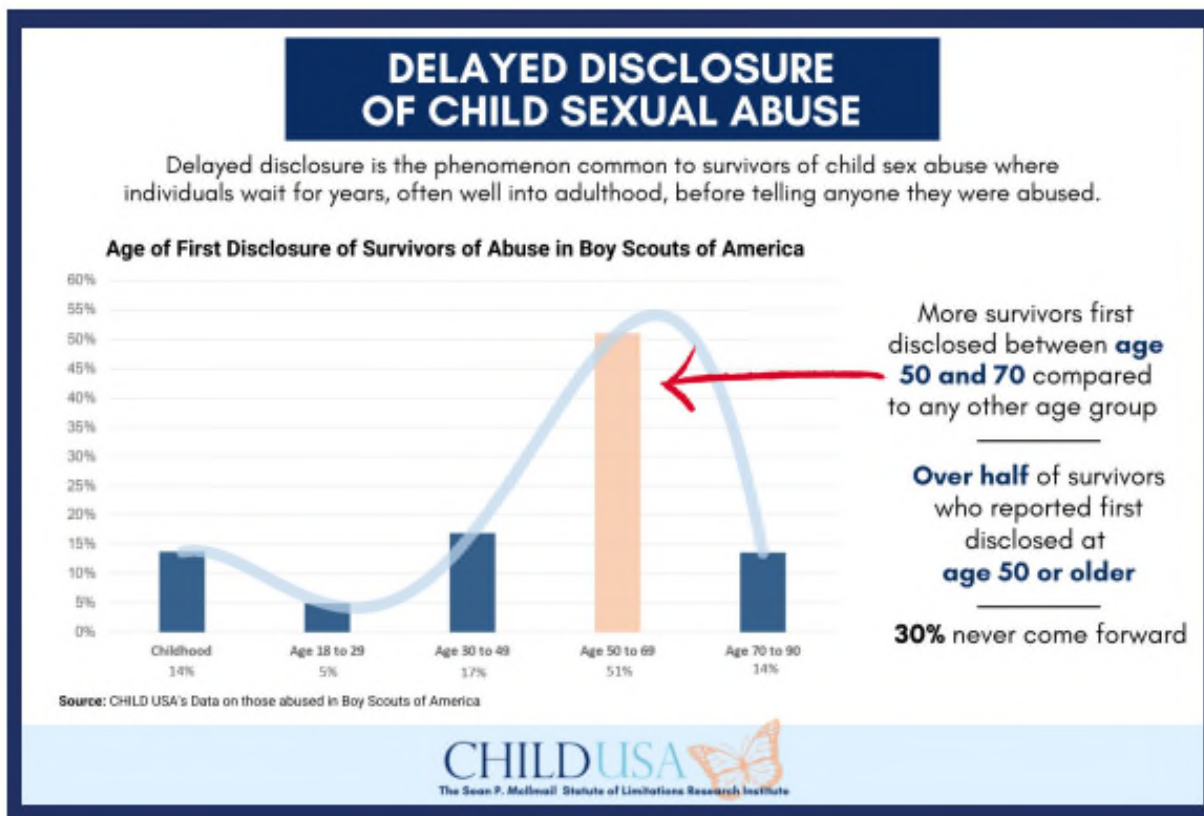
*Disclosure* refers to when a victim of child sexual abuse (CSA) tells someone about the abuse they endured, whether a peer, to a parent, another adult, or the authorities.

**NOT ALL VICTIMS DISCLOSE, BUT FOR THE CSA VICTIMS WHO DO DISCLOSE, THE VAST MAJORITY NEED DECADES TO COME FORWARD.<sup>1</sup>**

Disclosure of CSA is a complex, lifelong process.<sup>2</sup> The process of disclosure often takes decades, and the “ideal” timing of disclosure should be up to the victim. Over 70% of victims do not disclose within five years of their experience of abuse.<sup>3</sup> Most victims are only able to acknowledge and describe the abuse in adulthood.<sup>4</sup> Approximately 1 in 5 victims of CSA never disclose their experiences of abuse.<sup>5</sup>

