

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

Call to Order: By Chairman Brown, on March 6, 1989, at 9:05 a.m.

#### ROLL CALL

Members Present: All

Members Excused: None.

Members Absent: None.

Staff Present: Julie Emge, Secretary  
John MacMaster, Legislative Council

Announcements/Discussion: None.

#### HEARING ON SENATE BILL 122

#### Presentation and Opening Statement by Sponsor:

Senator Dennis Nathe, District 10, stated this bill amends the criminal statute concerning sexual abuse of children. Under current law the statute of limitations starts running five years after the last offense. This causes a problem for anyone, especially a child who is in a family situation where the last offense occurs while still a minor and are still financially and physically dependent on that family unit. This bill would change the statute of limitation to start at the age of eighteen and run until the age of twenty-three give those children a chance to leave that family unit and become emotionally, financially and physically independent and more time to mature to understand what has happened to them. There is one amendment requested to the bill which will be explained by Jean Kemmis (EXHIBIT 1).

#### Testifying Proponents and Who They Represent:

Jean Kemmis, Attorney, Director of Parents Anonymous  
John Connor, County Prosecutors Services Bureau and the Attorney General, Marc Racicot  
Lewis Pepples, self  
Janet Allison, Montana Psychology Association, self  
John Madsen, Department of Family Services  
Christie Marron, Montana Council Mental Health Centers  
Janet Benson, Montana Association of Social Workers  
Carol McKerrow, Montana Commission for the Prevention of Child Abuse

Megan Hill, Montana Catholic Conference  
Toni Nikolas, Montana Education Association  
Rosanne Davis, self  
Marti Adrien  
Brenda Nordlund, Women's Lobbyist Fund  
Elizabeth Williams, self  
Rep. Dave Brown  
Rep. Bill Strizich  
Holly Kaleczyc, Superintendent of Public Instruction, Nancy  
Keenan

Proponent Testimony:

Jean Kemmis stated that this bill amends Sec. 45-1-205 to create a special statute of limitations for prosecution of sex crimes against children. In a recent case a woman filed suit against a member of her family for sexually abusing her from the time she was five until she was twelve years old. Last May the Montana Supreme Court ruled that "While this court is aware of the horrifying damage inflicted by child molesters, it is not for us to rewrite the statute of limitations to accommodate such claims through judicial fiat. Such a task is properly vested in the Legislature." All of those interested in prevention of child abuse have taken up the Supreme Court directive in this area and have brought before the Legislature two bills to amend the statute of limitations in these cases. The one bill, SB 157, involves the civil statute of limitations and the bill now before the committee involves the criminal statute of limitations. Both bills passed the Senate with full approval save one vote. There is a five year statute of limitations in these cases but has minimal effect because it only changes the statute of limitations in the two cases of misdemeanor sexual assault and indecent exposure. The statute of limitations for felonies is already five years so there is little special effect from that provision. The present statute of limitations begins to run at the time of the offense and runs for five years. This is workable when the abuser is a stranger to the child, the child comes home to family and friends and finds protection there. The rule is not workable where the abuser is a parent, a stepparent or any other relative of the child. In these cases, typically, the adult has frightened the child into secrecy with threats of harm to the child, another family member, or threats of abandonment; however, the secrecy that has been imposed means that the offense is not reported within the statute of limitations. SB 122 recognizes the special circumstances of secrecy involved with these cases and tolls the statute of limitations for five years after the age of 18. Presumably, at that age the child has moved outside the home and is outside the influence of the abuser and can come forward. After the bill left the Senate they realized the applicability section was not saying what they hoped it would say. As it stands the bill applies to all offenses committed after the effective date of the bill. This

amendment means that if the statute of limitations is now running, constitutionally the legislature is able to extend it to the period after age 18. There is no constitutional limit on the legislature's prerogative in setting limitations in either criminal or civil cases as they are measures of public policy and have been considered acts of grace by the legislature. The proposed amendment to the criminal statute conforms it to what is in the civil area already. Montana has a number of other areas where there are special rules - homicide, where there is no statute of limitations, fiduciary theft and unlawful use of computers - these things happen in secrecy. Crimes involving the sexual abuse of children contain both the elements - the abhorrent nature of the crime and the secrecy, and the children deserve at least as much consideration as the economic crimes of fiduciary theft and computer violations. A 1987 summary of state laws found that during the three year period 1984 to 1986, 17 states extended their statute of limitations. This bill would strip away the unfair protection that is now given to child molesters and force these people to face the child when the child is mature and capable of speaking out. The preventative effect that would come is a clear message that this kind of behavior won't be tolerated.

John Connor stated that the county prosecutors services prosecuted seven child sexual abuse cases in various parts of the state last year. It is a crime that requires the victim to carry the emotional consequences around like baggage for the rest of his or her life. This kind of legislation only presents a placebo to the real problem but is necessary to treat the problem while trying to solve it. By extending this term of prosecution it will be difficult for prosecutors to come up with an effective case, but as it stands, the statute forestalls the possibility of prosecution where it is appropriate. Even though the prosecutor may be faced with some difficult choices, they will at least be able to prosecute in cases where they have enough proof rather than telling them that the statute of limitations has expired. It is fairly clear that sex offenders are not cured but contained. If he is not cured or contained then he is there to re-offend. Prosecution may force some control over their actions through subsequent court judgments.

Lewis Pepples stated that last summer his five year old daughter was sexually abused. The man that did it is the grandfather of her best friend and the only person that she could talk to was his wife. She told him a little but not enough to help. They have been to the county attorney, counselors, psychologists, and the sheriff and nobody can help unless she will talk to them. The man is still walking free. The statute must be extended so when she realizes what happened to her when she was five years old she has the opportunity to face this man in a court of law (EXHIBIT 2).

Janet Allison stood in support of SB 122 (EXHIBIT 3).

John Madsen said the Department of Family Services has seen a substantial increase in the number of victims of sexual abuse - from 50 substantiated cases in 1981 to 600 identified in 1988. National studies indicate that only about 1 in ten victims are identified by the system - that would mean as many as 6,000 victims in Montana last year. Many of them must be placed out of their homes. Cost of care ranges from \$280 per month for a child in a foster home to \$600 to \$700 per day for a psychiatric hospital for treatment of suicidal behavior directly attributable to her victimization. Mountain View School has 50 girls in residence and eighty percent of the girls there today are victims of child sexual abuse. Many of their delinquent behaviors are directly attributable to their sexual victimization. Pine Hills School currently is treating 40 sex offenders. The great majority (probably all) are victims of child sexual abuse themselves. The cost of treating those boys and their victims is substantial. Currently at Montana State Prison, one-fifth of the population or 220 men are sex offenders and the great majority of those men were victims themselves. Many of the women at Montana State Correctional Facility are victims of child sexual abuse. Women's current problems are directly attributable to their victimization as children. The cost of dealing with these victims is staggering - millions of dollars that affect the state budget every year. An educator (until early January) had victimized at least five different girls. They are suspicious that there are 25 to 30 more. He has been an educator for fifteen years. The girls did come forward but after the statute of limitations had run out. The county attorney could not prosecute. The man is no longer an educator but he will continue to have access to his victims through coaching and through other situations. He actively seeks victims and will continue to victimize until they can find a victim that falls within the statute of limitations. We need a bill like this.

Christie Marron stated that her organization wholeheartedly support SB 122 to protect the victims of child sexual abuse. Enabling victims to bring suit against their abusers as adults will help stop a vicious cycle which often occurs when these abusers sexually abuse child after child.

Janet Benson concurred with previous testimony. It is very important for survivors to be able to face their perpetrators or to bring charges if they choose. It is not doing perpetrators any good by allowing them to continue their behavior and adds to their base of shame. That shame is part of the cycle of molesting as are denial and defensiveness are part of the cycle too.

Carol McKerrow stood in support of the bill and urged the committee to give it favorable consideration.

Megan Hill urged the committee to support SB 122 (EXHIBIT 4).

Toni Nikolas stated that their concern is with the children and believe that this bill and SB 157 puts time on the side of kids and urged concurrence.

Rosanne Davis stood in support of SB 122 (EXHIBIT 5).

Marti Adrien stood in support of this legislation and submitted letters of support listed as EXHIBITS 6 through 15.

Brenda Nordlund urged passage of this bill.

Susan Kraft Ball stood in support of this bill.

Elizabeth Williams urged support for this bill.

Holly Kaleczyc stated that the horrifying fact is that there are abusers in the schools and there have been instances that are on-going and there is a need for a vehicle to get them out.

Rep. Dave Brown stood in support of this bill.

Rep. Bill Strizich urged passage.

Testifying Opponents and Who They Represent: None.

Opponent Testimony: None.

Questions From Committee Members: None.

Closing by Sponsor: Sen. Nathe stated that one of the proponents summed it up very well and that is to give the children "time" and that is what this bill is all about. Another important aspect of this bill is that 98% of the children in the Yellowstone Treatment Center are there because of sexual abuse and it is their determination that 99% of the offenders were themselves offended as children. We have to offer these children legal redress and this gives them more access to that system and indirectly it may change this vicious cycle that perpetuates these horrendous crimes.

