



Assemblywoman

**Margaret M. Markey**

Assembly District 30

Chair, Tourism, Parks, Arts and Sports Development Committee

## **Advocates for Child Victims Act of NY to combat childhood sexual abuse in Albany to urge reform of archaic NYS codes**

***Groups serving women and girls present letter of support for Child Victims Act; National speedskating champion talks about abuse in amateur, Olympic sports; Noted victims rights group reveals results of its opinion polling in NYS Senate districts.***

ALBANY, NY, MAY 13, 2014 - Advocates and supporters of the Child Victims Act joined **Assemblywoman Margaret Markey** at a press conference in Albany to unveil new support for the expanded Child Victims Act (CVA). The program was held in conjunction with a Child Victims Act Advocacy Day which brought scores of advocates here to urge legislators to support the bill.

"In so many different ways, today we put a spotlight on New York State's poor record of dealing with victims of childhood sexual abuse and how this archaic approach protects pedophiles who continue to abuse new generations of children," said Assemblywoman Markey. "The present statute of limitations is too short. We need to change the law to better provide justice for victims of sexual assault, particularly for older victims, and to expose perpetrators who have been hidden by sports and youth groups, schools and religious organizations."

The Child Victims Act (A1771A/S6367) seeks to completely eliminate the criminal and civil statute of limitations (SOL) for child sex abuse crimes and also provides a one-year civil suspension of SOLs to permit older victims to get justice. Presentations made today included:

- A new initiative for the legislation organized by the **Ms. Foundation for Women and the Downstate Crime Victims Coalition** and including the **National Organization of Women-NYC and the League of Women Voters of NY State**.
- Remarks by **American speedskating champion Bridie Farrell**, now 32, who discussed her abuse at the hands of a noted team member and mentor and the impact on her when the NY state statute of limitations expired.
- An analysis by **Cardozo Law School Professor Marci Hamilton** which revealed that New York State is among the very worst in the nation in its treatment of survivors of childhood sexual assault, ranking at the bottom of the 50 states along with Alabama, Georgia, Indiana and Michigan.
- Results of a public opinion poll conducted in selected NY State Senate Districts by the **National Center for the Victims of Crime**, which revealed a wide margin of support on specific statute of limitations reform proposals.
- Announcement of the new **Catholic Coalition of Conscience** to push for adoption of the Child Victims Act. The Coalition brings together the energies of several state-wide organizations to push for reform of the statute of limitations for child sex abuse crimes.
- A representative of the **Horace Mann Action Coalition**, a group of alumni of the famed NYC independent school, reported about his group's investigation of child sexual abuse at independent schools across America. It showed that four schools in NY State identified 119 victims, compared with only 49 in 17 non-NY schools.

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The Child Victims Act is sponsored in the State Senate by **Senator Brad Hoylman**. He said: "Child sexual abuse is among the most heinous of crimes but it often never is prosecuted or subject to civil action. New York should allow the victims of child sexual abuse to have their day in court by eliminating the criminal and civil statute of limitations on these crimes. It's wrong that our current law rewards institutions for covering up sexual abuse until the statute of limitation passes."

### **NEW YORK RANKS AMONG VERY WORST STATES FOR SURVIVORS**

Cardozo Law School Professor Marci Hamilton, a constitutional law scholar, author, and expert on statute of limitations issues across the nation, said: "New York is among the worst states in the country for child sex abuse statutes of limitations. It shares this distinction with two deep southern states, Alabama and Georgia, and two Midwestern states, Indiana and Michigan. While the vast majority of states have been increasing access to justice for victims over recent years, New York continues to block access for the vast majority of New York's child sex abuse victims."

### **NATIONAL ICE SKATE CHAMP SPEAKS ABOUT ABUSE IN SPORTS**

Former national champion speedskater Bridie Farrell, who has roots in Saratoga Springs, NY, talked about her experiences as a young teenage competitor who was abused by her teammate and trainer when she was in training. The skater Andy Gabel, became President of U.S. Speedskating, the, the national umbrella group for speedskaters, a position he has resigned after Farrell and others came forward with similar stories of abuse.