**CHILD USA ANALYZED DATA ON VICTIMS OF THE BOY SCOUTS OF AMERICA AND FOUND THAT OVER HALF FIRST DISCLOSED WHEN THEY WERE OVER 50.**

Other studies found that among those victims who do come forward, the average length of time before disclosure is around 20 years.<sup>6</sup> Those who have experienced institutional abuse face an additional hurdle that appears to further delay disclosure.<sup>7</sup>



## **DISCLOSURE TO MANDATED REPORTERS AND LEGAL AUTHORITIES IS UNCOMMON.**

Reports of CSA remain largely outside the legal system. CSA victims who disclose during childhood usually tell other youth, such as siblings or peers.<sup>8</sup> The Department of Justice estimated that 86% of CSA went unreported by victims before adulthood.<sup>9</sup>

Among 10-17-year-olds, 66% of CSA is not reported to parents or any adult at the time of the abuse, and police reports occur for only 19.1% of cases.<sup>10</sup> Similarly, one study estimated only 10-15% of all CSA is reported to legal authorities.<sup>11</sup>

Immediate disclosure is rare. Most victims are not able to disclose to a mandated reporter or legal authority for decades because of the barriers they face.

## **WHAT BARRIERS DO VICTIMS FACE?**

CSA victims face a variety of barriers to disclosure. There are profound long-term psychological, physical, and behavioral impacts of CSA trauma, and many victims do not report their experiences of abuse at the time due to social, psychological, or institutional barriers.<sup>12</sup>

**Trauma response:** Early experiences of trauma impact the child's brain development and functioning.<sup>13</sup> The impact makes it more difficult to accurately recall memories of abuse and control emotions related to those memories.<sup>14</sup> During abuse, some CSA victims experience dissociation - feeling immobile, paralyzed, or detached from one's body.<sup>15</sup> This dissociative response also affects how memories are formed and makes it more difficult to describe the abuse in detail. Dissociation is often part of a victim's ongoing struggle with healing from trauma.

**Inability to communicate:** Young children are typically unable to fully understand CSA and lack the language to describe the abuse.<sup>16</sup> Children with developmental or intellectual disabilities face increased challenges to disclosure.

**Psychological barriers:** Following abuse, victims may respond to the trauma by blaming themselves for what happened and feeling a sense of guilt.<sup>17</sup> Other common trauma responses include shame and fear of negative consequences if they tell someone about the abuse, especially when they receive threats from the perpetrator.<sup>18</sup> These trauma responses often outweigh the desire or intention to talk about the abuse.<sup>19</sup> Many victims also experience confusion, distrust in their memory, and fear of being emotionally hurt or not being believed.<sup>20</sup>

**Gender:** Although girls are more likely to be abused, male victims tend to disclose abuse later in life. One study found that men needed nearly 30 years before they were able to have a helpful, in-depth discussion about the abuse.<sup>21</sup> Gender norms, stereotypes, and cultural pressures make it especially difficult for men and boys to discuss CSA; they are expected to show strength, not weakness or vulnerability, and they may worry about homophobic responses to disclosure.<sup>22</sup>

**Relationship to Perpetrator:** Perpetrators are most likely to be a family member or someone known to the child.<sup>23</sup> For their victims, the abuse is confusing, and the child may even feel like they need to protect the abuser.<sup>24</sup> Disclosure is more difficult for the child if the perpetrator is a family member or close to the family, especially if the perpetrator lives with the victim.<sup>25</sup> Negative reactions to disclosure are more common when the perpetrator is a relative.<sup>26</sup> Children are more likely to retract attempts to disclose than to fabricate the abuse.

**Dysfunction in the family:** CSA often occurs with other forms of child abuse or domestic violence, and survivors have reported fearing the reactions of others if they disclosed or the consequences of disclosure if police or other authorities became involved.<sup>27</sup>

**Institutional setting:** CSA occurs in institutional settings such as schools, residential schools, foster care, after-school programs, scouting groups, religious institutions, sporting organizations, and hospitals. *In fact, it occurs wherever children are.* Many perpetrators of institutional CSA have a close relationship with the victim and are often a trusted adult in a position of authority or power.<sup>28</sup> Abusers use their authority and power to take advantage of children who are isolated or have unmet needs.<sup>29</sup> This exploitation limits opportunities for disclosure and contributes to fear of not being believed.