#### DISPOSITION OF SENATE BILL 122

Motion: Rep. Darko moved SB 122 BE CONCURRED IN. Seconded by Rep. Stickney.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Eudaily moved the amendments that were suggested to the bill. Rep. Gould seconded. The motion CARRIED unanimously.

Recommendation and Vote: Rep. Darko moved SB 122 BE CONCURRED IN  
AS AMENDED. Rep. Brooke seconded. The motion CARRIED  
unanimously.

#### HEARING ON SENATE BILL 157

#### Presentation and Opening Statement by Sponsor:

Sen. Dennis Nathe, District 10, stated that this is the civil side of sexual abuse and applies the discovery exception to sexual abuse cases. This would be their redress for a wrong committed against them.

#### Testifying Proponents and Who They Represent:

Rep. Dave Brown  
Rep. Bill Strizich  
Jeanne Kemmis, Attorney, Direct of Parents Anonymous  
Holly Franz, Attorney  
Leo Gallagher, Lewis & Clark County Attorney's Office  
Noel Larrivee, attorney  
Brenda Nordland, Attorney, Women's Lobbyist Fund  
Dr. Janet Allison, Clinical Psychologist  
John Madsen, Department of Family Services  
Steve Waldrom, Director of Montana Council of Mental Health  
Centers  
Carol McKerrow, Montana Committee for Prevention of Child Abuse  
Susan Swineheart/Janet Benson, Montana Association of Social  
Workers  
Brenda Nordlund, Montana Women's Lobby  
Noel Larrivee, Montana Advocacy Project  
Megan Hill, Montana Catholic Conference  
Tony Nikolas, Montana Education Association  
Holly Kaleczyc, OPI  
Leslie Burgess, self  
Elizabeth Williams, self  
Susan Kraft Ball, self

#### Proponent Testimony:

Jean Kemmis stated that the purpose of SB 157 is to allow application of the discovery rule to civil cases involving childhood sexual abuse. The discovery rule already exists in law and is an exception to the statute of limitations in civil cases. The discovery rule applies where the special circumstances of the case involves inherent delay which is beyond the control of the individual who is to bring suit. SB 157 should be passed in order to include the cases of childhood sexual abuse within the coverage of the discovery rule because childhood sexual abuse involves circumstances of delay in bringing suit which are beyond the control of the person who is injured. The Montana Supreme Court was asked to apply through judicial interpretation the discovery rule to these cases although courts in Wisconsin and Massachusetts, but our court declined saying the Legislature

holds the prerogative to make that determination. In 1986 the Washington Supreme Court was asked to apply the discovery rule to these cases and declined, with the concurring opinion that said that this is the exclusive providence of the legislature and the judiciary must not invade it. In March, 1988 the Washington legislature approved the bill that is the model for this bill. It passed in Washington unanimously save for three abstentions. California also has a similar bill that provides that courts are not precluded from applying the discovery rule. Under current law in Montana the statute of limitations that applies in these cases is the usual, general statute of limitations of three years for torts. This means that under current law the statute starts to run at age 18, runs for three years, expires at 21 and the victim is forever barred from recovering money damages for the counseling to overcome the trauma of childhood. As with the criminal statute, the civil is workable in circumstances where the victim is a stranger to the abuser but the same problem occurs where the victim is a member of the abuser's family or otherwise under the abuser's control. There are human limits to a victim's ability to bring suit before age twenty-one and the real fall-out may not come until the person is thirty or more and the statute of limitations has expired. Age is a barrier and the discovery rule applied here will allow victims the opportunity to present in court the testimony showing that the delay was caused by circumstances beyond their control.

Holly Franz stated that the statute of limitations basically addresses how long the courthouse door stays open for injured parties and generally starts to run the minute that injury occurs because the person is aware of the injury and can use the full three year period to determine whether or not to bring that suit. In certain cases such as sexual abuse the injured party may not be aware that they have been injured and that is when the discovery doctrine is applied. A typical example of the discovery doctrine arises in malpractice cases where during surgery a surgical gauze or sponge is left in the patient but the patient may not know for years. In such cases the courts and legislatures decided that the injured parties right to recover does not begin to run until they are aware that they have been injured. This same rule should be applied to sexual abuse where often the party does not know that they have been injured. This bill does not insure that the person that they will get recovery for that injury but at least leaves the courtroom door open for them to come in and show that they did not know or had no way of knowing until they discovered it.

John Connor concurred with the above testimony and urged the committee to act favorably.

Susan Swineheart stood in support of this bill (EXHIBIT 16).

Megan Hill urged support of SB 157 (EXHIBIT 4).

Brenda Nordlund stood in support of SB 157 (EXHIBIT 17).

Noel Larrivee spoke on behalf of the children that are abused and neglected. Our state Supreme Court has sent a message to the Legislature to take action and extend the statute of limitations. Their recent opinion made it clear that they empathized with the victim in bringing the civil suit and have asked the Legislature to affirm SB 157 and give others an opportunity for economic redress. He spoke of two cases. One case involved an eight year old girl who was tied to a bedstead and assaulted with a carrot by her mother explaining to her that this is what her grandfather had done to her and she wanted her daughter to have the benefit of that same experience. The second case involved a 28 year old woman who was charged with setting the apartment building on fire where she and her two year old son were living in an attempt to commit suicide. Her first attempt to commit suicide was when she was ten years old by drinking Drano. Her abuse started when she was four years old. The passage of this bill is not a deterrent but a judgment being awarded might be a deterrent. Often the criminal prosecution is not enough and this bill allows the victim a different standard of proof to go to court and assert a claim for damages. It puts the economic consequence of the wrong where it belongs - on the offender. For these reasons and the many children that are in the system he urged passage of SB 157.

Janet Allison stood in support of SB 157 (EXHIBIT 18).

John Madsen stated that it is clear that if some of these victims begin to receive treatment and compensation then the cycle may be stopped in some manner. The costs to the victim are extremely high and the offenders at some point must bear some of that cost. Our society needs to hold them accountable.

Christie Marron asked that her organization go on record in support of this legislation.

Toni Nikolas reiterated previous testimony and expressed a hope that this legislation would tip the scales in favor of the kids instead of the offenders.

Holly Kaleczyc stated that the Superintendent of Public Instruction believes that this time barrier of justice must be removed and urged the committee to support SB 157.

Leslie Burgess urged support of this legislation (EXHIBIT 19).

Elizabeth Williams stood in support of SB 157 (EXHIBIT 20).

Susan Kraft Ball urged support of SB 157 (EXHIBIT 21).

Marti Adrien stood in support of this bill (EXHIBITS 22-26).



Lewis Pepples urged passage of SB 157 (EXHIBIT 27 - petition).

Testifying Opponents and Who They Represent: None.

Opponent Testimony: None.

Questions From Committee Members: Rep. Eudaily asked Sen. Nathe if there was a reason why SB 157 has an effective date of October 1 and SB 122 is effective upon passage and approval. Senator Nathe deferred the question to Jean Kemmis. Ms. Kemmis stated that the original proposal was that both bills would be effective on October 1 and when the criminal bill applicability section was changed Legislative Council made the effective date immediate simply to allow more cases to be prosecuted. Allowing more cases under both bills is an advantage, but is not particularly insistent on one and not the other.

Rep. Eudaily asked Ms. Kemmis if the retroactive section is the same in both bills. Ms. Kemmis stated that the criminal bill is effective in extending the statute of limitations for all prosecutions for which the current statute is not yet expired. The civil statute of limitations applies to all cases filed after the effective date. It will apply to all cases in which discovery of those delayed effects took place within the last three years. It does not open old cases beyond those that have been discovered during that three year period.

Rep. Boharski asked Sen. Nathe if in the criminal bill the statute of limitations for any criminal redress is five years or maximum of 23 years old but in the civil bill it goes forever. Sen. Nathe stated that it goes for a time that the victim should have reasonably discovered the problem - potentially it could be forever. Until these people are in therapy they do not discover what their problem was and are precluded from having access to the courts. Ms. Kemmis stated that the justification for the difference has to do with how we view criminal law. We have always been more restrictive in the area of criminal law since the penalties are incarceration or counseling so that those who wish to prevent child abuse may wish to have the statute of limitations the same for both bills but we recognize that in the area of criminal law the public law is to be more restrictive.

Rep. Hannah asked Ms. Kemmis how the act would be proven twenty years later or will this actually accomplish proof to find the perpetrator guilty. Ms. Kemmis stated that in the criminal situation the delay, at most, is 23 years of age. Depending upon when the abuse occurred the actual years of delay may not be any longer than under the current statute of limitations. In the civil area there is no question but that proof becomes more difficult with the passage of time but there are a lot of cases in which review is allowed much

later such as when the surgical sponge is discovered, a dam breaks because there hasn't been a flood in twenty years and the question of construction goes back twenty years. There is difficulty in delay whenever a case is brought later but there also is no opportunity under the present law where the proof would be sufficient and strong and they would go forward.

