

# THE NEED FOR STATUTE OF LIMITATIONS REFORM IN CASES OF CHILD SEXUAL ABUSE

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1 "I ask, how much is a little girl worth? How much priority should be placed on  
2 communicating that the fullest weight of the law will be used to protect another innocent  
3 child from the soul-shattering devastation that sexual assault brings? I submit to you that  
4 these children are worth everything. Worth every protection the law can offer." - Rachael  
5 Denhollander, a former gymnast and child sexual abuse victim of Larry Nassar.

## 6 **Introduction**

7  
8 Research estimates that 1 in 7 girls and 1 in 25 boys will be sexually abused by the age of eighteen (Townsend  
9 & Rheingold, 2013). Unfortunately, it is rare for a child who is being sexually abused to immediately  
10 disclose. Fifty-five to seventy percent of adults who were sexually abused as children report that they did not  
11 tell anyone during childhood (London, Bruck, Ceci, & Shuman, 2005; London, Bruck, Wright, & Ceci, 2008).  
12 Those children who do disclose will likely do so only to a friend or family member and even then, will wait at  
13 least five years (Smith et al., 2000.) Even after becoming adults, many child sexual assault victims will never  
14 tell a soul about the abuse. Additionally, the child sexual abuse victims who do disclose will rarely do so to  
15 law enforcement. In fact, research shows that only 3 percent of all cases of child sexual abuse (Finkelhor &  
16 Dziuba-Leatherman, 1994) and 12 percent of child rapes (Hanson, Resnick, Saunders, Kilpatrick, & Best  
17 1999; Smith et al., 2000) are ever reported to the police. Of those that are reported, due to lack of evidence,  
18 children not wanting to testify, and statute of limitations, child sexual abuse cases frequently go unprosecuted.  
19 Most child sex offenders do not face legal consequences and continue to roam free, victimizing more and  
20 more children throughout the entire course of their lifetime. It is estimated that less than 1% of child sex  
21 offenses will result in imprisonment of the offender (Department of Justice, 2017; Federal Bureau of  
22 Investigation, 2017; Federal Bureau of Investigation, 2017; Department of Justice 2013; Russell, 1984).

23  
24 The civil justice process, however, offers another path to holding child sex offenders publicly accountable for  
25 their crimes. But the feasibility of a civil claim is often cut off by the statute of limitations in the U.S. state or  
26 other jurisdiction where the crime occurred. These short periods were fashioned more from the traditional  
27 needs of the personal injury plaintiff than the need of a child victim of sexual abuse. Many states have a  
28 narrow statute of limitations that require child sexual abuse victims to come forward not long after they  
29 become adults and long before most have disclosed their abuse. Unfortunately, most child sexual abuse  
30 victims are not yet psychologically ready to file a civil claim until much later in life. Thus, the short civil

statute of limitations taken together with the low criminal prosecution rates, result in most offenders escaping justice and remaining free to victimize more children.

For the child victim of sexual abuse, coming forward is a daunting, if not impossible task. It involves overcoming vast psychological, developmental, physiological, pragmatic, legal, and relational barriers. It includes not only coming to terms with the victimization but also potentially revealing the abuse to family, friends, the community, and in some cases, the general public. Even more challenging for many victims is confronting and facing the offender, which can take years and extensive therapy to mentally prepare for.

### **Scope**

The goal of this position paper is to explain the immense barriers that prevent victims of child sexual abuse from coming forward in a timely manner. It is also the goal to highlight the uniqueness of this group of victims and therefore shed light on the necessity of an unlimited statute of limitations for child sexual abuse survivors.

### **Qualifications**

The opinions in this paper are based on my sixteen years of experience as a licensed clinical psychologist, with an expertise in sexual assault and twenty-three years in the mental health field working directly and indirectly with thousands of sexual assault survivors. I have written a master's degree paper as well as a doctoral dissertation on the topic of child sexual abuse. As of the date of this report, I have been qualified eighty-three times as an expert in sexual assault victim behavior and dynamics, and other sexual assault victim-related areas of expertise. I have testified in both criminal and civil sexual assault matters and have been recognized as an expert on sexual assault in courts in Colorado, Montana, Wyoming, Washington, Virginia, Illinois, and Oregon. I also consult with and testify for the U.S. Military as an expert in sexual assault. A copy of my curriculum vitae is attached.

### **Child Sexual Abuse – Overview**

As discussed previously, one in seven girls and one in twenty-five boys are sexually assaulted before age 18. Despite common fears regarding “stranger danger,” 90% of children are sexually abused by someone the child

1 knows and trusts (Finkelhor, 2012; Whealin, 2007). Common examples of offenders include coaches,  
2 babysitters, parents, stepparents, other family members, teachers, and clergy members. Although sexual  
3 assault can occur at any age, the average child victim is seven and a half years old when the abuse begins, and  
4 the abuse lasts, on average, for two years (Trickett, Noll, & Putnam, 2011). Child sexual abuse includes a  
5 range of sexually violating behavior, including voyeurism, groping, penetration, taking sexually explicit  
6 pictures or videos of a child, and showing a child pornography.

## 8 **Offenders**

9 Obtaining accurate statistics on sex offenses is difficult. Such research naturally studies offenders who have  
10 been caught, likely leaving out those who are more "successful" at offending, silencing victims, and evading  
11 the law. Additionally, research on sex offenders is challenging as it relies on either guilty verdicts or the  
12 offender's self-report or admission, all of which are extremely unlikely to capture the true picture of the  
13 assault, offender's thought patterns, or history of offending. Several studies have found that sex offenders  
14 disclose in treatment or surveys that they had committed a large number of sex offenses before they were first  
15 caught or arrested (Ahlmeyer, Heil, McKee, & English, 2000; Przybylski, 2006). For example, in a landmark  
16 study conducted by Dr. Gene Abel, one of the leading researchers on sex offenders, Dr. Abel and his  
17 colleagues found that adult sex offenders who were guaranteed anonymity disclosed having committed an  
18 average of 533 sex offenses over a 12-year-period before being detected for the first time (Abel, Becker,  
19 Cunningham-Rathner, Mittelman, & Rouleau, 1988; Abel et al., 1987).

21 Sex offenders are widely known to engage in massive rationalization, denial and cognitive distortions; In one  
22 study conducted on offenders who were convicted and incarcerated for sexual assault, thirty-five percent  
23 continued to deny having committed the offense. (Wormith, 1983). Adolescent offenders are even more likely  
24 to engage in denial, with only twenty-seven percent admitting entirely to what they were convicted of (Becker,  
25 Cunningham-Rathner, & Kaplan 1986). Given sex offenders' likelihood to deny and minimize their offending  
26 behavior, it is not a surprise that it is difficult, if not impossible, to estimate the average number of victims a  
27 sex offender has over a lifetime. For example, in one study, sex offenders who were known to have an average  
28 of two victims at the time of their arrest, subsequently reported having an average of 184 victims after being  
29 forced to take a polygraph test while in treatment (Ahlmeyer et al., 2000).

