DEADLINE EXTENDED TO AUGUST 28th at 5PM.

TO: All Legislators
FROM: Senator Julie Lassa and Representative Evan Goyke
DATE: August 7, 2015
RE: Co-Sponsorship of LRB 2247 and 2351, the “Child Victims Act” relating to the statute of limitations for sexual assault of a child.

Under current state law, civil actions in childhood sexual abuse cases must be brought forward by a victim before he or she reaches the age of 35. Most survivors of childhood sexual abuse don’t report the sexual abuse until well into adulthood, if ever, and are barred by a statute of limitation from bringing an action against their perpetrator if the survivor is over the age of 35. As a result, these victims are never able to prosecute their abuser and begin the healing process.

LRB 2247 and 2351 will remove this arbitrary deadline drawn by the legislature back in 2004. A lot has changed since that time including our understanding of how this form of sexual violence inflicts lifelong psychological trauma on innocent victims. This arbitrary deadline has locked the courthouse doors to many survivors of childhood sex abuse who haven’t been able to deal with the attack until much later in their lives. The Child Victims Act is modeled after successful legislation in several states, including Minnesota, that now hold these sex offenders accountable for their brutal crimes against children regardless of when those crimes were committed. These bills also allow for a three year “window” for victims over the age of 35 who are currently barred from bringing an action to court to bring the perpetrator to justice.

Statutes of limitations are a particular problem when it comes to childhood sexual abuse. Most sexually abused children are molested by family members or authority figures, and the pressure is strong not to disrupt their own home, school or church. Young victims are often threatened by adult perpetrators if they reveal the crime, and the shame and confusion children feel is frequently enough to keep them silent. As adults, it may take victims years to come to grips with their experience and build the courage they need to identify their abuser and begin civil or criminal action. By the time they’re ready to do so, the statutes of limitations may have expired; it may be too late for justice to be done.

Wisconsin's current arbitrary deadline does more than just rob child sexual abuse victims of their day in court. It endangers every child in our community, because it decreases the likelihood that people who prey sexually on children will be identified and stopped. And we know that pedophiles, if given the opportunity, will continue to seek out new victims. Research has shown that these child molesters and rapists will have over 80 – 100 victims during a life time and will continue to victimize children well into their 60s and beyond.
The statistics are startling. Research conducted by the Centers for Disease Control (CDC) estimates that approximately 1 in 6 boys and 1 in 4 girls are sexually abused before the age of 18. Prevent Abuse Now states that Wisconsin has the sixth highest amount of sex offenders in the country. The National Crime Victimization Surveys statistics on offenders suggest that more than 90 percent of all sex offenders are living in communities nationwide without ever having been charged for their crime. That raises the specter of hundreds of pedophiles walking the streets of Wisconsin towns, safe in the knowledge that they are protected by the law from ever being held accountable for their deeds.

In California, where a similar time window for retroactive suits was enacted, 300 previously unknown child sex abusers were identified as a result.

There have been objections raised to the Child Victims Act by people who worry that creating a window for retroactive suits will encourage false claims, or that the accused will have difficulty defending themselves against charges for an act that may have occurred 20 or 30 years ago. The fact is that the burden of proof is on the person claiming the abuse. Bringing a suit for sex abuse, especially against a family member or a respected individual takes a lot of courage, because one must relive the traumatic events before the entire community. And, as we have seen in other states, the number of false claims amounts to just a handful and that, even after many years, there is evidence in many cases that supports the victim’s claims. It shouldn’t matter when victims of childhood sexual abuse come forward – it should only matter that they eventually do.

These proposals are supported by the Wisconsin Coalition Against Sexual Assault, the Wisconsin Professional Police Association, the Milwaukee Police Association, End Domestic Abuse Wisconsin: the Wisconsin Coalition Against Domestic Violence, the Wisconsin Chapter of the National Association of Social Workers, the Children’s Hospital of Wisconsin and its affiliated agencies and programs: (Prevent Child Abuse Wisconsin, the Child Abuse Prevention Fund and the Child Protection Center, the Child Advocacy Center of North Central Wisconsin in Wausau, Kenosha County Child Advocacy Center, Racine County Child Advocacy Center, Child Protection Center in Milwaukee, Fox Valley Child Advocacy Center in Neenah, Chippewa Valley Child Advocacy Center in Eau Claire, Walworth County Child Advocacy Center in Elkhorn), and Stop Child Predators.

We hope that you will join us in support of this important legislation which will help victims of sexual violence seek justice and hold sexual predators accountable for their actions. If you wish to sign onto these bills, please contact Jessica in Senator Lassa’s office at 6-3123 or Ryan in Representative Goyke’s office at 6-0645 by August 21, 2015.