

# Sen. Ward: Stop protecting Pennsylvania's hidden sexual predators

**Penn Live/Patriot News June 7, 2021**

**By Marci Hamilton**

Survivors of child sex abuse in Pennsylvania have waited far too long for a chance to bring their abusers to court and finally begin the healing process. It has been 16 years since the first major grand jury report on sex abuse was released by District Attorney Lynne Abraham on the Philadelphia Archdiocese and nearly three years since Attorney General Josh Shapiro's grand jury report that revealed the Catholic cover up was an ongoing problem across 6 other dioceses.

These survivors—not to mention the many more victims of abuse that occurred in every other context—remain barred from pursuing justice due to our commonwealth's long-standing restrictive statutes of limitations (SOL).

The good news is the state House of Representatives recently passed—with overwhelming bipartisan support – [H.B. 951](#), which would create a two-year civil liability window for child sex abuse survivors. Immediate passage of the bill presents the best opportunity for child sex abuse survivors to hold their perpetrators accountable in court—regardless of when the abuse took place.

The bill would pass the state Senate with broad bipartisan support if not for Senate Majority Leader Kim Ward, who continues to block the bill from reaching the full Senate as she questions the constitutionality of a look-back window. The justification for this unnecessary delay is not only patently untrue and easily debunked, but is actively protecting sexual predators of children hiding in our midst in every corner of the commonwealth.

Sen. Ward is wrong, here's why: Pennsylvania is far from the first state to consider the constitutionality of civil look-back windows for child sex abuse. Across the country, legislatures and judiciaries have consistently found that these laws are well within constitutional bounds. Twenty-one states, Washington D.C., and Guam have revived time-barred child sex abuse claims—enabling thousands of survivors to finally have their day in court.

In 2015, two of Pennsylvania's sister State Supreme Courts— Massachusetts and Connecticut—considered the constitutionality of similar revival legislation. After careful analysis, both courts upheld the revivals to be a proper exercise of legislative judgment under their state constitutions.

Opponents of reform, such as Catholic Bishops and the insurance industry, claim that without a statute of limitations, abusers won't be able to defend themselves in court against decades-old claims, raising due process or fairness concerns. This is a red

herring. SOL reform simply removes the arbitrary deadline for filing a civil claim against a perpetrator. The plaintiff still bears the initial burden of proof, and it is frequently the case that the defendant has in its records the evidence needed to prove the case.

But the plaintiff can't get to the evidence without court involvement. There is no unfair surprise in subjecting abusers and their supporting institutions to liability, because that child sex assault was illegal and that children were suffering. This isn't just common sense, it's legal doctrine; the retroactive application of altered statutes of limitations was found to be constitutional by the Pennsylvania courts in 2008, and has rightfully reaffirmed several times over the United States Supreme Court notion that "[T]here is no such thing as a vested right to do wrong."

Instead of asking victims, advocates, lawmakers, and the public to needlessly commit to the time-consuming and evidence-prone process of constitutional amendment, the Senate must do what is right for victims of sex abuse and assault: immediately pass a statutory window, during this session. Any further delay is unnecessary, cruel, and continues to leave Pennsylvania's children vulnerable.

Passing H.B. 951 will help protect the children of Pennsylvania by making it possible for victims to come forward and identify their perpetrators and enabling institutions in a court of law. SOL reform validates victims and puts perpetrators and institutions on notice that the state stands with the victims. It also shifts the cost of abuse from the victims and taxpayers to those who caused it. Legislators like Sen. Ward, who continue to raise poorly constructed arguments about constitutionality, are showing survivors and their loved ones their true colors, putting the well-being of institutions above the well-being of Pennsylvania's children.

There's no question that passing this bill is not only morally and politically necessary, but well within the bounds of our constitution. The only question is who Sen. Ward and those who might support her position against the victims stand with—Pennsylvania families or abusers and the institutions that have covered up their crimes for decades. This justice is far overdue, for thousands of survivors and families across the Commonwealth. We cannot make them wait any longer. It's time to stop playing games with the lives of survivors and the children today who can be protected by shining a light on long-hidden criminals.

Sen. Ward, it's time to do your job and let the courts do theirs. Stop shielding the predators and complicit institutions, and please start protecting our precious families and children.

***Marci Hamilton is founder and CEO, CHILD USA and Professor of Practice, Fels Institute of Government, University of Pennsylvania***