Not surprisingly, studies that research the average number of victims a sex offender assaults vary widely in result. Finkelhor, Ormrod, & Chaffin (2009) found that 70% of child sex offenders have between 1 and 9 victims in a lifetime, while 20% have 10 to 40 victims. However, in other studies and most notably, when researchers guarantee offenders confidentiality, the number of offenses and victims they admit to skyrockets. For example, in a study conducted by Abel, Mittelman, & Becker (1985), where anonymity was guaranteed, 561 sex offenders were interviewed and admitted to 291,737 sexual assault acts with a total of 195,407 victims. That averages to 348 victims per offender. Sex offender treatment providers agree that more than any other crime, "sex offending is a highly compulsive and repetitive offense (Salter, 1995, p. 13)." Also, unlike most other crimes, sex offenders begin offending in adolescence and continue offending well into their elderly years, which provides plenty of opportunities to perpetrate on countless victims (Salter, 1995).

It is a common myth that sex offenders assault either child or adult victims, but not both. Research shows the opposite; although some offenders have a preference in the age or gender of a victim, most engage in "crossover" offending, whereby they offend on whatever victim is most vulnerable or accessible (Heil, Ahlmeyer, & Simons, 2003). In a study conducted by Abel et. Al. (1985) 51% of those convicted of adult rape also admitted to molesting children, and 17% of those convicted of child molestation admitted to adult rape.

Although the term pedophile is frequently used in popular culture to describe a child molester, it is typically used inaccurately. Pedophilia is defined in the most recent Diagnostic and Statistical Manual of Mental Disorders, as recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child (American Psychiatric Association, 2013). Therefore, as noted by Camilleri & Quinsey (2008), not all perpetrators who sexually assault children are pedophiles. "Pedophilia consists of a sexual preference for children that may or may not lead to child sexual abuse (e.g., viewing child pornography), whereas child sexual abuse involves sexual contact with a child that may or may not be due to pedophilia" (Camilleri & Quinsey, 2008; Simmons, 2014).

Although sex offenders may have a preference in victim type, the way child sex offenders select victims is influenced by opportunity and access, some of which the offenders ensure themselves. Studies demonstrate that many sex offenders choose their profession partially based on access to victims. A study by Sullivan &

Beech (2004) showed that 42 percent of sex offenders choose their job, at least *in part*, due to access to potential victims, while 15 percent choose their profession *exclusively* based upon access to victims. Examples include perpetrators pursuing careers in teaching, childcare, coaching and pediatrics, children's dentistry, and even massage therapy. These statistics are alarming and point to the need for the legal system to do everything possible to assist child sexual abuse victims in coming forward and holding their offenders accountable.

### **Grooming**

To understand why disclosing sexual abuse is such a lengthy and challenging process for most victims of child sexual abuse, one must first understand how sex offenders operate; one must appreciate the complex psychological and manipulation tactics offenders use on their child victims. To begin with, most sex offenders offend on a child to which they have access, who trusts them, and to whom they have power over. Sex offenders tend to abuse in situations where the parents, other family members, or the institution in which they offend, such as a church or school, also trusts them. Trust that is modeled by non-offending adults teaches the child to also trust the offender. This trust, along with affection and attention from the offender, sets the stage for the abuse and makes a victim's timely disclosure somewhere between extremely difficult and impossible.

In order to be successful at sexual abuse, nearly all child sex offenders engage in "grooming" behaviors. Grooming is defined as the gradual crossing of emotional, physical, and sexual boundaries with the intent of sexually abusing the victim; it is the process by which a sex offender prepares a child, significant adults and the environment or institution for the abuse of the child without causing alarm (Shakeshaft, 2004; Weiss, 2002). Grooming serves several purposes for the offender, including gaining access to the child, gaining the child's compliance, and maintaining the child's secrecy to avoid disclosure (Craven, Brown & Gilchrist, 2007). Although some offenders begin sexually abusing a child soon after they gain access, most do not. Most offenders spend months, if not years grooming, emotionally seducing, and gaining the victim's trust before the actual molestation begins (Mcalinden, 2006; Salter 1995; Winters, & Jeglic, 2017, Van Dam, 2013). Examples of grooming are vast, but commonly include the perpetrator providing the child with special attention or benefits, giving gifts or treats, sharing secrets or personal information with the victim, encouraging the child to keep secrets, encouraging the child to break the rules or lie and providing drugs or alcohol to adolescent victims. Grooming also includes the offender normalizing sexual behavior and

1 increased touching by engaging in sexual conversation or jokes, tickling games, nudity, and showing the child  
2 pornography. Actual touching typically starts as innocuous or “accidental” but becomes more sexualized and  
3 invasive over time.

4  
5 Researchers who study sex offender behavior note that the cyclical stages of grooming include friendship  
6 forming, relationship forming, risk assessment (whereby the offender attempts to assess the likelihood of  
7 detection), exclusivity and isolation (Whittle, Hamilton-Giachritsis, & Beech, 2015). Through these stages, “a  
8 sense of mutual respect is established, with an emphasis on trust and secrecy and sexual and fantasy  
9 enactment” (p. 405). Sex offenders then use the relationship they have meticulously and manipulatively  
10 formed to begin molesting the child to meet their own emotional and sexual needs. The relationship  
11 eventually becomes complex, confusing, and overwhelming to the child as it is typically wrapped in a  
12 “loving” context that the child enjoys. Additionally, because the abuse is rarely violent, the touch may feel  
13 good, and the child's body may even respond with arousal. Arousal is extremely distressing and confusing for  
14 the child, who is likely to experience extreme shame, blaming themselves or believing they were a willing  
15 participant in the abuse.

16  
17 Both grooming and actual abuse leave victims confused and feeling guilty and ashamed, as though the abuse  
18 was their fault. Victims typically feel used and tricked, unable to set boundaries, questioning their ability to  
19 identify danger, and becoming leery of the kind or thoughtful intentions of others. Although the victim may  
20 not become aware of or name the grooming as such until years after the abuse has stopped, grooming brings  
21 with it long-term effects for the child sexual abuse survivor. As reflected in recent research, "It is not only the  
22 child sexual abuse experience, or even the severity of the child sexual assault experience that determines the  
23 severity of trauma symptoms in survivors, but also the grooming experience" (Wolf & Pruitt, 2019, p.353).  
24 Unfortunately, most child victims spend years, if not the rest of their lives, untangling themselves from the  
25 offender’s web of manipulation, attempting to make sense of this groomed, secret, “loving” relationship in  
26 which the sexual abuse was committed. No other crime against children involves so much confusion,  
27 manipulation, and grooming.