Rep. Hannah asked Ms. Kemmis if in the majority of cases if there is little physical evidence carried forward in the civil side twenty years after the act was committed. Ms. Kemmis stated that in the case that went before the Montana Supreme Court there was a doctor's record that at the age of twelve the young girl was examined and found that she had been penetrated so that sort of record does go on. In most cases there is not going to be as good a record as that. There will be some cases where the plaintiff will be able to go forward and that plaintiff will need to have the psychological evidence to support her delayed discovery.

Rep. Brown asked Ms. Kemmis if he understood correctly that this bill allows provable cases to be brought forward. Ms. Kemmis stated that presently there is no opportunity and perhaps with opportunity it is an uphill battle but at least people can get into court.

Rep. Addy stated that he had seen charges of sexual abuse in a divorce setting by one of the spouses and perhaps this would be setting up a second situation where there is a motive to raise these kinds of charges in a probate setting. Ms. Kemmis stated that the situation of the law allowing a suit against an estate would be the same as it would be in any other tort action so that if a person discovered that a sponge had been left in by a doctor and the doctor died six months ago there would still be the opportunity to sue that doctor. The same would hold here. If a suit were brought against a deceased abuser the jury would have more difficulty finding for the plaintiff because of the natural skepticism about the evidence. But it would be reviewed by the jury in the same way that all other issues would be reviewed by the jury.

Closing by Sponsor: Sen. Nathe stated that Sen. Dick Pinsoneault was unable to attend but asked that he be registered as a proponent of this bill. These two bills grant time to these victims and access to the courts by allowing more time.

#### DISPOSITION OF SENATE BILL 157

Motion: Rep. Gould moved SB 157 BE CONCURRED IN. Rep. Darko seconded.

Discussion: Rep. Hannah asked if there had been any discussion in the course of this bill for limiting the time - for as long as this victim is alive this action can be brought

forward. Rep. Brown stated that upon discovery by the individual, potentially it can go on forever. The opportunity can go on forever but it is a sufficiently heinous crime to warrant it.

Rep. Boharski stated that this could go on forever if there is cause. In a situation where the abuser has died, someone could bring a lawsuit against his estate and his children would be liable for whatever civil damages. Rep. Addy stated that would occur very rarely. The situation that he sees for nasty fights in probates is when it is a stepmother or stepfather sharing the estate with the natural children of the deceased. The concern is that allegations of sexual abuse are proven upon being spoken, not legally, but as a practical matter, to be accused is to be found guilty. Most employees of the federal government are fired upon an allegation or accusation that they have engaged in some form of molestation or abuse. Uniformly the bills before this committee that have come in to address this problem have sought to do it not by providing treatment or increasing the crime victims funds that might be available for therapy but by eroding civil rights in this one area because this crime is so heinous that watering down of civil rights is justified and it is a dangerous precedent. Rep. Boharski agreed that to be accused is to be convicted.

Rep. Stickney stated that currently there is no redress for someone who does discover the sexual abuse and this bill is a small step toward allowing that to be changed.

Rep. Darko said that this bill has some built in safeguards. In order for them to be able to bring suit they have to prove that the sexual abuse occurred and that will be hard to do if it occurred many years before.

Rep. Hannah disagreed and did not see any safeguards in the bill. Many suits are brought in a variety of areas that are settled out of court. Sometimes it is easier and cheaper to resolve and settle rather than try to prove innocence.

Rep. Eudaily asked John McMaster about page 2, lines 5 through 7, "three years after the plaintiff has discovered or reasonably should have discovered" - which is the most restrictive. John responded that "reasonably should have discovered" is more restrictive. If they should have and didn't then they have lost the cause of the action. Rep. Eudaily stated that "or" is what is bothering him because the plaintiff "discovers" but it doesn't say how or what has caused them to discover that. Rep. Brown said that in the Supreme Court case that was discussed here today is probably a good example of the individual knowing and talking about it before a suit was brought. That would probably be referred to as "reasonably should have known".

Rep. Brown asked Rep. Addy about his comments on federal employees and the basis for that comment. Rep. Addy stated that there are people employed by the federal government that are either in sensitive positions for handling money or information, and if you are in either one those two kinds of positions this kind of allegation compromises you to such an extent as to destroy your reliability. Rep. Brown responded that he would like to be a lawyer for the lawsuit. Rep. Addy stated that when you are in a position of trust and there is this kind of allegation, whether or not it is true, it better be cleared up before you get the key to the money drawer or the vault with classified documents. People who are in that position can be destroyed by that allegation. They also have no rights in a custody dispute as a result of that.

Rep. Hannah asked if there was any testimony that came forward indicating that this is being done any place else to this degree. Rep. Brown stated that there was. Rep. McDonough responded that it was in the last legislative session in Washington state and it is pending in several others. Rep. Hannah asked if they were considering legislation with no limits past the point of discovery. Rep. McDonough responded that was correct.

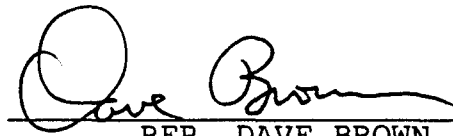
Rep. Rice addressed Rep. Boharski's concern about the probate situation and the risk of someone coming in and filing a claim after dad had died hoping to use it as leverage to get more of the estate. It is not possible under the definition under the law and the timing would have to be terribly coincidental for her to have discovered the harm of the abuse and dad to die within that period time. The problem of it going on forever or allowing this opportunity to file a suit forever is not going to happen. The effect of allegations upon someone's career is true with all criminal offenses in the law and that's unfortunately a problem that goes with our system of justice and that is why we have fair trials and days in court. It is a good bill and the problems discussed by the committee are more fanciful than real.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The motion CARRIED with Reps. Addy, Hannah, Boharski and Aafedt opposing.

ADJOURNMENT

Adjournment At: 11:10 a.m.

A handwritten signature in cursive script, reading "Dave Brown", written over a horizontal line.

REP. DAVE BROWN, Chairman

DB/td

5208.min

## DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date MARCH 6, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

March 6, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 122 (third reading copy -- blue) be concurred in as amended .

Signed: \_\_\_\_\_  
Dave Brown, Chairman

[REP. DAVE BROWN WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 6.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

2. Page 3, line 6.

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

Renumber: subsequent section

3. Page 3, line 7.

Following: "applies"

Insert: ": (1) retroactively, within the meaning of 1-2-109, to offenses that occurred before [the effective date of this act] and for which the statute of limitations has not expired on [the effective date of this act]; and  
(2) "

STANDING COMMITTEE REPORT

March 6, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that  
Senate Bill 157 (third reading copy -- blue) be concurred in .

Signed: \_\_\_\_\_  
Dave Brown, Chairman

[REP. DAVE BROWN WILL CARRY THIS BILL ON THE HOUSE FLOOR]



Amendments to Senate Bill No. 122

Proposed by Senator Dennis Nathe,  
sponsor, SB 122

Drafted by Valencia Lane, Legislative Council

1. Title, line 6.

Following: "AN"

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offenses that occurred before [the effective date of this act]  
and for which the statute of limitations has not expired on  
[the effective date of this act]; and  
(2)"

EXHIBIT 2  
DATE 3/6/89  
SB 122

## WITNESS STATEMENT

NAME Lewis Peppers BILL NO. SB 122

ADDRESS 129 11<sup>th</sup> Ave N Shelby

WHOM DO YOU REPRESENT? SELF

SUPPORT ✓ OPPOSE            AMEND ✓

COMMENTS: CHANGE EFFECTIVE DATE TO INCLUDE

ALL INSTANCES THAT ARE CURRENTLY OPEN UNDER  
THE STATUTE OF LIMITATIONS

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DATE 3-6-89

HB SB 122

Senate Bill 122 - NATHE - Revision of the statute of limitations for child sexual abuse prosecution

WE, by our signatures, support SB122, and hereby request that the legislature adopts the revisions to MCA 45.1.205 as proposed by this bill.

NAME	CITY	SIGNATURE
Lewis PEPPLES	Shelby	<i>Lewis Pepples</i>
Patricia E. Waite	Shelby	<i>Patricia E. Waite</i>
Jim HICKER	Shelby	<i>Jim Hickey</i>
Maribeth Pepples	Shelby	<i>Maribeth Pepples</i>
Terry L. Branch	Shelby	<i>Terry L. Branch</i>
Colby L. Branch	Shelby	<i>Colby L. Branch</i>
Marlyp Robertson	Shelby	<i>Marlyp S. Robertson</i>
Mary H. Brown	Shelby	<i>Mary Helen Brown</i>
CORRINE BERHAR	Shelby	<i>Corrine J. Merhar</i>
Judith J. Nevins	Shelby	<i>Judith J. Nevins</i>
CYNTHIA L. CRUZ	SHELBY	<i>Cynthia L. Cruz</i>
J. J. Jenson	SHELBY.	<i>J. Jenson</i>
Mabel Jenson	Shelby	<i>Mabel Jenson</i>
Mary Schmidt	Lumbert	<i>Mary Schmidt</i>
CAROLYN TOECKES	VALER	<i>Carolyn Toekes</i>
Kimberly Hayes	Shelby	<i>Kimberly Hayes</i>
Judy A. Robinson	Cut Bank	<i>Judy A. Robinson</i>
Sara Shepard	Shelby	<i>Sara Shepard</i>
Jane A. Kindzierski	Shelby	<i>Jane A. Kindzierski</i>
Baro A. LACON	Shelby	<i>Baro A. LACON</i>
Growing Porter	Shelby	<i>Growing Porter</i>
James B. Porter	Shelby	<i>JAMES B. PORTER</i>

Senate Bill 122 - NATHE - Revision of the statute of limitations for child sexual abuse prosecution


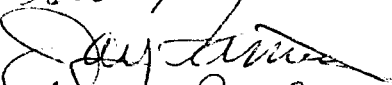
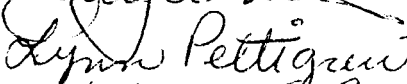
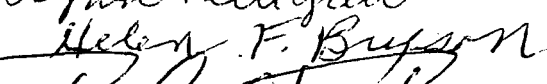

WE, by our signatures, support SB122, and hereby request that the legislature adopts the revisions to MCA 45.1.205 as proposed by this bill.