"When people don't come forward, it helps these guys to get away with it. It took a lot for me to speak out, but what did I have to lose?" she said.

Farrell is a former Women's American record holder in the 1500 and 3000 individual and 3000 meter relay competition and has been a member of numbers of World Cup, Junior and Senior World Championship, Goodwill Games and University Games teams.

She first revealed details about her sexual abuse when she had stopped skating to become a student at Cornell University and has continued to discuss it publically. After a radio interview identifying her molester got wide attention last year, he publically apologized in a newspaper story. For Farrell, however, the statute of limitations for the offenses against her in New York had expired in 2005.

"The statute of limitations needs to change," she said. I reported it much sooner than most; a lot of women don't come out until they've married and have their own children. So having a five year statute of limitations is an insult."

Farrell is unafraid to speak about what happened to her and has become active in the SafeSport program, which was created in 2010 by the U.S. Olympic Committee to address issues of sexual abuse, hazing and harassment in amateur sports.

### **OPINION POLL SHOWS STRONG SUPPORT FOR SOL REFORMS**

"New York's statute of limitations for child sex abuse must be eliminated because pedophiles don't retire. The current law hurts no one but victims, and helps no one but abusers and those that protect them," said Jeffrey Dion, Deputy Executive Director for the National Center for Victims of Crime.

Even though the Child Victims Act has been adopted four times by the New York State Assembly, it has never been brought to the floor of the State Senate. Because of the view that the Republican leadership fears adverse political consequences for supporting CVA, Dion's organization commissioned FrederickPolls of Arlington, VA., to measure voter attitudes in selected State Senate districts in the Southern Tier, near Rochester, in the mid-Hudson Valley and on Long Island.

The pollsters found widespread support for specific civil and criminal statute of reform proposals. They found: 73% of respondents favor ending limits on criminal felonies; 67% of voters surveyed favor ending all age limits for civil suits against abusers; 60% say victims should be able to sue their abuser at any time; and 55% favor ending age limits for civil suits against organizations. Polling also showed that voters favor a one-time “window” where older survivors may still directly sue their abusers or the organizations where the abuse occurred.

### **WOMENS GROUPS FOCUS ON ABUSE OF FEMALE SURVIVORS**

“The vast majority of child sexual abuse victims are female and the consequences can be devastating and life-long,” said the letter organized by leaders of the Downstate Crime Victims Coalition and the Ms. Foundation for Women. “They made it public at the press conference and are delivering it today to Governor Andrew Cuomo and top leaders of the State Senate and Assembly.

They said: “We believe this legislation is essential to create access to justice for adults who have been damaged by child sexual abuse and to help prevent the abuse of children.”

Among the other organizations signing the letter from organizations that serve women and girls are: National Organization for Women-NYC, the League of Women Voters of NYS, and the YWCA of Brooklyn. Other signers include the Center for Anti-Violence Education, Her Justice, Connect, Inc, and the Horace Mann Action Coalition.

The groups recently sponsored a state-wide webinar to educate organizations and agencies about child sexual assault and the importance of changing the statute of limitations for these offences.

Julie Kaye, Senior Strategist for the Ms. Foundation for Women said: “We are pleased to stand in partnership with organizations and individuals working to advance the rights of women and girls in support of legislation to help prevent child sexual abuse. The vast majority of child sexual abuse victims are female, and the consequences of abuse can be devastating and life-long. Girls who experience child sexual abuse are more likely to be at risk for sexual and domestic violence, teen pregnancy, poverty, coerced sex work and trafficking, juvenile incarceration, homelessness and re-victimization. This legislation allowing greater access to justice sends a powerful message that our legal system will not tolerate such abuse but rather will help all survivors to heal and thrive.”

“The Downstate Coalition for Crime Victims is proud to stand with Assembly Member Margaret Markey to help protect New Yorkers from the tragedy of child abuse,” said the Co-Chairs, Michael Pollenberg and Susan Xenarios. “For too long, abusers have been able to avoid justice simply by waiting until the statute of limitations on most sex abuse charges expired. It is critically important that survivors of these crimes have the opportunity to hold their abusers accountable and to ensure they can’t commit additional crimes. It is also important to create a window that will allow adult survivors of child abuse the opportunity to seek justice in civil courts. We applaud Assembly Member Markey for her determination and courage, and call on her colleagues in the State legislature to pass this bill into law without further delay.”