**Environmental & Cultural Barriers:** Neighborhood or community conditions also act as a barrier, especially if there is a lack of family, school, or community support.<sup>30</sup> Social isolation is another barrier to disclosure because peers can encourage disclosure to trusted adults.<sup>31</sup> Disclosure is especially challenging in cultural contexts where it is taboo to discuss sexuality or to speak out against men and others in positions of authority.

## WHY DOES DISCLOSURE MATTER?

Family members, lawmakers, and investigators need to understand the facts on disclosure so they can support victims who come forward and help them seek justice. The public also needs this information to protect kids and prevent child sex abuse.

By the time most victims are able to come forward, the arbitrary deadlines for pressing charges or suing perpetrators and responsible institutions—known as statutes of limitation (SOLs)—have expired. These short SOLs silence victims, assist perpetrators, and aid in institutional cover-ups.

## PATH TO JUSTICE

*CHILD USA is leading the way to reform SOLs nationwide.*

Forty-nine states, or 98%, five territories, and the federal government have amended their criminal and civil CSA SOLs since January 2002.<sup>32</sup> Many states have done so several times. In the first half of 2023 alone, twelve states passed SOL reform legislation, including Maryland and Arkansas, which eliminated their civil SOLs and opened revival windows. Another thirty-eight states and the federal government have introduced SOL reform legislation this year.

Despite the tremendous progress that has been made since 2002, there is still work to be done both nationally and internationally. CHILD USA continues to fight for the protection of children through comprehensive civil and criminal SOL reform globally.<sup>33</sup>

## FOR THE MOST RECENT UPDATES, CHECK OUT CHILD USA'S 2023 SOL TRACKER:

<https://childusa.org/2023sol/>



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**TO:** Honorable Members of the Senate Judiciary Committee

**FROM:** Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USA Advocacy

**RE:** SCR001

**DATE:** February 5, 2024

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Dear Honorable Members of the Senate Judiciary Committee,

Thank you for allowing us to submit testimony in support of SCR001, which will clarify and permit the retroactive application of laws passed by this legislature that permit child sexual abuse (“CSA”) victims to bring claims for abuse perpetrated while the victim was a minor. As you know, this legislature passed the CSA Accountability Act in 2021, which created a new cause of action and opened a 3-year revival window for sexual misconduct against minors occurring between 1960-2021, including CSA and trafficking offenses. The Colorado Supreme Court held this necessary Act unconstitutional this past summer, holding that the retroactive application of the new cause of action was violative of the Colorado Constitution’s retrospectivity clause. SCR001 will empower Colorado voters to amend the state constitution to permit such essential protection of Colorado’s children by exposing hidden predators who are still abusing children today.

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 of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USA Advocacy, an advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

**I. Research on Trauma and Delayed Disclosure Supports SOL Reform for Child Sexual Abuse**

**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.<sup>1</sup> CSA is a social problem that occurs in all social groups and institutions, including familial, religious, educational, medical, and athletic. Nearly 90% of CSA perpetrators are someone the child knows; in fact, roughly one third of CSA offenses are committed by family members.<sup>2</sup>