NAME	CITY	SIGNATURE
Joseph P Pehan	shelby	Joseph P Pehan
KELLY J. HOLTZ	shelby	Kelly J. Holtz
Verna M. Otis	Shelby	Verna M. Otis
Freemay BATHESON	Shelby	Freemay Ann Bathson
Ronald J Migneault	Shelby	Ronald J Migneault
Louis L. Migneault	Shelby	Louis L. Migneault
David J Hollingsworth	Shelby	David J Hollingsworth
Roger Shepherd	Shelby	Roger Shepherd
Jacqueline M. Raloff	Shelby	Jacqueline M. Raloff
Charles C Raloff	Shelby	Charles C Raloff
James R Brunner	Shelby	James R Brunner
Norman O. Peterson	Shelby	
Fern Brunner	Shelby	
Emma Peterson	Shelby	
Karen Nasen	shelby	
Leonard m. Villamor	Shelby	Leonard m. Villamor
Julie Shepherd	shelby	Julie Shepherd
Deanna L. Hiller	Shelby	
MIKE SHEPARD	Shelby	Mike Shepard
Melodee Robins	Shelby	Melodee Robins
GEARY S. BARGAS	Shelby	Geary S. Bargas
Beverly BARGAS	Shelby	Beverly S. Bargas
Carmelita P. Flynn	Shelby	Carmelita P. Flynn
TOM FLYNN	Shelby	Tom Flynn
Jane Allmaros	Shelby	Jane Allmaros

EXHIBIT 2  
DATE 3-6-89  
# SB 122

Senate Bill 122 - NATHE - Revision of the statute of limitations for child sexual abuse prosecution

WE, by our signatures, support SB122, and hereby request that the legislature adopts the revisions to MCA 45.1.205 as proposed by this bill.

NAME	CITY	SIGNATURE
Eve Jacobson	Shelby	
Jay Lanius	Shelby	
Lynn Pettigrew	Shelby	
Helen F. Bryson	Great Falls	
Roland W. Bryson	Antwerp	

S.B. 122

I am Janet Allison, Ph.D., a licensed psychologist from Missoula. I am here to testify in favor of S.B. 122, based on my past decade of intensive work with child sexual abuse victims, offenders, families, and adult survivors. I also represent the Montana Psychological Association in its support for this legislation. It has only been in the past 10 - 15 years, that we, professionals and the general public, have come to understand the scope of this problem. Research shows that at least 33% of girls and 20% of boys are sexually abused by the time they reach adulthood. The effects on their lives are devastating.

Understanding the context in which sexual abuse occurs is essential to understanding the intent and form of S.B. 122. Approximately 80% of offenders are family members or other trusted authority figures. Keep in mind, while listening to survivor testimony, that these sexual abuse survivors are talking about fathers, uncles, grandparents, long-time family friends--people who were crucial to their emotional and physical survival as children.

An offender sets up a secret relationship with the victim, with threats of violence or abandonment (of the victim and/or the family), with offers of special attention or favors, and with other forms of overt or subtle coercion. This trusted figure uses his position of power to ensure the child's silence and the keeping of the secret. Often the offender also persuades the child that the increasingly sexual contact is "normal" and good. Thus, the child victim is led to believe that he or she consented to the abuse, and therefore is responsible for it. Children developmentally tend to believe that they are the cause of the things that happen to them and their families. Together with the power dynamics of the abusive relationship, this tendency causes victims to believe they are entirely responsible for the abuse, and makes disclosure next to impossible.

For boy victims, the unlikelihood of disclosure is even greater. Male identity in our culture allows little room for the experience of being a victim, especially sexually. And so when a boy is molested, tremendous shame adds to the difficulty of admitting that this has occurred.

In rare instances, a child somehow manages to overcome all these obstacle and disclose, usually to a family member, that sexual contact has taken place. But all too often the victim is not believed, or is blamed for the abuse, or nothing effective is done to stop the abuse. The entire

family, very frequently, is dependent upon the offender emotionally, physically, and/or financially. Thus, prosecution cannot occur, because it depends on an adult taking action that, often, they feel unable or unwilling to take.

Until child victims reach the age of majority, then, prosecution usually is impossible because of the persistent secrecy, the child's inability, by virtue of being a child, to communicate or take action, and the dependence of victims and family on the offender.

One concern that could arise about this bill is that it would increase the likelihood of false allegations of sexual abuse. This is not the case. My experience, as well as the developmental literature, indicates that young adults (ages 18 to 23) are still emotionally very attached to their families. They may be angry at former caretakers, but they would be extremely unlikely to initiate prosecution of them, even if it was warranted. Also, tremendous stigma, family and social disruption, and pain is involved in even the initial stages of prosecution of a sexual crime, especially against a family member or friend. I don't believe I have ever dealt with a victim (child or adult), even in cases of successful prosecution, who did not seriously consider giving it up. Even if this weren't true, our system has strong safeguards: because the burden of proof is on the accuser, prosecutors will not attempt to prosecute if the evidence is not strong.

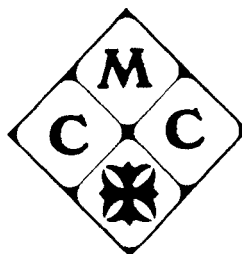
Researchers estimate that fewer than one percent of child sexual abuse cases ever are prosecuted; this bill would only increase that figure by some small increment. I have dealt with a number of cases in which a young sexual abuse survivor finally was able to disclose her experience of abuse in the first few years after moving out of the parental home, either to a family member, to a close friend, or to a therapist. In a few cases, the abuse had continued into late adolescence, so that the current statute of limitations had not run out. This allowed the possibility of a formal report being made and prosecution being initiated by the State.

It is important to understand that, even if an offender stops molesting a particular victim for some reason, he is extremely likely to continue finding and molesting other victims unless the legal system becomes involved. Molesters are almost always terribly defensive and unwilling to seek out and commit themselves to the long hard work of changing their attitudes and behavior. Prosecution is the most effective (and often the only) tool to mandate the

intensive, long-term psychological treatment necessary for offenders actually to change.

If child molesters continue to believe that they cannot be prosecuted for their sexual assaults, they have no incentive to resist their impulses to molest or to get help for those impulses. The current statute of limitations essentially gives a green light to potential molesters. S.B. 122 would have real deterrent value in that it sends a message that we as a society will hold offenders responsible for their crimes, even as their child victims become adults; that we will not allow them simply to go on indefinitely destroying children's lives.





# Montana Catholic Conference

EXHIBIT 4

DATE 3/6/89

~~SB~~ SB 122

March 6, 1989

## CHAIRMAN BROWN AND THE HOUSE JUCICIARY COMMITTEE

I am Megan Hill, representing the Montana Catholic Conference.

We support both SB 122 and SB 157. Child abuse is often an intergenerational problem. Most victims need the extension of the statute of limitations in order to realize that a crime has occurred, and the maturity to be no longer under the domination of the abuser. The costs of counseling are often very burdensome and may continue for years. However, if damages were available in child abuse cases, the chain of continued sexual abuse would have a chance at being broken.

We strongly urge your support of SB 122 and SB 157.



My name is Rosanne E. Davis. I am 36 years old and a resident of Missoula, Montana for the past five and a half years.

I am giving my testimony in support of the proposed bills which would extend the criminal and civil statutes of limitations for victims of child sex crimes. I am doing so because I am a survivor of child sexual abuse who has had no remedy, and therefore no rights. Even if the proposed change is passed, it will not benefit me directly but my testimony is important in enabling other survivors, both men and women, to pursue redress.

Shortly after moving to Missoula in 1983 I began experiencing night terrors. I felt that someone or something was creeping around my bedroom and I was too paralyzed with fear to get up. I laid awake all night and slept when I could during the day. I entered counseling after several weeks of this.

During the initial interview, much to my surprise, my therapist asked if I had been sexually abused as a child. Until that point in time I believed that I had never told anyone what had happened to me. Thus my odyssey began. The majority of the following testimony is derived from memories gathered within the past five years.

I am the oldest of six children. I have two sisters, both of whom were also sexually abused, and three brothers, one of whom I suspect was abused sexually. From the outside, I imagine that we looked like the all-American family. My mother was a homemaker until my parent's separation and subsequent divorce. My abuser, worked as an electronics engineer and was President of the Jaycees. We were practicing Episcopalians.