Mary Haviland, Executive Director of the New York City Alliance Against Sexual Assault, said: “The New York City Alliance Against Sexual Assault strongly supports the Child Victim Act which would eliminate the statute of limitations for civil actions arising from the sexual abuse of children as well as for certain sex offenses against children. More and more, survivors of sexual abuse are stepping forward to reveal their stories. Yet these acts of courage are often accompanied by the realization that they do not have access to justice because their cases are barred by the Statute of Limitations. Not only does this harm survivors, it allows perpetrators to continue their abuse, subjecting more children to abuse. We applaud the efforts of Assemblywoman Marge Markey to be a clear and persistent voice for the elimination of the

Statute of Limitations. Childhood sexual abuse is a heinous crime that often debilitates its victims many years – even decades -- after it ends, and those who have suffered from this abuse ought to be given every opportunity to pursue justice.”

### **CATHOLIC LAY ORGANIZATIONS FORM COALITION**

The Catholic Coalition of Conscience includes: Call To Action Metro NY, Call To Action Upstate NY, Voice of the Faithful NY, and Dignity/NY. Leaders of two of the member groups spoke at the press conference here today.

Francis Piderit of VOTF NY said: "Our Catholic Coalition of Conscience speaks for all victims of sex abuse, and for all Catholics who believe with Pope Francis that our church should be doing everything possible to support survivors of sexual abuse. We believe the Catholic Church has a moral obligation to endorse statute of limitations reform in the state of New York."

"Within the Catholic Church our membership urges Pope Francis to take strong action world-wide to hold bishops and priests accountable for acts of clergy child sex abuse," said Upstate Call To Action Board Member Steve Powers. "Within New York State our members across four dioceses feel that the removal of the current statute of limitations on certain new sex crimes against children and the opening of a one year 'window' for previous victims to come forward are extremely important. We act both as citizens concerned about the welfare of all our children and as faithful Catholics who are witnessing political stonewalling by our bishops."

### **NY RANKS WORST IN STUDY OF ABUSE AT INDEPENDENT SCHOOLS**

Peter Brooks, of the Horace Mann Action Coalition, said: "The current SOL is the root of a broken system -- a monument to loopholes. At its core, the system doesn't protect victims but allows schools to hide abusers, bury evidence, mislead those who report, create more victims, stall those who come forward -- all with the blind eye (and therefore blessing) of regulators, the DA and the education laws."

He added, "Institutions are not changing on their own. They resist... and need our push. The current NY SOL adds a perverse incentive for schools to avoid addressing the issue at precisely the time it would have the most positive impact. 'Best to wait until later.' Exactly that sad lack of action enables further abuse. Just look at a count of victims, the damage of a restrictive and flawed statute of limitations in New York State: Outside NY: 3 per school. NY: 30 per school. A factor of 10."

The Child Victims Act legislation has been adopted by the Assembly four times since 2006, but has not yet advanced in the State Senate. It would completely eliminate the criminal and civil statute of limitations for child sex abuse crimes in New York State (which now expires only 5 years after a victim turns 18) and also completely suspend the civil statute of limitations for one year to provide justice for older victims and unmask abusers and those who have hidden them.

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***Advocacy organizations and non-profits who want to connect with the Downstate Coalition and the Ms. Foundation activities on behalf of CVA should contact: [JKay@Ms.Foundation.org](mailto:JKay@Ms.Foundation.org) or [mhaviland@svfreenyc.org](mailto:mhaviland@svfreenyc.org)***

***For information about progress in changing statute of limitations in states across America, see Professor Marci Hamilton's website, <http://sol-reform.org>***

***For Information about CVA developments in NY and updates about 2014 activities, see the CVA button on Assemblywoman Markey's Assembly website home page, <http://assembly.state.ny.us/mem/Margaret-M-Markey/>***

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