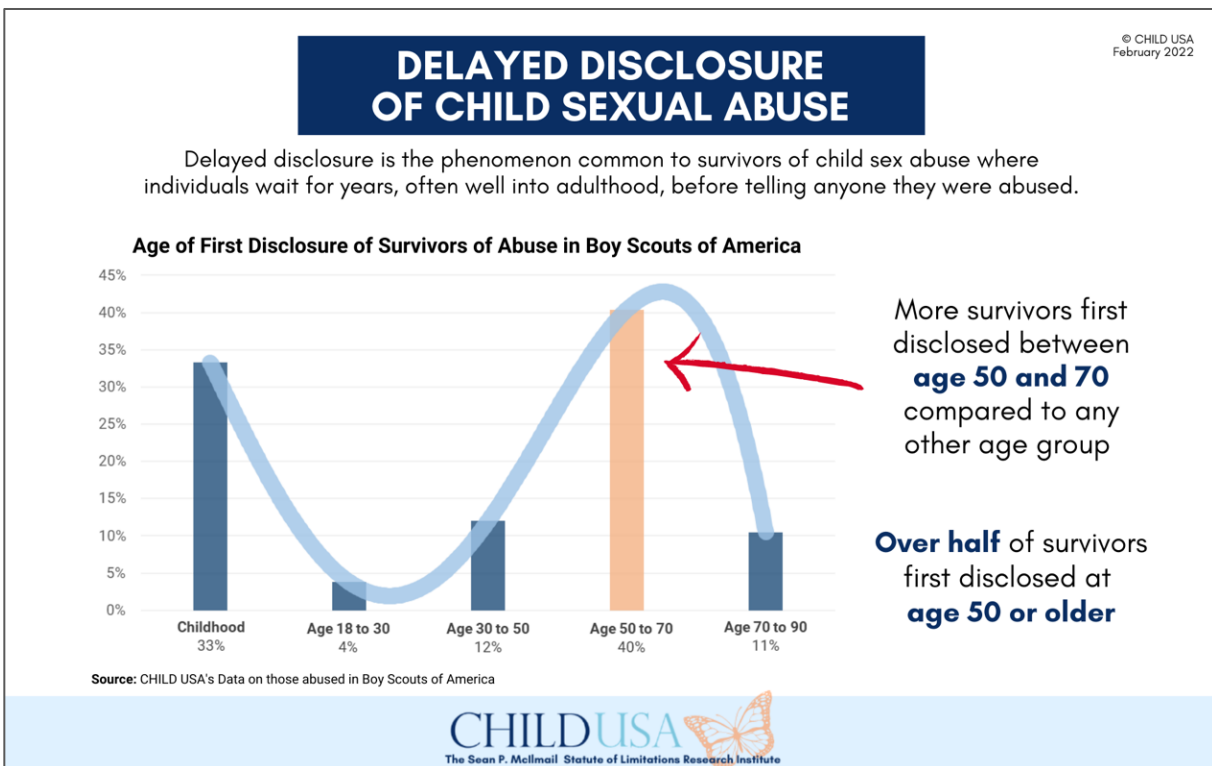
The trauma stemming from CSA is complex and individualized, and it impacts victims throughout their lifetimes:<sup>3</sup>



- Childhood trauma, including CSA, can have **devastating impacts on a child’s brain**,<sup>4</sup> including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD)<sup>5</sup>; and disability.<sup>6</sup>
- 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 11 times more likely to attempt suicide.<sup>7</sup>
- 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.<sup>8</sup>

## 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.<sup>9</sup> 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.<sup>10</sup> 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**.
- An estimated **70%** of child sexual assault victims **never contact police** to report abuse.
- **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.<sup>11</sup> To effectively protect children from abuse, SOL laws must reflect this reality.

## II. SOL Reform Serves the Public Good by Giving Survivors Access to Justice and Preventing Future Abuse


Historically, a wall of ignorance and secrecy has been constructed around CSA, which has been reinforced by short SOLs that kept victims out of the legal system. Short SOLs for CSA play into the hands of the perpetrators and the institutions that cover up for them; they disable victims' voices and empowerment and leave future children vulnerable to preventable sexual assault.

CHILD USA and CHILD USAAdvocacy are leading the vibrant national and global movement to eliminate civil and criminal SOLs and revive expired civil claims as a systemic solution to the preventable CSA epidemic.<sup>12</sup> **There are three compelling public purposes served by the child sexual abuse SOL reform movement**, which are explained in the graphic below:


## HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE




**Identifies Hidden Child Predators and the Institutions that Endanger Children**  
to the public, shielding other children from future abuse.



**Punishes Bad Actors & Shifts the Cost of Abuse**  
from the victims and taxpayers to those who caused it.



**Prevents Further Abuse**  
by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.



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### **A. SOL Reform Identifies 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. For example, one study found that 7% of offenders sampled committed offenses against 41 to 450 children, and the highest time between offense to conviction was 36 years.<sup>13</sup> SOL reform helps protect Colorado's children by identifying sexual predators in our midst. By reviving short restrictive SOLs and allowing claims for past abuse to be brought to court, hidden predators are brought into the light and are prevented from further abusing more children in Colorado.