The earliest memory that I had of being sexually abused occurred when I was five or six years old. This involved sexual intercourse by my abuser. Incidents of sexual abuse repeatedly occurred until I was twelve years old ranging from sexual fondling to intercourse.

I did not know until 1984, at the age of 32, that the sexual abuse began before I was three years old. This knowledge had a profound affect on me. As a child I reasoned that the abuses I had experienced occurred because I was a bad child who deserved to be punished. As a teenager, I had been led to believe that I had seduced my abuser, as a five year old. I owned the responsibility for what had happened to me; I thought it was my fault. Not only did I carry that shame and guilt for over twenty years, I actively hid in fear that someone would find out what a truly evil person I was.

I was not only abused sexually. I was also verbally, physically and psychologically abused. I was told before the age of ten that I was a "slut". I was told that I was nothing; that my abuser had created me and that I was a "slave". I suffered severe beatings with belts, sticks, ping pong paddles; and was thrown, shoved, slapped, kicked and hit with a fist.

As a child, I believed that other families were like ours. Not until I was approximately nine years old did I suspect that something was wrong when my abuser began threatening me with death should I ever tell anyone what he was doing.

I had no reason to doubt the sincerity of my abuser's threats. I believe that he could, at any moment, choose to kill

Ex. #5  
3/6/29

me. He forced my sisters and I to witness the death of our kittens by stoning them. He strangled the neighbor's cat. He kicked our dog to death while it was chained to its dog house. I refused pets fearing that my abuser would kill them as well. I was pulled into deep water at a lake and while my abuser sexually assaulted me, in front of a beach filled with people, he held me at chin level in the water and told me that if I made a sound, he would drown me. He kept a gun in the house that had a silencer which he would screw on and sitting by the open back door, shot anything that trespassed our property. By the time I was ten I purposefully chose to stop crying knowing that my abuser derived a perverse sense of pleasure from my pain.

Within an eleven year period, our family moved a minimum of six times. We had telephones in our home until my abuser ripped the last one from the wall when my mother attempted to call for help. He broke her wrist. My mother did not own a driver's license or know how to drive a car until she was almost forty years old. I am convinced that my abuser purposefully chose to isolate the family.

He decided with whom I could be friends and at a moments notice would tell me that I couldn't play or talk to someone ever again. And I did not. In fact, I stopped making friends with other children because I could not stand the pain of losing them. I could not count on anything; love became equated with violence. I spent most of my childhood alone, hoping that someone would see what was happening and rescue me. No one ever did, although I learned later that people were aware of the violence in our household.

My abuser was omnipotent. I lived in constant fear, trying to anticipate his moods in order to avoid another abusive event. Prior to my twelfth birthday I had decided that when the next episode of abuse happened that I was going to shoot my abuser with his own gun. I couldn't see any other way to make it stop.

My abuser was removed from our household in 1964 after he sexually molested an eleven year old friend of my sister. He was sent to prison and my family moved out of state. My mother was thirty-two years old and had six children ranging in age from twelve to two. We lived with the fear that my abuser might find us.

As a teenager I lived in extreme poverty and began working when I was thirteen. I spent most of my time on the streets, started drinking at the age of fifteen, attempted suicide at sixteen and was pregnant by seventeen. I married and left home at eighteen. Two children and five years later I was divorced. I raised my children alone for fourteen years and remain single.

The only discussion (prior to therapy) concerning the sexual abuses I experienced as a child, was with my mother when I was approximately fourteen. I simply told her that it had happened and did not go into any detail; I wanted to protect her. At that time my mother denied knowledge of the sexual abuse. I was told that good people "forgive and forget". Our family remained one in which we did not discuss those early years; if we didn't talk about it, it didn't happen. I spent the rest of my life forgetting which I was able to do until the night terrors began.

Ex. #5  
3-6-89

I have since learned that my mother did know about the sexual abuse because I had told her when I was three years old. She has stated that I sought protection from her on several occasions. I have no memory of these events.

Given the fact that society did not recognize child sexual abuse or battered women, nor did it provide protection to victims of abuse, my mother did not possess any alternatives to protect either herself or her children. Child protective services or a welfare system did not exist. Teachers, school counselors and other professionals were not trained to identify children such as myself. No one talked about the sexual abuse of children or that it even existed until recently. The general public is still uncomfortable in admitting that child sexual abuse exists.

My abuser was both verbally and physically abusive to my mother. She attempted to have my abuser committed in the late 50's, only to be told that he would be given thirty days written notice. Knowing that we would most likely be dead before the thirty days was up, my mother dropped the case. She went to our minister for help who told her that she should try harder to make the marriage work. She managed to get my abuser to leave the family several times before I was eight years old only to have him return with assurances that he had changed. My mother could not tell her family. Both of my parent's had been abused as children. In the finish, she resigned herself to the circumstances in her life.

I did not bring forth criminal charges within the current statute of limitations because I was obviously<sup>ly</sup> capable of doing so as a sixteen year old. Provided that my entire family had been traumatized by my abuser, it is unthinkable that I would have been supported in filing criminal charges while I remained in the family and the option to do so did not exist for me once I did leave. Indeed, my family of origin continues to maintain a conspiracy of silence and denial, of shame and guilt.

In summary, my abuser has to my knowledge, a nine year history of sexual crimes involving four children. I have no doubt that there are and continue to be other victims. My ability to file criminal charges against my abuser would have perhaps prevented the further sexual abuse of other children. More importantly, it would have enabled me to continue in my life without carrying the responsibility and burden for my own victimization.

SB 122 - Revised Criminal Statute of Limitations for Child Sexual Abuse

My name is Patricia, I do not feel like I can use my full name because I still fear for the safety of my family and myself. However, as a 28 year old incest survivor, I feel my testimony will aid you in your decision on the legislation now before you. In the interest of being brief, I will attempt to outline my experiences.

In the process of recalling details regarding the sexual abuse, in order to write this testimony, I've experienced renewed pain, terror, grief, and depression. I was sexually abused as a minor by 6 different perpetrators: an unknown perpetrator, my father, three brothers, and my bother-in-law. My age and the duration of each episode are as follows: before 3, at 5, 9-12, two different abusers at 15, and at 16-17 years old. The different forms of sexual abuse I experienced included: forced fondling, groping, attempted rape, rape, getting urinated on, and forced oral sex. I was raised in a dysfunctional family where alcohol abuse was prominent. Secrecy about the family was maintained by constant verbal abuse and physical violence by both parents and all siblings. The unspoken rules of the family were don't trust, don't feel, and above all don't tell. I felt if I didn't obey these rules it would destroy the family and I could be killed. That is why my first 5 abusers knew they didn't need to make specific threats. The last abuser, my brother-in-law, did threaten me with death if I told. My reactions to the sexual abuse were to fight it, avoid it, submit to it, and withdraw from it in order to survive. My perpetrators used coercion, trickery, and entrapment to force me to submit, and once trapped I felt terrified and helpless. As a teenager I confided in 4 different adults about the sexual abuse. My priest punished me with penance, my half-sister blamed me, my mother minimized it, and my brother-in-law took advantage of the information and trust

to begin sexually abusing me. Telling produced negative feedback that reinforced feelings of helplessness and responsibility that I tried to escape with alcohol and substance abuse. During the last period of sexual abuse at age 17, I began a long period of sexual promiscuity. I felt powerless against any male advances and felt I didn't have any other choice. I left home when I turned 18 in an attempt to break family ties and lead a "normal" life. Shortly after, in need of acceptance and love, I married a man who continued to victimize me with sexual abuses until we divorced when I was 22. During this marriage I depended heavily on reaffirmation from my family which continued until a year ago when I indirectly confronted them about the sexual abuses. They denied it, threatened me, and abruptly cut off all communication with me.

I entered my current relationship when I was 22. The repercussions of my abuse began overwhelming me at the age of 25 when I began physically abusing my husband and children. In an attempt to find out why and correct it before I lost my husband and children I entered counseling and eventually an incest survivors' group. I have been in counseling ever since and have gradually discovered the connection between the repercussions I have experienced, and have to deal with the rest of my life, and my abuse. I feel the following repercussions are the direct result of the combined abuses I experienced as a child: severe depressions, suicidal attempts, tendencies, and other self-destructive behaviors, alienation from peers, spouse, children, and society in general, anxiety, insomnia, inability to make decisions for myself, mistrust and fear of people, confusion, eating disorders, and a loss of personal identity. Even though they could also have been produced by the different forms of abuse individually, I feel the sexual abuse in particular intensified the repercussions dramatically. The repercussions I feel are due solely to the sexual abuses, and which

Ex. #6  
3-6-89

3

especially affect my marriage are: sexual promiscuity, flashbacks to the abuses, nightmares of sexual abuse, confusion about sexuality, and shame of and disconnection from my body.

Out of all six abusers, one has acknowledged the abuse on me and has reformed, one is currently serving a prison term due to molestation of another child, another one has molested at least one other child that I know of since me, and the others I suspect are still sexually abusing children. I strongly feel that if the criminal statute of limitations were to begin at the age of majority it would cut down on sexual abuse. Others in similar situations to mine who are more successful in separating themselves from their dysfunctional family might have a chance to seek out help sooner because of increased awareness and support. Because the proposed law did not exist and I was not in a position to act on the existencing laws I feel 3 of my perpetrators are still abusing except for the one that is in prison because one child was lucky enough to tell the right adult.