28



## **Emotional and Cognitive Manipulation of Victims**

One of the most profound, common, and purposeful effects of grooming is the silencing of victims. Sex offenders are some of the most manipulative criminals that exist. Not only do they purposely, painstakingly, and meticulously groom victims over time, but they masterfully send messages to the victim that keep him or her from disclosing the abuse (Mcalinden, 2006; Winter & Jeglic, 2017; Wolf & Pruitt, 2019). Common direct or indirect messages offenders send to victims include: “no one will believe you;” “I’m only doing this because I love you;” “you liked it;” “you should have stopped it;” “people will think you are bad if they find out;” “you are so beautiful I can’t help myself;” “if anyone finds out they will blame you;” “if anyone finds out they will know you are a slut;” “don’t tell anyone or our family will fall apart;” “it is your fault I am doing this;” “if you tell anyone, I will know you can’t keep a secret;” “don’t be a baby this is how people show love;” and “no one understands our special relationship.” Children are easily manipulated with these messages as they are naturally naïve, affectionate, eager to please adults, lack sexual knowledge, want to feel special, and are taught to dutifully obey rules and adults. These messages conveniently cause the victim to blame themselves for the abuse, but more importantly, for the offender, silence the victim for years to come.

## **Disclosure**

For those victims who do disclose the abuse, disclosure is a difficult, protracted process, not a one-time event. Disclosure may be traumatic for victims and, for some, is as anxiety-producing as living through the abuse itself (Finkelhor, 1988). Disclosure has been shown to be especially disturbing if it is not met with support (Feiring, Taska, & Lewis 2002).

To whom and how a child discloses depends on several factors, including age and sexual knowledge level of the child. Young children, under the age of six, are least likely to purposely disclose abuse. As discussed by Hunter (2011), “It is difficult for young children to initiate conversations about something secret, confusing and distressful that they may not fully understand (p. 167).” Young children are, therefore, the most likely group to “accidentally” disclose. Accidental disclosure happens when the child unknowingly makes an alarming comment to an adult about the abuse. Other times the abuse is discovered when the child is diagnosed with an STD or a third-party walks in on the abuse. Elementary school-aged children are the most likely group to purposely tell a parent (Hershkowitz, Lanes, & Lamb, 2007). Teenagers are most likely to tell a peer but ask that peer to keep it a secret (Schönbucher, Maier, Mohler-Kuo, Schnyder, & Landolt, 2012).

Disclosure is most accurately considered a “complex and life-long event” (Hunter, 2011, p. 169). Both child and adult victims of child sexual abuse typically start the disclosure process by “testing the waters” or disclosing small bits of information to a particular individual with the intent of observing that person’s reaction (Sorsoli, Kia-Keating, & Grossman, 2008). If the reaction is positive or supportive, the victim may disclose further information at that moment or at some point in the future. If the reaction is negative, blaming, or in any way unsupportive, the victim may never speak further of the abuse. Victims purposely disclose the abuse for several reasons. As children, they may disclose as they want the abuse to stop. Other child victims fear that a younger sibling or other child will be abused by the same offender and disclose in order to protect that child. Adult victims of child sexual abuse disclose for many reasons, but the most common is to get emotional support from a friend, significant other, family member, or therapist. Adult survivors state that they search for the “safe and trusted space,” where they can tell their story without risk or danger (Chouliara et al., 2011).

Although a victim may choose to disclose to a friend, family member, therapist or significant other, reporting to the police or purposely pursuing a criminal or civil case may not be imaginable or possible for many more years. Just because an adult victim outcries to a friend or family member does not mean that he or she has the internal or external resources yet to face the offender, make the abuse public or deal with the adversity of the criminal or civil justice system.

### **Barriers to Filing a Timely Civil Claim**

Sexual assault is the least reported interpersonal crime (Langton, Berzofsky, Krebs, & Smiley-McDonald, 2012). Many reasons exist as to why child sexual assault victims either delay disclosure or never tell anyone at all. These reasons are the key to recognizing the necessity of extended statute of limitations for these victims. One of the most counter-intuitive victim dynamics to understand is that although the victim may now be an adult and safe from the offender’s abuse, psychologically he or she may still be trapped in the same psychological space of fear and confusion. Developmentally, the adult victim is stuck, incorporating childhood beliefs about themselves, their identity, the abuser, and their relationships that he or she learned while being abused. For most adult survivors of child sexual abuse, much psychological work needs to be completed before the survivor is able to get past these childhood beliefs and possibly confront the abuser.

## **Fear**

One of the most common reasons victims cite for not telling anyone about the abuse when they were a child is fear (Alaggia, 2004; Hunter, 2009; O'Leary, Coohy, & Easton, 2010; Paine & Hansen, 2002). Victims often fear for their own as well as their family's well-being (Roesler & Wind, 1994). Although only a small number of offenders directly threaten child victims with violence, many child victims still fear that they, their family, or a pet could be harmed if they tell anyone about the abuse.

Most victims carry this intense fear with them into adulthood. This fear inhibits disclosure even when the victim is no longer in contact with the offender. Fear is such a common victim experience that most survivors of child sexual abuse develop fear-related disorders, including various anxiety disorders, panic attacks, phobias, and post-traumatic stress disorder (Davis & Petretic-Jackson, 2000; Hillberg, Hamilton-Giachritsis, & Dixon, 2011; McTavish, Sverdlichenko, Macmillan, & Wekerle, 2019). For some victims, the fear and anxiety can be so intense that even after the offender dies or is imprisoned, the victim continues to fear for their safety. Overwhelming fear also explains why some victims wait until after an offender dies to disclose the abuse, for the first time, to friends, family members, or even a therapist.

In addition to fearing for themselves, many victims fear for the safety of their siblings or other children who are exposed to the offender. Many child victims are only motivated to disclose out of the desire to protect younger children in the family (Tener & Murphy, 2015). For example, some children disclose when they notice the offender paying special attention to or excessive time with another child. Other victims state that as a child, they believed they were the only victim and thought that if they were being abused, other children would be safe (Hunter, 2011). These victims are horrified when they find out later in life that their siblings were also being abused at the same time by the same abuser.

## **Not being Believed or Blamed**

It is not a surprise that many victims of child sexual abuse are concerned that if they report, they will not be believed, or worse, blamed (Hunter, 2011; McElvaney, 2015). No other victims of crime are blamed or accused of false reporting as frequently as sexual assault victims (Belknap, 2010; Hunter, 2011; Jordan, 2004; Lisak, Gardinier, Nicksa, & Cote, 2010; McElvaney, 2015). And as sexual assault victims become teenagers and adults, they become more and more aware of societal victim-blaming attitudes. Offenders are also well

1 aware and are quick to threaten child victims with this reality, which, not surprisingly, is an incredibly  
2 effective way to silence them.