### **B. SOL Reform Prevents Further Abuse**

SOL reform also educates the public about the 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.<sup>14</sup> 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. Colorado Should Submit SCR001 to Voters to Permit Revival of Expired Claims**

There is only one way to restore justice to Colorado's CSA survivors blocked from pursuing their claims by unfairly short SOLs—to revive their expired civil claims. Revival laws are not solely about justice for victims; there are also important public safety reasons for allowing older claims of abuse to proceed. When victims are empowered to disclose their abuse and sue for their injuries, the public benefits from finding out who the perpetrators are, the cost of abuse is shifted to those who created it, and it learns how to prevent CSA.

Colorado is a national leader with respect to civil SOLs for CSA. Until 2021, CSA survivors were blocked from filing suit after their 20<sup>th</sup> or 24<sup>th</sup> birthday, depending on if the defendant was a person or entity. In 2021, the legislature acknowledged this was not nearly enough time, amending the SOL to remove the age cap and permit survivors to sue all those responsible for their abuse at any time. While the SOL elimination was a helpful step forward, it left survivors of abuse prior to that law change without recourse, which is why this legislature enacted the CSA Accountability Act. That Act created a new cause of action and opened a 3-year window for any sexual misconduct against minors between 1960-2021. The Colorado Supreme Court held this necessary Act unconstitutional this past summer, holding that the retroactive application of the new cause of action was violative of the Colorado Constitution's retrospectivity clause. Submitting SCR001 to the Colorado voters will empower them to amend the state constitution to permit such essential

protection of Colorado’s children by exposing hidden predators who are still abusing children today.

As you can see in the graphic below, Colorado’s legislature was not alone in seeking to grant such revival relief to CSA survivors, and the Constitutional Amendment proposed by SCR001 will place Colorado in a comparable revival law position to many other states, including nearby Arizona and Montana.



#### IV. Conclusion

Once again, we commend you for supporting this amendment, which is desperately needed to validate adult survivors of CSA and protect Colorado’s children from preventable sexual abuse. Reviving expired claims is a positive step for Colorado’s children and families. For more information about SOL reform, visit [childusa.org/sol/](http://childusa.org/sol/) or email [info@childusa.org](mailto: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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<sup>1</sup> 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).

<sup>2</sup> Perpetrators often being parents, stepparents, siblings, and grandparents. Sarah E. Ullman, *Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors*, 16 J. CHILD SEX. ABUSE 19 (2007); David Finkelhor & Anne Shattuck, *Characteristics of Crimes Against Juveniles*, University of New Hampshire, Crimes Against Children Research Center (2012), available at [http://www.unh.edu/ccrc/pdf/CV26\\_Revised%20Characteristics%20of%20Crimes%20against%20Juveniles\\_5-2-12.pdf](http://www.unh.edu/ccrc/pdf/CV26_Revised%20Characteristics%20of%20Crimes%20against%20Juveniles_5-2-12.pdf).

<sup>3</sup> 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](https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf).

<sup>4</sup> 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).

<sup>5</sup> Josie Spataro et al., *Impact of Child Sexual Abuse on Mental Health: Prospective Study in Males and Females*, 184 Br. J. Psychiatry 416 (2004).

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<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> Shanta R. Dube et al., *Long-Term Consequences of Childhood Sexual Abuse by Gender of Victim*, 28 AM. J. PREV. MED. 430, 434 (2005).

<sup>9</sup> 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).

<sup>10</sup> 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).

<sup>11</sup> 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.

<sup>12</sup> For an analysis of the SOL reform movement since 2002, see CHILD USA, *History of US SOL Reform: 2002-2020*, CHILDUSA.ORG (last visited Aug. 30, 2021), available at [www.childusa.org/sol-report-2020](http://www.childusa.org/sol-report-2020).

<sup>13</sup> Michelle Elliott et al., *Child Sexual Abuse Prevention: What Offenders Tell Us*, 19 CHILD ABUSE NEGL. 579 (1995).

<sup>14</sup> E.g., Netflix’s *Jeffrey Epstein: Filthy Rich*; HBO’s *At the Heart of Gold: Inside the USA Gymnastics Scandal*.