I wish it was possible to simply start new from today but the abuse still haunts me. I was totally unaware of the ongoing effects of sexual abuse. I haven't been able to have a successful relationship or even to ask for my needs to be met. I raged out of control the first year of my marriage, only to feel worse about myself. I lacked self-esteem. I suffered varying degrees of anorexia in my twenties. I worked to exhaustion trying to feel like I was worth something. I've done crazy things to get male approval. I've protected my children to the point of smothering them due to my fears of them being sexually abused too. I've been severely depressed and contemplated suicide on several occasions. I wanted to be loved so badly. I felt awful for so long but never knew why.

Years later, in my thirties, I was in a physically abusive relationship. I went to a therapist for help. That's when I started piecing the craziness of my life together and realized some of the effects the sexual abuse had.

I would avoid legal remedy if there were compensation or ways to deal with this on a level of honesty. Since there aren't, the laws need to support the victim as much as possible. To my knowledge, my stepfather has never received any help for his sickness and could therefore still be an abuser.

I wasn't aware of ongoing effects from the abuse within the statute of limitations. My testimony supports the proposed delayed discovery law -- it would be a great benefit to survivors under duress and the illusion that sexual abuse is "no big deal." The fact that cases will be brought into public court with more media exposure will show victims they can stand up against their abusers. The abusers will be sent the message that this dark secret has come to light and that retribution for their actions is likely.

Sexual abuse and its effects can cover a wide range. I think people saw abuse only as violent, gory sexual assault and that "fondling children [wasn't] that destructive." That may change and make the public more aware with the passage of this law. The proposed law gives victims the time they may need to recognize and admit to the devastation caused them by being sexually abused.

Thank you.





My name is Sandra Ward Gursky. I am forty five years old, and I am a SURVIVOR  
OF CHILDHOOD SEXUAL ABUSE.

I was six years old when it began. I was the "favorite" child in the family. He took me everywhere with him. He took me to his place of work, but only when no one was there. There he made me watch him urinate, and then he would make me touch his genitals. When my Mother was out in the evening, he would take me into their bedroom and take off my clothes from the waist down and make me sit on his bare body while he lay on the bed. I cannot say if there was intercourse. These two incidents happened over and over during a two year period. I remember them very clearly, but when I try to remember past a certain point, I cannot. Those two years contain many blank spots. I do remember being in fear constantly. He told me he would hurt me if I didn't do what he wanted. Since he beat my Mother and brother regularly, I was sure he would. He also told me he would kill me if I told anyone.

When I was not quite eight, it ended. My Mother, who had suspected, forced me to tell her. I was terrified, but he did nothing. Nothing that is, except watch me all the time. Until I was sixteen years old, I spent all my waking hours trying to blend into the walls, so that he, or no other man, for that matter, would notice me. I was withdrawn, extremely shy, felt I was not a good person, and was petrified of even the idea of sex. At sixteen, he approached me once more. I ran away from home and never went back. Fortunately, I had Grandparents who were willing to accept me into their home.

At thirty four, my second marriage was showing signs of failure. I had always felt that everything that went wrong in my life was my fault, so this must be too. Why should I have a good relationship, after all, I was a terrible person, with no worth. Why would anyone want to treat me well. I started drinking heavily to numb the pain of living. From there, I started to think about suicide, as an escape from this destructive life. At thirty six, feeling that my whole life was a failure, and after a particularly close call with the drinking and the suicide thoughts, I went into therapy. I thought I needed help because I was a failure at living and I had

to fix me. But, during the two year period of my therapy, I discovered that I had been emotionally crippled by the Childhood Sexual Abuse. It had affected my whole life. I was a victim as a child, and as an adult, I remained a victim. I knew no other way to live. I was unable to choose a healthy life style. My relationships had all been destructive and abusive. I was disfunctional in every aspect of my life. I overprotected my child and other children. I was suspicious of every man. I was also sexually disfunctional. The deep, dark secret of my past always made me feel like I was a freak, and unworthy of any kind of "good life". I had struggled all my life, all because an adult male had used me--a little child--as a sex toy. And, I was not the only one he had abused. Two of his brothers' daughters were his victims also. There may have been others, but we never knew of them.

At the age of thirty eight, after two years of therapy, I discovered the connection between the abuse I had suffered and my disfunctional life. By then, my abuser had killed himself and my Mother. It was too late to do anything about my abusers actions.

As a victim, I had spent a major portion of my life trying to deal with the crippling emotional impact of this abuse. I was struggling with long before I knew that it was the problem. The therapy that was necessary to help me put my life together, was very expensive, emotional and time consuming.

I think that both the bills put forth during this legislative session could be a deterrent to this abuse. If the abuser knew that he/she could be called to account for his/her actions against a child, even years after the event, perhaps more of them would get help and/or think before acting on their sick impulses. We must all be held accountable for our actions. The statute of limitations, set as they are, prevent many victims of this abuse from ever taking any action towards their abuser. While they are children, they have no power to do so, and once they have reached adulthood or discovery, the statutes have expired. The secret is kept, and the abusers continue to abuse our children.



# University of Montana

EXHIBIT 9  
DATE 3/6/89  
SB 122

Center for Student Development • Missoula, Montana 59812 • (406) 243-4711

December 20, 1988

TO WHOM IT MAY CONCERN:

The purpose of this letter is to endorse the proposed legislation to change the statutes of limitations as they pertain to child sexual abuse. These changes will allow the adult who was abused as a child to face the abuser in court, whether criminal or civil. With sufficient media coverage, such legislation might even prevent or deter present perpetrators from continuing abuse if they know that they might be called to account when the abused child grows to adulthood. Child abuse is secretive behavior and must remain so for the abuser to be safe. Exposure for the perpetrator is the greatest fear. Any legislation that might 'stay the hand' of an abuser must be worthwhile for society as a whole.

As a clinical psychologist here at the Counseling Center of the University of Montana for over 25 years, I am well aware of the damage child sexual abuse can do to the child who is now an adult. For these victims (mostly women) the problem lies in the present, not the past. Their difficulties in present relationships, whether marriage, family-of-origin, boyfriends, or their own children, can often be traced directly to their early abuse. Even when consciously forgotten, the effect of the abuse lingers on. The damage seems never ending.

Sincerely yours,

*Helen H. Watkins*

Helen H. Watkins  
Clinical Psychologist

My name is Ta'ra, I am an adult survivor of child sexual abuse. ~~is not my real name~~, I do not wish to hurt any of my family by telling my story.

I'm 33 years old, and have been working on my abuse issues intensively for 1 year; however for the past 6 years I've tried to work deal with this issue but failed.

Within the past two years I have been in and out of Warm Springs State Hospital. I thought that I was going crazy. All the feelings were coming up, the ones that I've tried to dumb out since I was 7 with drugs and alchole.

Up until now, I had lost many of my childhood memories. The earliest memory I have is age 10. I think the trauma of one of my abusers giving away my toys, caused a rift in my system, which produced a split in me. By this I mean I ended up with 3 personas. (Personas are emotions that split off - an example Natas the keeper of anger, hate, rage.) I would see the change in me after many years, it felt like I was trapped in my own body.

I was sexually abused by 5 different perpetrators, from the memories that I have retrived since my therapy it occured from birth up until I was 18. One of which I became pregant at 15 and had a miscarriage.

I went to my mother and other family members, but unfortunately it all fell on deaf ears. I was told that I was a liar, and that I had made it all up for attention. At the age of 13 I tried to kill my self and failed. From then on I had tried 24 more times.

When I was 19 and moved away from home I got mixed up in prostitution and ended up in jail three times for varies crimes.

From the memories that have resurfaced since being in therapy, I believe that I was abused from birth, the abuser would bathe me and in doing so would touch me in places far to long to be considered normal. This went on for 5 years then stopped for no apparent reason. While I was in therapy I learned that another sibilng was being abused by the same person. When this person went to other members on the family and told them what was going on, they looked into it and found that it was true. The abuser went through a short term treatment and was let go and was told not to do it again. Everything was fine until I reached 11-12, and then another person started to sexually abuse me, then another & another. I ran away from home, I was picked up in Missoula. I told the police that I was being sexually abused at home, but they said there was nothing that they could do about it because children were thier parents property and they sent me back home. Every effort I made to get the abuse to stop was thwarted. I finally gave up.

Since being in therapy I have confronted 4 of the 5 abusers. Three of them have taken responsibility for their actions. The other one is in denial. One of the abusers sexually abused a niece, her parents told the rest on the familly to watch out for him, and to not leave our kids alone with him. I tried to get the parents to press charges, but they told me to leave him alone, hadn't he suffered enough?