3  
4 Unfortunately, it is a reality that many children who disclose are, in fact, not believed. Sometimes they are  
5 even blamed for the very abuse they have endured. For those children who risk disclosure but are not believed  
6 or protected, the abuse can escalate, and the victim is left petrified, alone, feeling hopeless and at further risk  
7 of abuse. Research indicates that 18% of victims abused in childhood reported that the abuse did not stop after  
8 the initial disclosure (Kellog & Menard, 2003). It is highly unlikely that victims who have disclosed and not  
9 been believed will ever disclose again. It could take decades and years of therapy to get the courage to even  
10 consider reporting to law enforcement or pursuing a civil claim.

### 11 12 **Shame**

13 The second most commonly cited reason for lack of disclosure is shame (Alaggia, 2004; Hunter, 2011; Paine  
14 & Hansen, 2002). Child sexual abuse victims are typically consumed with shame. They are ashamed that  
15 they were abused, that they were "chosen" as a victim, and about how they did or did not conduct themselves  
16 while being abused. They blame themselves for not fighting back "enough" or at all, for being sexually  
17 aroused during the abuse, for enjoying the attention or feeling affection for the offender. The shame list goes  
18 on and, unfortunately, does not dissipate on its own just because the victim becomes an adult.

19  
20 Many adult survivors are crippled with shame and attempt to self-medicate with the use of alcohol, drugs,  
21 work addiction, eating disorders, or an impossible and incessant drive for perfection (Dube et al., 2005; Flett,  
22 Druckman, Hewitt & Wekerle, 2012; Fuemmeler, Dedert, McClernon & Beckham, 2009; Simpson & Miller,  
23 2002). Shame is profoundly silencing as the victim recognizes that reporting comes with the risk of exposing  
24 what they perceive themselves to have done wrong. Shame silences child sexual abuse victims in a way that  
25 no other abuse does and explains why many victims quietly take the experience of abuse to the grave.

### 26 27 **Self-Blame**

28 Closely related to shame is self-blame. Because a natural part of child development involves egocentrism, it is  
29 not unusual for a child and even an adolescent to believe that everything bad that happens to them is his or her  
30 fault. Egocentrism has extremely negative implications for children being molested, as they quickly conclude

the abuse is occurring because they are bad, dirty, evil, or deserved it. Messages from the offender, such as “you liked it” or “I am doing this because you are so beautiful,” easily solidify these self-blaming beliefs. Although most adult victims of child sexual abuse grow out of egocentrism, many report continuing to hold onto the belief that the abuse was somehow their fault or is a reflection of an innate flaw within themselves. These self-blaming beliefs are very difficult to eradicate and easily lead to depression, low self-esteem, poor relationships, and social anxiety, all of which make reporting all the more difficult.

Although victims of various types of child abuse blame themselves, the degree of self-blame that sexual assault survivors struggle with is significantly more intense. The fact that sexual abuse is a taboo topic shrouded in secrecy adds to the shame and self-blame. As stated by one survivor, “We are soldiers of an unpopular war, and no one wants to see us on parade. We remind them of something that makes them uncomfortable (Easton, Saltzman, & Willis, 2014, p. 465). Even consensual sex is not something many people freely and openly discuss in detail, especially with children. Additionally, many children do not receive sexual abuse prevention. Therefore, many children who are being sexually abused do not have a base understanding of sex and do not understand what is happening until the abuse has escalated to an alarming level. However, with other types of child abuse, such as physical abuse, children more easily recognize that physically hurting someone is wrong. Physical abuse victims, though at times highly traumatized, carry less shame and self-blame and have an easier time reporting than child sexual abuse victims.

### **Loss**

Children can be savvy when it comes to understanding what is at stake if they disclose sexual abuse. Many recognize that their family stability may be in jeopardy. This is especially true if the offender is the bread winner or has made statements to the child that plays on such fears. It would not be uncommon, for example, for an offender to say to a child: “please don't tell anyone about our secret because” ... “I could go to jail and won't be able to take care of our family anymore;” “we will have to move out of this neighborhood;” “I'll get fired;” “your mom will have to get another job;” or “your mom will have to support you and your siblings by herself.”

Many child victims also fear that if they disclose the abuse, they will be punished or, at a minimum, lose privileges such as independence, being able to hang out with friends, have sleepovers, or move and be forced

1 to attend a new school. As adults, child sexual abuse survivors similarly question if disclosing to law  
2 enforcement or filing a civil suit would be worth it. In order to come forward, the victim must be sure that it  
3 will improve their current state of well-being (Tener & Murphy, 2015). Victims often attempt to weigh the  
4 benefits of disclosing against the havoc that it will cause in their lives and may not feel stable enough to face  
5 the time, relational, and financial impacts of coming forward until much later in life. As an adult survivor of  
6 child sexual abuse, many victims continue to have concern that if they disclose the abuse, they will lose  
7 financial stability. They may worry that standing up to an abuser could upset other family members upon  
8 whom they financially rely. Other victims have concern they could lose a job, standing in the community, or  
9 be cut out of an inheritance if they speak out about the abuse.

10  
11 It is not uncommon for sex offenders to be powerful or even well-liked members of the community. Even for  
12 adults, coming forward against someone popular or powerful can mean risking being ostracized by one's own  
13 community or support system. Many recent examples of adult victims being silenced by an offenders' power  
14 exist, including dozens of victims of film producer, Harvey Weinstein and victims of former USA Gymnastics  
15 national team doctor, Larry Nassar. In both cases, victims remained silent for years fearing loss of their acting  
16 or gymnastics careers or retribution from the offender or his vast support system. One victim sparking a flood  
17 of reporting from other victims is not an unusual phenomenon in sexual abuse cases. However, this is not a  
18 phenomenon typically seen as frequently with other types of interpersonal violence and speaks to the need for  
19 unlimited statute of limitations for child sexual abuse survivors. Without extended statutes of limitations,  
20 sexual abuse victims offended on years ago may not risk coming forward even if another victim reports, as  
21 their window would be closed.

22  
23 To have power in a community, an offender certainly does not need to have as much power as Larry Nassar or  
24 be as well-known as Harvey Weinstein. To use power as a tool against the victim, the offender only needs to  
25 be popular or dominant in their particular sphere of influence. So, for example, the offender may be a well-  
26 liked teacher in a small community, a local police officer, owner of a favorite restaurant, or a coach of a  
27 winning high school football team in a rural town. The more charming, likable, and popular the offender is,  
28 the less likely he or she is to get caught. Sex offenders often go undetected, easily fitting into normal jobs and  
29 lives. They are often likened to a sheep in wolves' clothing, further dissuading their victims from standing up  
30 against them.

