

Testimony in Support of HB 1387
February 3, 2021

Chairman Klemin
Members of the Committee

My name is Anna Frissell. I am the Executive Director of the Red River Children's Advocacy Center. North Dakota Children's Advocacy Centers serve every corner of our state, including: our Center, Red River Children's Advocacy Center, with offices in Fargo and Grand Forks; Dakota Children's Advocacy Center, located in Bismarck and Dickinson; and Northern Plains CAC, with offices in Minot and Bottineau.

I am before the Committee today to testify in support of HB 1387. This bill expands the statute of limitations for felonies other than murder from three to seven years. It also extends the statute of limitations for certain crimes involving child victims from three years to ten years. The crimes include: gross sexual imposition; continuous sexual abuse of a child; sexual imposition; corruption; solicitation; luring; sexual abuse of a ward; sexual imposition by a therapist; sexual assault; and fornication.

Although I will speak most directly about child sexual abuse victims, many of the causal links to delayed disclosure that I will mention in conjunction with child sexual abuse also apply to human trafficking victims and other victims of trauma, as well.

When a victim of child sexual abuse comes forward to disclose the details of their abuse they are showing immense courage. They have to overcome so many obstacles. One of these obstacles is the negative impact on their family or on a trusted relationship. At the North Dakota Children's Advocacy Centers we have found that 25% of alleged offenders are parents and 57% of all offenders are family members. In 2019, 99% of the children who came to Children's Advocacy Centers in North Dakota knew their offender. Clearly the complexity of disclosing abuse is compounded when the abuser is your parent or someone you have a close relationship with like a family friend! Someone that you know or trust.

Likewise, other obstacles to a child's ability to disclose abuse are the child's perception of personal shame (typically males disclose later than females but females may also feel deep personal shame), a fear of not being believed, a fear of the offender causing harm to the child victim or someone they care about, or a feeling of being personally responsible for the sexual abuse. (London, Bruck, Ceci and Shuman , 2005).

When you think of the gravity of these obstacles to a young child or youth a delay of time between the incident and the disclosure is not surprising. In fact, of the children who do disclose, approximately two-thirds of child victims delay disclosing their abuse and about half of those do not disclose until adulthood (Finkelhor, Hotaling, Lewis, & Smith, 1990; Goodman et al., 2003; London, Bruck, Wright, & Ceci, 2008).

Perhaps the most serious obstacle to the timing of disclosure is the psychological effects of child sexual abuse on the victim (Goodman-Brown et. al., 2003). Research tells us that children who are sexually abused typically accommodate it psychologically by coping mechanisms such as denial, minimization, dissociation and or traumatic amnesia regarding the sexual abuse. The result of these psychological effects are that many victims do not disclose the abuse or even begin to perceive its impact on their lives until many years later, often well into adulthood.

Research tells us that most child victims delay disclosing child sexual abuse to friends, family or the authorities (London, et al., 2005; London, et. al, 2008). • This delay can happen even when there is corroborative evidence that the abuse has occurred -- like medical evidence. Other factors may delay disclosure as well, like the age of the victim, severity or frequency of the sexual abuse, threats by the perpetrator (Coburn, Patricia I., Harvey, Madison B., Anderson, 2019).

Serious crimes in our legal system, like those in 12.1-2, murder, do not have any statute of limitations in recognition of their serious impact on the victim and society. Child sexual abuse is one of the most devastating and heinous crimes. The impact on the victim is both immediate and long-term and often one consequence of the seriousness of the crime is that the victim does not disclose for many years, if at all.

Given the ample research on the numerous obstacles to a child's early disclosure of sexual abuse, compounded with the likelihood of psychological effects from the abuse, it seems imperative that a system seeking to do justice expands the statute of limitations for these crimes. The public interest in bringing these cases to justice is obvious as they involve grave injustice and by naming perpetrators there is the very real potential of stopping future abuse of others.

Finally, statutes of limitations are housekeeping rules of the legal system: they are arbitrary and technical legal rules. It is wrong to impose them in a way that stops victims from seeking justice. After all, prosecutors in every case can and will determine whether the case is ripe for charges. Let them decide not an arbitrary rule.

For the above reasons I would ask that the legislature consider extending the statute of limitations for child sexual abuse and the categories of crimes set forth in the HB 1387.

Thank you for your consideration of my testimony.

References

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