I have been married for 9 years, I have two children a boy 8 and a girl 6. When my son was 2 and my daughter new born I began to phy-ic sically abusing my son. I was so afraid that my son was going to start sexually abusing my daughter, I wanted to protect her any way I could even if it meant killing my son. When he turned 3 I finally got help with my abuse through Parents Anonymous. It was there that I learned where all my hate and fear was coming from. Perhaps if I wasn't abused when I was young, then my children would have had a better mother. If this law is passed, then maybe if other children go to thier families, or the authority they wont be turned away but rather be heard, and listened to and most of all protected from these people that hurt children.

Sincerely  
Ta'ra

DATE 3/6/89

HB 3/6/89

1/17/89

To Whom it May Concern,

I was molested as a child. In 1965 at the age of four I did not have the power to tell of my abuse. I blocked it from my memory.

Seven years later when I remembered, it was too late for me to take legal action. There was no intervention or advocacy for me and I suffered in silence for many years.

To this day I am without legal means or rights to sue my assailant. My rights were gone before I was ever advised of them. I have spent thousands of dollars in my recovery. As a Medicaid patient the taxpayers have spent for my recovery.

If the Statute of Limitations had been extended before my twenty third birthday, I would have been able to seek restitution.

It is absolutely imperative for the millions of sexually abused children to have a voice.

Our Society is morally obligated to listen to their voices and we are morally obligated to take action against abuse. We must allow our children to have the power to say no.

As the parent of a sexually abused child and as a survivor of sexual abuse, I'm telling you it is hellish torture and I strongly urge you to extend the Statute of Limitations.

Thank you,  
Kemp Hall

Mr. Chairman, Members of the Committee:

My name is Fay Dozier of Reedpoint, Montana. You may recall that I previously testified before your committee on another child abuse bill. I am unable to give oral testimony on SB122, but want my testimony on the record.

As I previously testified, I was sexually abused for 13 years--from age 5 to 18. After I ran away from home at age 18, I reported my molestor to the authorities. However, because I was of "legal" age, I was told there was nothing they could do. Charges were brought against my molestor after I pleaded that at least one of my four sisters was being molested. Unfortunately, my family would not support my allegations and the case was dropped.

Since that time my molestor has abused all four of my sisters, a step sister and a two year old half sister and is suspected of molesting many more children. This individual has been molesting for over 30 years now and is still running loose even though he was prosecuted for molesting my step-sister.

Had I been able to successfully have him prosecuted when I was 18, many innocent lives would have been spared the devastating emotional and mental anguish that results from sexual abuse.

I felt "safe" at the age of 18 and felt able to turn my molestor in, but prior to that I was so afraid of the repercussions that would result if I told that I felt I had no where to turn for help. As I previously stated I was not only sexually abused, but physically, emotionally and mentally abused as well.

It has been my experience as a result of many painful years of therapy, that most victims of sexual abuse cannot turn in their molestor when the molesting is taking place because of fear and because of the emotional blackmail that is used on them to keep the "family secret".

If a law such as this proposed one would have been in effect at the time I was molested, my abuser might have been stopped--at least it might have made him think twice before he violated another innocent child.

I strongly support SB122. Thank you.

Fay Dozier

EXHIBIT 13  
DATE 3/6/89  
SB 122

Kim Darling  
626 N. Caravan  
Missoula, MT 59802  
January 18, 1989

TESTIMONY FOR THE LEGISLATIVE RECORD RELATIVE TO SENATE BILL 122

I am an incest survivor. I discovered this when I was twenty-nine years old. Prior to this discovery, I suffered suicidal depression for ten years. I was disabled by an eating disorder and drug addictions. I began seeing therapists when I was twenty-eight because of difficulties in my marriage. Although the therapy was helpful, I had a sense that I had still not gotten to the source of my difficulties. Then, while participating in a workshop on incest as part of training to work in a crisis intervention network, I encountered a list of characteristics of incest survivors. Every item on the list applied to me. The next day, during the course of personal sharing in the workshop, I began to remember specific incidents of sexual abuse in my childhood. The process of remembering continues for me even now.

Since the time of the initial discovery, I have completed a RA in Social Work and am working in the recovery process with other survivors. This recovery process requires letting go of feelings of responsibility for what happened to us as children. It requires moving through intense feelings of anger, fear, grief and shame. This recovery process begins after we break through the very thing that helped us to survive, that is, denial. Again and again I have seen women accomplish this in their late twenties and early thirties. It is unrealistic to expect survivors to be willing or able to confront their abusers while they are still dependent, physically, emotionally, and economically on the familial system in which the abuse occurred. In young adulthood, the denial that allows for survival is still functional.

I confronted the man who abused me about that abuse three years after I began to remember it. He laughed at me. He denies still, as he did then, that what he did to me was injurious. He is supported in his denial by a cultural denial of the existence and extent of injury done by the sexual abuse of children.

I urge you to pass this bill before you. It is a significant step in breaking through cultural denial of the effects of childhood sexual abuse.



SB 157  
SB 122

EXHIBIT 14  
DATE 3/6/89  
~~SB~~ SB 122

Ladies and Gentlemen;

My name is Nocona. For legal purposes I chose not to use my legal name.

When I left my hometown in 1980, on my way to Montana, I was 21 years old. At the time I left I did not realize my statute of limitations was running out. I did not know I had a statute. I thought if I left and changed my name my life would be different, I would be different. I believed I could handle my past and emotions without counseling. I did not think there was anything wrong with me. I look back now and realize I had no responsibility, trust, self-esteem, honesty, family, childhood or God.

I was kept from my family for approximately six years. The excuses - endless. Only through counseling did I relate the damages of my past and present to the abuse. My anger is most dangerous to myself. I don't know how to be angry. I wasn't allowed to show anger. I used drugs and food as a way to cope with everyday life. I now have a child and I am very conscience of changing his diaper and teaching him his body parts. I can't say the word "no" to my husband when I am in an intimate situation. I am in approximately four hours weekly of intensive counseling.

I went public with my abuse shortly after the birth of my child and had told nobody before. My husband of four years had no idea. I did not have the trust in anybody to tell.

I could not go to the police for my offender was a police officer. I could not go to the church for my offender was my Sunday school teacher. People have asked me, "why did it take so long to come forward?" My offender had threatened my life saying, "if you tell anyone I will kill you." I was also told, "how easy it would be to break your neck." I believed this. I still do.

I have carried my abuse with me since I was six years old. It stopped for awhile until I was 10 years old, then continuously to the age of 16 years old. I am the oldest of five children, three girls and two boys. There was not anyone to turn to.

After I told my husband of my years of abuse, he confronted my offender with his knowledge and asked for help paying for the counseling I was to face. My offender refused to pay what my insurance would not cover and began denial. We were told we would have to take legal measures in order for my abuser to take responsibility for the damages caused.

On my second visit to my therapist I asked her if, "I was the way I am because of the sexual abuse?". I didn't know the answer to my question. That was my point of discovery.

When my emotions come into my life, be it anger, distrust, helplessness and depression, they are not that of an adult. They are that of a 10 year old. This is where I quit growing emotionally. 10 year olds can not protect themselves even in the body of an adult. 10 year olds can not protect

themselves while doing sexual acts of adults. An adult can protect a child of 10 years old. There are three years of my life I can't remember, 13, 14, and 15. I think that my mind is wonderful in the way it protects me and I think that when I am strong enough to remember, I'll remember.

The nature of my abuse was; me touching my offenders private parts at the age of six years old. At 10 years old my offender would intrude the bathroom while I was urinating. At 11 years old there were pornographic movies for stimulation and learning techniques, oral sex, use of an instrument, voyeurism ( having me watch my offender with another victim and non-victim ) and sexual intercourse.

I did these things to save my life. I would survive by pretending I was not there or by focusing on an object so I would not feel. I did feel disbelief. I did feel betrayed then and now. The betrayal of someone I trusted was beyond my comprehension as a child. I felt it was my fault, that I had done something wrong, but I couldn't figure out what it was. I did feel it was the only way this person loved me. I felt sorry for my offender. As a child there was no logic. As an adult there is no logic. I was my offenders property to do with as wanted.

With the denial, this abuser has not accepted the responsibility of these actions and does not acknowledge any wrong

doing. Three young children were being abused at the same time my abuser was allowed to work with children in the community based on trust. Present laws with their short statute of limitations are obviously ineffective in preventing sexual abuse. The abuser avoids discovery and prosecution by simply threatening a terrified child with physical harm. Their abusers need to be made responsible to their victims through more encompassing legislation. Then and now it is accepted by society as a problem, the victims problem. With the statistics as they are known, it is an epidemic that needs to be controlled. It needs to protect children who are so helpless and defenseless against abusers with power and strength. We need to stop this vicious cycle of abuse. Children need to be heard and protected. They need to be given a chance in life to live it to the fullest and to become responsible adults.

I did not realize until recently how my life was affected by my abuse. The simplest things in life are so difficult to perform, ordering out of a restaurant menu to being overwhelmed by ordinary everyday household chores or looking at my husband and child after I have verbally channeled my unwanted anger at them. Thinking in a matter of five minutes, four different ways to commit suicide. I isolate myself from people who love and care for me and try to get close to me. I push them away for fear of being rejected.