### **Concern For a Non-Offending Parent**

If the child victim finally does disclose the abuse, many parents will question why their child did not tell them while the abuse was happening. Ironically, research supports the fact that many victims do not tell because they "want to protect others from discomfort." (Easton et al., 2014) Essentially, children may worry that if they disclose the abuse, they will upset a parent who is already stressed or overwhelmed (McElvaney, 2008). Even the thought of making the parent cry or be sad can dissuade a child victim from disclosing. Concern about upsetting a family member often continues for the adult survivor as well; adult survivors may hesitate to disclose or file a civil claim until a revered non-offending parent, grandparent, or other family member passes away. It is not a coincidence that child sex offenders often chose to victimize children who come from already taxed families, such as single-parent homes or homes where the parents are absent or struggle with addictions or mental illness. Research finds that children living with a single parent that has a live-in partner are twenty times more likely to be victims of child sexual abuse than children living with both biological parents. Children in low socioeconomic status households are three times as likely to be victimized (Sedlak et al., 2010).

### **Concern for the Perpetrator**

Although seemingly counterintuitive, child victims of sexual abuse often care deeply for the offender and may not report due to fear of losing the relationship (Leclerc, Proulx, & McKibben, 2005; Weiss, 2002; Whittle et al., 2014). As discussed, most child sex offenders carefully cultivate a loving, fun, caring relationship with the victim. The relationship often becomes a main source of affection and attention for the child. So, while most victims desperately want the abuse to stop, they do not necessarily want the offender to get in trouble, go to prison, or even be out of their lives. Even as adults, some victims struggle with ambivalent feelings towards the offender. They may feel hurt, angry, and want justice but have guilt for turning against the offender. It can take years for most survivors of sexual abuse to mentally untangle themselves from the relationship. Not surprisingly, the closer the relationship to the offender, the more profound the impact (Martin, Cromer, DePrince, & Freyd, 2013) and the harder it becomes to report the sexual abuse (Foyne, Freyd, & DePrince, 2009; Lemaigre, Taylor, & Gittoes, 2017; Reitsema & Grietens, 2016; Roffman, 2013).

Even in cases where the victim is not particularly attached to the offender, if the victim was assaulted by a family member, they may battle internally with a sense of loyalty to their family. For example, for many



incest survivors, turning against their own parents or siblings flies in the face of the family culture in which they were raised; incest families typically have poor internal boundaries but rigid external boundaries whereby the members are encouraged to keep secrets and are isolated from outside support (Alaggia & Kirshenbaum, 2005). Not surprisingly, the victim becomes dependent on the very person abusing them and turning against the family can be counterintuitive and agonizing. It can take decades before an incest survivor is able to speak of the abuse, let alone individuate enough to hold the offender accountable. Ironically, the dynamics of the abuse endured create the very barriers preventing the victim from getting justice in a timely manner.

### **Adolescent Victims**

There is a noteworthy and significant subset of child sexual abuse victims that struggle with a separate set of barriers to reporting. These are adolescent victims who are assaulted by an adult who is in a position of trust and who lures the victim into believing he or she is in a two-way, consensual, loving, and yet secret “relationship” with the offender. The classic example is a teacher who engages in an ongoing sexual relationship with a student. With little relationship experience and much manipulation and grooming by the offender, these adolescent victims get drawn in by the offender’s compliments, attention, financial independence, freedom, intense contact, flattery, and alleged support (Jaffe et al., 2013; Shakeshaft, 2004). The relationship makes the teenage victim feel mature, exciting, and independent, something most adolescents desperately desire.

This group of adolescent victims is often confused by feelings of fear or complete overwhelm mixed with feelings of close friendship or even romantic love for the offender. It can take decades for most victims to make sense out of the situation and come to terms with the abuse. An adolescent in such a “relationship” with an older adult typically feels complicit in the abuse. However, due to the inherent emotional, financial, sexual, and general life knowledge and power difference, teenagers cannot equally and consensually enter a sexual relationship with an adult. These power differences are magnified even more when the adult is in a position of power over the student, as is the case with a teacher or coach who has influence over their grades, reputation or athletic opportunities or success (Burgess, Welner, & Willis, 2010). By nature, older, more mature adults have undue power and influence over the adolescent. However, many of these victims are not able to identify the sexual relationship as abuse until they age and gain an adult perspective. Once the victim is able to name the abuse as abuse, it still may take years to fully assess and comprehend the damage sustained.



1 Because on the surface, it appears adolescents in these “relationships” are consenting to a sexual liaison with  
2 an older adult, if news of the abuse gets out, the teen victim is often blamed or judged by peers or the  
3 community. The victim-blaming and lack of support that so frequently comes with these cases is re-  
4 victimizing. It adds to the trauma experienced by the adolescent sexual assault victim and elongates the time  
5 it could take the victim to pursue a civil lawsuit. Again, such dynamics are unique to child sexual abuse as  
6 rarely would other types of child abuse victims be blamed for “consenting” to abuse.

### 8 **Gender Considerations**

9 Disclosing sexual abuse is even more challenging for men than women (Hunter, 2009). The shame of being  
10 sexually abused is particularly intense for boys and men. Boys and men are considered the “silent victims” of  
11 child sexual abuse as 54 percent of male victims won’t disclose the abuse to a single person in their lifetime  
12 (Ullman & Filipas, 2005). Of those 46% who do disclose, the average male victim waits 21 years after the  
13 time of the abuse to tell someone, and 28 years to have an in-depth discussion about the sexual abuse (Easton,  
14 2012).

15  
16 Common societal homophobic beliefs make it difficult for men and boys to report sexual abuse; because most  
17 offenders are male, boys and men fear that if others find out about the abuse, it will be assumed they are gay  
18 (Easton et al., 2014; Hunter, 1991; Lisak, 1994; Ratican, 1992; Urquiza & Capra, 1990). Other male victims  
19 worry that offender saw gay tendencies in them that they themselves did not even recognize or that the abuse,  
20 at some point, will cause them to become gay (Hunter, 2011). These concerns can be so overwhelming that  
21 some male victims deny even to themselves that the abuse occurred (Lisak, 2005).

22  
23 Society also sends boys and men the toxic message that if they were abused, they are weak or pathetic as "real  
24 men" should be able to fight off an offender (Easton et al., 2014). Simply put, many men do not want to be  
25 labeled as a "victim" of anything, let alone sexual abuse. As male adult survivors of child sexual abuse age,  
26 they often fear telling their partners they were abused, worrying they will be seen as "less manly," or even as a  
27 threat to their children. It can take years for a male victim to come to terms with the abuse and its impact on  
28 their gender identity and sexuality. Voluntarily filing a public criminal or civil case prior to coming to terms  
29 with such issues is even less likely. Such homophobic bias and discrimination are unique to sexual abuse  
30 victims and not a challenge that victims of other crimes typically face.

