



MORGAN PILATE LLC
ATTORNEYS AT LAW

February 10, 2020

House Judiciary Committee
Kansas State Legislature
300 S.W. 10th St.
Topeka, Kansas 66612

Re: HB 2306

Dear Members of the House Judiciary Committee:

I am a Kansas attorney with 30 years of experience writing to express my support for HB 2306, which would extend the time for survivors of childhood sexual abuse to bring a civil case against their abusers. Unlike plaintiffs in the typical civil case, survivors of childhood sexual abuse often do not discover—or lack the ability to report—the abuse they suffered until decades later. I have witnessed this firsthand in my many years of practicing law. Due to the significant emotional and psychological trauma of experiencing childhood sexual abuse, some survivors dissociate from the abuse. That is, they block the memories from their consciousness. In those cases, many later discover the abuse during psychological counseling or therapy. In other cases, survivors may remember the abuse, but they have no appreciation for how it adversely affects them until they undergo counseling or therapy.

Studies show that the median age at which childhood sexual abuse survivors disclose the abuse is 48, and the average age is 52. As I have seen in various cases, there are many reasons a person might be unable to disclose childhood abuse until decades later. Sometimes, the abuse was so traumatic that sharing it aloud re-traumatizes the survivor. In other words, the feelings associated with the abuse are sometimes so poignant that the survivor is unable to speak about the abuse until many years later. Moreover, because the trauma occurred during childhood, the survivor might experience significant feelings of distrust, even into adulthood, that make it exceptionally difficult to share the abuse with anyone. In other instances, the survivor suffers from a mental health issue or a substance abuse issue as a result of the abuse. Some survivors will not disclose the abuse until they have gotten to a stable point in their lives when the mental health or substance abuse issue has become manageable. That is because they do not want to open a horrendous wound until they have managed those other issues. Survivors often undergo a long and difficult journey before they are able to disclose the abuse they suffered.

Given the significant obstacles that survivors of childhood sexual abuse face in disclosing—or even remembering—the abuse, I believe removing the statute of limitations in these cases is just and fair. Indeed, a restrictive statute of limitations can actually re-traumatize a survivor by reinforcing feelings of powerlessness that stem from the abuse. Permitting a survivor to bring a

civil suit at any time helps hold abusers to account. It also allows survivors to disclose the abuse when they are ready to do so without losing the ability to seek civil recourse. Put another way, a narrow statute of limitations protects abusers and punishes survivors for a delay in disclosure that is often a direct result of the trauma of the abuse itself. Removing the statute of limitations for these cases ameliorates that unnecessary problem.

For all of these reasons, I support HB 2306.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl Pilate". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Cheryl A. Pilate