## **Cultural Considerations**

For victims of certain ethnic or cultural groups, reporting can be difficult as it can bring a sense of stigma or shame on the family or group in a larger societal context (Bryant-Davis, Chung, & Tillman, 2009). For example, if a male victim of child sexual abuse who is gay is sexually assaulted by a man, he may be hesitant as an adult to file a civil claim to avoid perpetuating stereotypes that gay men are more likely to be offenders. Additionally, some cultural groups, such as African Americans or Latinos, may not trust or have a positive relationship with law enforcement, which would also inhibit reporting (Bryant-Davis et al., 2009; Davis & Henderson, 2003). Victims of oppressed groups may fear being judged or alienated for bringing police officers into the neighborhood and may therefore remain silent.

Although it is clearly difficult for most victims of sexual abuse to disclose, some ethnic groups have beliefs that make it nearly impossible for a victim to report. For example, in some cultures, discussing sex or even topics such as menstruation is taboo. As pointed out by Mossige, Jensen, Gulbrandsen, Reichelt, & Tiersland (2005), "While experiencing a father hitting mother may be as emotionally upsetting as being sexually abused, the cultural impact of the event may be different" (p. 397) and therefore silence the sexual abuse victim for longer periods of time. Similarly, even different generations may hold different attitudes towards openly discussing sexuality. As stated by an elderly victim of sexual abuse, "Growing up in my family it was unacceptable to talk about periods or bras, so why would I tell my mom that my uncle was molesting me." (S. Vanino, Personal Communication, 2003)

Other cultures highly value chastity and believe that if a woman is sexually assaulted, she is "damaged goods" who will bring shame to her family. For example, research shows that in the traditional Chinese communities, if a woman is sexually assaulted and it is believed that she could have prevented it by fighting back more, then the woman is potentially viewed as "adulterous" and less respectable (Chan, 2009). The Chinese culture is also an example of a culture that emphasizes collectivist values, whereby individual needs are less important than those of the family. Because the success or failure of the individual reflects on the family, if a family member fails in any way, it shames the entire family. Thus, depending on the family, sexual assault victims may be considered to have such blemished chastity and low value, that they are viewed as a disgrace to their family (Chan, 2009; Tang, Wong, & Cheung 2002). Victims of non-sexual assault related crimes in ethnically diverse communities do not typically suffer with the same shame and judgment as sexual abuse survivors.

The discrepancy is reflected in victim suicide rates; McFarlane et al., (2005) found that multiethnic women reporting sexual assault were 5.3 times more likely to threat or attempt suicide compared to women who are physically abused.

### **Impact of Abuse as a Barrier**

Child Sexual Abuse leaves its imprint on the victim for the rest of the victim's life. Victims are impacted psychologically, relationally, physically, and developmentally. Their education, career, mental health, physical health, sense of self, sense of safety, parenting abilities, sexuality, and general ability to function in the world are often obstructed. Adult survivors of child sexual abuse commonly suffer from mental health problems directly related to the abuse. Child sexual abuse substantially increases the risk for depression, anxiety, PTSD, eating disorders, addiction, and panic disorders (Banyard, Williams, & Siegel, 2001; Cutajar et al., 2010; Dube et al., 2005; Fuemmeler et al., 2009; Jumper, 1995; Kendler et al., 2000; Mangilo, 2009; Paolucci, Genuis & Violato, 2001; Putnam, 2003; Simpson & Miller, 2002; Spataro, Mullen, Burgess, Wells & Moss, 2004; Rohde et al., 2008; Ullman & Brecklin, 2002; Waldrop et al., 2007. Additionally, sexual abuse survivors are twice as likely to attempt suicide than non-victims (Dube et al., 2005; Waldrop et al., 2007).

The psychological impact of child sexual abuse is so profound that other than witnessing murder, sexual victimization is the most damaging type of trauma one can endure and is associated with the most severe psychopathological consequences and long-term adverse effects and duration. (Breslau, Davis, Andreski, & Peterson, 1991; Borges, Benjet, Petukhova, & Medina-Mora, 2014; Chapman et al., 2012; Forbes et al., 2012; Kessler, Sonnega, Bromet, Hughes, & Nelson, 2014; Kira, Lewandowski, Somers, Yoon, & Chiodo 2012; Kirz, Drescher, Klein, Gusman, & Schwartz, 2001; Kuchaiska, 2017; Muller et al., 2018; Norris, 1992, Smith, Summers, Dillon, & Cogle, 2016). Theorists believe that many factors specific to sexual assault contribute to this finding, including the fact that sexual assault is more personally intrusive and humiliating than most other traumas.

Ironically, the very mental health impacts caused by sexual abuse deter disclosure. Victims in the throes of their trauma barely have the ability to complete normal tasks of daily living, let alone navigate or even contemplate the grueling intensity of a criminal trial or civil lawsuit. When a victim is clinically depressed or contemplating suicide, he or she does not typically have the energy, self-esteem, empowerment, motivation or

sense of agency to deal with any type of legal system. Similarly, those struggling with alcohol or drug addiction, flashbacks, triggers, sleep deprivation, constant nightmares, daily panic attacks, or PTSD are struggling to put one foot in front of the other and are not in a position to confront their offender. Some victims never become stable enough to pursue a civil claim against their offender, or the institution in which the abuse occurred, as dealing with the criminal or civil justice systems is often re-traumatizing to victims of sexual abuse. Research found that 42 percent of adult victims of child sexual abuse who went through the criminal justice system considered their experience to be psychologically detrimental (Herman, 2003). Given the low prosecution rates of sex crimes, the difficulty of testifying in front of the offender, and societal victim-blaming attitudes towards sexual assault survivors, victims of sexual assault who consider filing a civil lawsuit must be in a strong mental space. For the majority of the victims in Herman's study who did endure the civil justice process, most agreed that they "would recommend their course of action to others, but only with the qualification that it is "not for the weak at heart." All emphasized the need for a strong social support system to endure the rigors of the legal process (p. 164)."

### **Complex Trauma Reactions**

Sexual abuse of a child impacts the victim's normal psychological development. To understand the impact of sexual abuse, one must conceptualize the damage done from a complex trauma perspective; instead of just focusing on symptoms, the profound, pervasive impact on the victim's sense of self must be addressed (DeLara, 2016; Herman, 1992). Childhood is a time when important developmental tasks are being mastered. Tasks include developing a sense of self, building relationships with others, learning to identify, modulate and manage emotion, building coping skills, identifying one's needs, learning to set physical and emotional boundaries, cultivating the ability to read the environment, developing trust of one's instincts and perceptions, learning to reality test, developing a healthy mind-body connection and sense of sexuality, and mastering many other psychological, relational and cognitive tasks.

Given that childhood is a time when such important psychological skills are developing, it makes sense that abuse has a profound impact on a victim and impedes the growth of a coherent sense of self. A coherent sense of self is defined by healthy coping skills, emotional regulation, secure attachment, a sense of agency, self-esteem, and a reasonable sense of optimism and control over one's environment. When abuse is occurring during this window of development, the child can become depressed, anxious, overwhelmed, and fearful,

unable to develop such central and necessary lifelong coping skills. Without a solid sense of self and healthy emotional regulation abilities, it is highly likely that he or she may then instead turn to unhealthy coping mechanisms such as cutting, eating disorders, substance abuse, somatic preoccupations, and acting out behavior. Many victims develop aspects of their personality around the abusive relationship including becoming an adult who tends to focus on others needs rather than their own, avoids conflict, acts as a peacekeeper, struggles to identify and regulate emotion, feels powerless, does not trust themselves, others or authority, lacks self-esteem or a sense of agency and often feels overwhelmed, stuck or unable to problem solve.

The difficulty for child sexual abuse victims, as it relates to reporting or filing a civil lawsuit, is that these disrupted developmental tasks and personality traits that developed as coping skills amid abuse are often in direct opposition of what it takes to stand up to an offender, or report the crime. For example, adult survivors of child sexual abuse struggle with trust. They often do not trust men or authority figures and, sadly, may also not trust themselves, their perceptions, or choices. As adults, many victims struggle to trust their perceptions as they spent years subjected to the offender's cognitive distortions and manipulations. Many victims are also uncertain whom to trust or rely on, especially authority figures, such as police, judges, or attorneys, many of whom are men. Similarly, most sexual assault victims lack agency, empowerment, sense of self, and hope for the future. It could take decades to master these basic developmental skills needed to bring about a civil claim without uprooting their emotional stability.

### **Defensive Avoidance**

It is not unusual for victims of child sexual abuse to consciously or unconsciously forget part of the abuse or even avoid thinking about it. Elliot and Briere (1995) discussed a study that looked at the number of victims who experienced some type of forgetting of the child sexual abuse they endured. In the study, 42% of sexually abused subjects reported some level of amnesia for the abuse, with 20% of sexual abuse victims describing a period of time when they were completely amnesic for the abuse. In another study, Sigmon et al., (1996), found that nearly half of the child sexual abuse victims interviewed stated they used "avoidance coping techniques as their most frequent responses to childhood sexual abuse" (p. 67) and that on average the subjects interviewed had forgotten about the abuse for 21 years. Avoiding or forgetting memories of abuse is a self-preservation mechanism that survivors may employ as a way to deal with the overwhelming nature of

the abuse. Avoidance is so common that it is one of the four diagnostic criteria for PTSD. However, forgetting abuse, purposeful or otherwise, is a psychological defense and is seen more frequently in child sexual abuse than any other type of childhood trauma.

Victims who engage in avoidance to the point of not recalling the abuse in part or in total, are not likely to come forward in a timely manner to file a claim against their offender. As discussed by Ovrom (2017), “survivors who suppress or repress memories of their abuse often experience triggering events later in life that bring back horrifying memories of the abuse. Such triggering events may prompt adult survivors to sue their abusers and/or any other potentially culpable parties (p. 1847).” Triggering events can occur for a survivor at any age but often occur later in life when the survivor is at a more psychologically, financially, or relationally stable phase in their lives. Without enough time to come forward, victims of child sexual abuse whose awareness of the abuse or attention to it resurfaces years later will not have the opportunity to hold the offender liable.

### **Impact on Education and Employment**

Child sexual abuse can clearly impact a victim’s education, future employment, and earning potential. Research supports the fact that many victims of sexual abuse do poorly in school and are more likely to drop out (Shakeshaft, 2003). Mental health problems due to the abuse, such as depression, panic, anxiety, eating disorders, substance abuse, or sleep problems, cause child victims to do poorly in school and engage in behaviors that have a negative impact on their education. For example, victims of sexual abuse report avoiding teachers, not attending school, having difficulty paying attention, having difficulty studying, changing schools, and staying home or cutting class (Bryant, 1993). Although it is especially the case for victims being abused by a teacher or student, school is often difficult for those being abused outside of school as well.

Given the ways in which sexual abuse can impact a child or adolescent’s education, it is not a surprise that research also shows child sexual abuse can negatively impact a victim’s future career and financial success; child sexual assault victims have more difficulty keeping jobs later in life as well and have lower income levels than non-abused individuals (Fanflik, 2007; Loya, 2015). Many variables contribute to this correlation: Victims of sexual abuse often develop problematic relationships with authority figures. Victims may become avoidant of conflict, having difficulty approaching superiors, setting boundaries, or advocating for themselves. They may have difficulty interacting with male co-workers. Depression, anxiety, fear, panic disorder, and

PTSD impact concentration, memory, and motivation, and can cause difficulty focusing. The victim may also need time off to seek therapy, and therefore have diminished performance, job loss, and inability to work. Work is often missed due to the impact of stress on the body, a decrease in physical health, and increased doctor's visits (Jina & Thomas, 2013).

The fact that child sexual abuse victims are more likely to do poorly in school and at work, illustrates yet another challenge in reporting. Filing a civil claim is difficult enough, but when victims are struggling just to keep afloat at school or work, filing a civil claim is likely to appear overly difficult if not impossible.

### **Impact on Relationships and Potential Support**

Child sexual abuse has the potential to greatly impact a victim's relationships. After being abused, letting one's guard down enough to engage in the vulnerability needed to form a stable, healthy relationship with others becomes very challenging (Finkelhor & Hashimma, 2001 as quoted by Jaffe et al., 2013). Many victims of child sexual abuse also struggle after the abuse with connecting to peers their own age (Burgess et al., 2010). Child victims often feel that they are more adult or mature than other children after the abuse. Depression, anxiety, and PTSD also interfere with the victim's ability to cultivate new friendships or continue those that already exist. Unfortunately, such disruption of social support impacts the victim's ability to heal from the abuse and decreases the likelihood of having a future solid support system that is helpful before filing a legal case.

Intimate relationships become especially challenging for victims of sexual abuse (Grant, Shakeshaft, & Muller, 2019; Herman, 2015). After being sexually abused by someone in a position of trust, many victims either sexually act out by having many partners or sexually shut down altogether (Edinburgh, Saewyc, & Levitt, 2006; Herman, 2015). Victims of child sexual abuse are at increased risk for dating older men, having sexual dysfunction, having unprotected sex, and unplanned pregnancy (Burgess et al., 2010; Edinburgh et al., 2006). They are also at higher risk for subsequent sexual assault and intimate partner violence (Saewyc, Magee, & Pettingell, 2004). If, as adults, victims of child sexual abuse continue to be in abusive relationships, abuse becomes normal. Further dysfunction, chaos, and trauma further decrease their chances of pursuing a civil claim.



## **Pregnancy**

Another outcome of child sexual abuse that is completely unique to victims of sexual assault is becoming pregnant due to the abuse. Roughly 12 percent of girls who are sexually abused become pregnant as a “direct result of the abuse.” (Herrenkohl, Herrenkohl, Egolf, & Russo, 1998). Even if the victim does not become pregnant from the abuse itself, her chances of becoming pregnant as an adolescent is higher than it is for a peer who has not been abused. Research shows that girls who are sexually abused are 2.2 times as likely as non-abused peers to become teen mothers (Noll, Shenk, & Putnam, 2009; Noll, Trickett, Putnam, 2003). Additionally, 45% of pregnant teens report a history of child sexual abuse (Noll et al., 2009). Becoming pregnant due to sexual assault is particularly humiliating for rape victims. For many, the loss of control over their bodies that is a common part of sexual assault is only compounded by the pregnancy. Once again, reporting becomes difficult as the victim fears others will find out that the pregnancy or the child who was born, was a result of rape. For incest survivors, pregnancy can be an insurmountable barrier to reporting or a civil claim.

## **Health and Neurological Impact**

The impact of traumatic events on the developing child brain is a widely documented phenomenon. Studies from the Center for Disease Control and the World Health Organization point to the impact of childhood trauma-related psychological stress on the body (Felitti et al., 1998). Such trauma includes child sexual abuse as well as physical abuse, neglect, and various other childhood traumas. As stated by Gaskill and Perry (2012), “the result of child onset trauma is that the brain becomes poorly developed and functionality disorganized, rendering the child less able to intellectually, verbally or emotionally respond to normal experiences let alone traumatic one (p. 36).”

To understand the relationship between trauma, including sexual abuse and somatic complaints, the biological response to trauma must be considered. Among other things, excessive stress hormones, including cortisol, increase blood pressure, blood sugar, and suppress the immune system. Chronic exposure to the body's flight, fight or freeze response, triggered by the adrenal system in a fear-inducing situation, has been linked to many lifelong health problems including chronic pain, gastrointestinal disorders, migraines, headaches and even increased risk of heart attack and cancer. Chronic stress hormones being released in childhood can lead to health problems, such as pain, head, back, and/or stomach aches, sudden sweating and/or heart palpitations,



changes in sleep patterns, appetite, decreased interest in sex, constipation or diarrhea, being easily startled by noises or unexpected touch, susceptibility to colds or illnesses, increased use in alcohol or other drugs and/or under or overeating. (Afifi et al., 2008; Felitti et al., 1998).

Research points out that victims of child sexual abuse often experience somatic symptoms, including physical ailments and lowered immune systems (Timmerman, 2003). Many victims of sexual abuse have increased attention to bodily sensations, which can then establish or heighten concerns about physical health, lower self-perceptions of current health, and increase doctor's visits. (Jina, & Thomas, 2013; Resnick, Acierno & Kilpatrick, 1997; Waigandt, Wallace, Phelps, & Miller, 1990). Given the physical impact that trauma can have on the body, it is no surprise that many adult survivors of child sexual abuse don't have much psychological or physical energy left to pursue civil claims. Victims may also recognize that filing a civil claim without having resolved some of the repercussions of the abuse, and before they are prepared to do so, could lead their mental and physical health to spiral even further out of control. Without an unlimited statute of limitations, survivors may be forced to choose between their own health and well-being and holding an offender accountable.

### **Conclusion**

*An unlimited statute of limitations for child sexual abuse survivors is a necessity, not a luxury.*

Sex offenders, more than any other category of offenders, pose a unique threat to the safety of children and society in general. No other interpersonal offender group has more victims or consistently offends throughout their lifespan as sex offenders. They are also distinct in their level of manipulation, forethought, and degree of planning as well as their level of sheer cognitive distortion and denial. Sex offenders are less discerning in type, age, and gender of a victim than other offenders and are typically willing to offend on whoever is vulnerable and present. Given sex offender behavior and dynamics, unlimited statute of limitations is certainly in the best interest of society. It is one more step in keeping potential future victims safe as it gives survivors the time they need to come forward to hold offenders and the institutions that protect them accountable. As adeptly stated in the Handbook of child sexual abuse: Identification, assessment, and treatment, "Child sexual abuse is a crime both against the child victim and against the peace and dignity of the state" (Van Eys & Beneke, 2012, p. 83).

1 There are ways in which child sexual abuse victims are unique from other abuse victims. These  
2 factors make reporting more difficult and necessitate an unlimited statute of limitations. Examples  
3 include offender grooming, degree of emotional and cognitive manipulation endured, fear of the  
4 offender, self-blame, fear of not being believed or blamed, sexual arousal, sexual abuse family  
5 dynamics, gender considerations, shame and humiliation, cultural considerations, pregnancy, and the  
6 way society views adolescent sexual abuse victims. There are also some variables that are shared with  
7 other types of abuse victims but are often more intense for victims of sexual abuse. For example, loss  
8 of relationships, financial impact, concern for a non-offending family member, attachment to the  
9 offender, the psychological impact of the abuse, impact to relationships, disrupted ability to trust  
10 others, and impact on relationships with authority figures.

11  
12 Given the profound and unique challenges that survivors of child sexual abuse face, it is no surprise that so  
13 few report the abuse they endured to authorities or file a civil claim against the offender or institution in which  
14 the crime occurred. Child sexual abuse comes with lifelong ramifications for victims, including self-esteem,  
15 mental health, relational, education, and career problems. Most of these difficulties create complex barriers to  
16 reporting, barriers that can take decades to overcome, and ironically are created by the very abuse the victim  
17 endured. Expecting a victim of child sexual abuse to file a civil suit before navigating these complex barriers  
18 is simply ludicrous. Child sexual abuse victims need an adult perspective, time, support, financial and  
19 emotional stability, and costly, lengthy trauma-specific treatment to make sense out of the abuse, heal, and  
20 develop the stability and skills before speaking out about their abuse and against their abusers and filing a civil  
21 claim. These are psychological and emotional skills they should have had the opportunity to develop as a  
22 child. It should be a given that these unique victims of crime are given all the time they need to develop these  
23 skills and stability to come forward. As the father of a victim of child sexual abuse who died of an overdose  
24 after being sexually abused by a priest stated, "There is no statute of limitations on our grief, misery, and pain"  
25 (Schultz, 2018, p. 339), therefore there should not be a statute of limitations on the time it will take for a  
26 victim to hold a sex offender liable.

27

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