3-6-87

I am reprogramming 24 years of habits, addictions and survival techniques that are of no use to me as an adult. When my husband married me he had no idea of my past and now he feels the rape, abuse and anger that I do, because he loves me. I see the pain in his eyes, for me. I see his helplessness. How do I teach my child the important morals in life; trust, self-esteem, honesty, responsibility, family and God if I don't know how myself? I am learning at 30 years old, ever since the silence was broken.

1/17/89

To Whom it may Concern,

" I think we should change this law because if people get molested and don't tell within seven years then they don't get to get it off their chest and tell by suing the person who molested them. "

" If I myself didn't report it in seven years I would feel really bad cause I hadn't gotten it off my chest.

If I hadn't told, that person would still be molesting children and I feel very strongly about children's rights. I think this law will encourage children to tell their problems. That's why I think we should change this law. "

Violet Hopkins

Age 7

SB 157

EXHIBIT 16  
DATE 3/6/89  
SB 157Mar 6, 1989  
House Judiciary Com

Mr. Chairman and members of the committee, my name is Susan Swinehart. I hold a Master of Social Work degree and work as a psychotherapist on the Psychiatric Unit of St. Peter's Community Hospital here in Helena. In my position at St. Peter's I run a program for survivor's of sexual abuse who are patients on the psychiatric unit. I am here today on behalf of the Montana Association of Social Workers in support of SB 157 to extend the statute of limitations so survivors of childhood sexual abuse could bring civil suits after discovery that the problems they are encountering in later life have their origins in sexual abuse during childhood.

You have heard previous witness testify to the devastating, long-term effects of child sexual abuse. I am here to lend support to that information and to provide additional information regarding the level of support services which survivors often require - services which often fall to the state to provide. In the rough statistics I have been keeping during my almost two years at St. Peters, I have discovered that between 85%-90% of the patients I am assigned to have underneath a myriad of presenting problems ranging from chemical dependency to psychotic thinking and psychiatric diagnoses ranging from conduct disorder in an adolescent to a major depression in an adult, a history of childhood sexual abuse. Attempts to deal with the real life consequences of such abuse often pushes individuals into a series of emotional crisis which require hospitalization in a unit such as the one where I work at St. Peter's. Of the patients I treat with a history of sexual abuse, suicidal crisis are not uncommon nor are multiple hospitalizations as a patient comes to understand and begins to work through the roots of the difficulties they are experiencing.

Although childhood sexual abuse cuts across all social and economic lines, at the time of first admission and sometimes for subsequent hospitalizations, the majority of my patients who have this type of history are unemployed women and men *not encouraged*. Accordingly, when services are required, it falls to the state to provide them. Following is a list of the services funded directly or indirectly by the State to which I have referred such patients. I have referred patients to the Department of Social & Rehabilitative Services for public assistance - either GA or AFDC; for Medicaid to pay for hospital and other medical bills (patients with a history of sexual abuse are often so out of touch with their bodies and particularly with feelings of pain and discomfort that they have all manner of untreated medical problems) and for psychotherapy which very often must continue for many years; for adult education to complete high school equivalency; for vocational counseling and career training through voc rehab. I also refer patients to the Department of Family Services for child protection when I have a current child abuse situation; for foster care for the children of sexual abuse survivors who don't have the first clue how to parent and are trying to figure it out or who are so overwhelmed with flashbacks and nightmares about the abuse they suffered in the past that they have no energy left to parent; to adult protective services

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for assistance in handling complex aftercare plans that involve a multitude of services for an adult who was abused as a child; to the Friendship Center for shelter from a currently abusive relationship; to the youth group homes for shelter from an abusive family when foster care cannot be found; for adoption services when a parent decides it will take too long for them to be able to parent effectively given the level of their own abuse and have decided to place their children for adoption so they might have a better chance; (I have also worked with a number of survivors referred from the Critendon Home for unwed moms - ~~very few~~ ~~ABUSE~~ children learn that young bodies are for sex). I refer patients through the court to the Department of Institutions for WSSH for long term inpatient psychiatric treatment because an individual cannot keep themselves safe from their own destructive thoughts - thoughts which began while they were being sexually abused where they often felt suicide to be their only way out; to Galen and the Lighthouse, alcohol and drug TX facilities to teach an individual how to come out of the emotionally numb state they have used, often since childhood, to survive the painful memories; to Mental Health Services, Montana House, and Transition House for therapy, day vocational programs and a transitional living situation for persons too fragile to handle the demands of independent living. (I have also worked with patients with sexual abuse histories who were bound for DeerLodge, Pine Hills and Mountain View because the anger and rage they carried with them from childhood had been turned on the society.) I also refer patients to the Department of Health for services through the Family Planning Clinic - patients who have had their sexual boundaries shattered in early childhood never had the opportunity to learn how to say NO and have that word respected when it came to matters of who touched their bodies and how so they remain at high risk of involvement in "promiscuous" sexual behavior which puts them at high risk for unwanted pregnancy or VD.

The cost of providing such services places a burden on the State which should be properly borne by the person responsible for causing the problems leading to the need for such services. SB 157 is a necessary step in enabling that to happen. I strongly urge your support of this needed legislation. Thank you.



# MONTANA WOMEN'S LOBBYIST FUND

EXHIBIT

17

DATE

3/6/89

P.O. Box 1099

Helena, MT 59624

406/449-1917

SB 157

Testimony in Support of SB 157  
House Judiciary Committee  
March 6, 1989

My name is Brenda Nordlund and I appear on behalf of Montana Women's Lobby in support of SB 157. Our support is based, in part, on the following factors:

1. The Surgeon General's Northwest Conference on Interpersonal Violence specifically recommended application of the discovery rule to childhood sexual abuse cases. The psychological associated with childhood sexual abuse will often result in the victim lacking the means or ability to ascertain his or her injuries and their cause.

2. Public policy considerations underlying the use of the discovery rule support its application in cases of this nature. Analogy can be drawn to causes of action involving "breach of trust" and "fraudulent concealment", where the discovery rule is applied in Montana. [See, Skierka v. Skierka Bros. Inc., 629 P.2d 214, 218 (Mont., 1984), Monroe v. Harper, 164 Mont. 130, 136, 518 P.2d 788, 790 (1974); and Keneco v. Cantrell, 174 Mont. 130, 136, 568 p.2d 1225, 1228 (1977).]

The same policies justifying application of the discovery rule in breach of trust cases support protection of plaintiffs' remedies in childhood sexual abuse cases: the victim of childhood sexual abuse is typically inexperienced in interpersonal relations and must rely on adults for that knowledge. Likewise, drawing comparison to fraudulent concealment cases, an adult's failure to disclose to the child essential information about a child's rights and limits on the adult's rights—or plain deceit on these matters—may be treated as a fraud upon that child.

Secrecy is a common thread in these causes of action, and is equally prevalent in childhood sexual abuse cases.

3. The concept of "blameless ignorance" historically has been a central justification for use of the discovery rule. That concept is clearly relevant in childhood sexual abuse cases. [See, Urie v. Thompson, 337 U.S. 163, 170 (1949)]

It is not unusual for a victim of childhood sexual abuse to repress all memory of the abuse. Most victims will be unable to connect their injuries with the abuse for many years. Injuries related to childhood sexual abuse often include problems in interpersonal relations, low self-esteem, feelings of isolation, and sexual dysfunction, all of which are unlikely to manifest themselves clearly until adulthood. Generally, it is only when an adult survivor of childhood sexual abuse enters therapy that any meaningful understanding of his or her injuries can be developed.

Discovery of the cause of a childhood sexual abuse survivor's injuries can take years. Many victims are convinced that they are to blame for the abuse. The trauma associated with sexual abuse causes a victim to be unable to connect his or her injury with the abuse. The victim is thus "blamelessly ignorant" of his or her abuse-related injuries. The abuser, on the other hand, is the direct cause of the victim's trauma, and should not be permitted to profit from the fact that discovery of the cause of action of a victim's injuries may occur long after the traditional statute of limitations period has elapsed.

4. Finally, and perhaps most importantly, no public benefit supports a rule that shields childhood sexual abusers from the consequences of their conduct. Civil suits act as a deterrents to unacceptable behavior. Our hope is that this legislation, along with providing victims of childhood sexual abuse with a remedy, will have a chilling effect on potential abusers.

Survivors of childhood sexual abuse deserve an opportunity to present their cause of action. SB 157 will afford them that opportunity. We urge a do pass recommendation for SB 157.

S.B. 157

I am Janet Allison, Ph.D., a licensed psychologist from Missoula. I am here to testify on behalf of S.B. 157, based on my past decade of intensive work with child sexual abuse victims, offenders, families, and adult survivors. I also represent the Montana Psychological Association in its support for this legislation. It has only been in the past ten to fifteen years that we, professionals and the general public, have come to recognize the scope of this problem. Researchers have found that at least 33% of girls, and at least 20% of boys, are sexually abused by the time they reach adulthood.

The long-term effects of child sexual abuse on victims often require extensive psychotherapy. Although the need for psychotherapy is caused by the abuse, survivors almost never receive compensation for therapy expenses from their offenders. The statute of limitations runs out long before victims are able to file a lawsuit, because of the psychological realities that are part and parcel of the experience of child sexual abuse. These psychological realities would be explained in detail in front of a jury, if S.B. 157 were to become law and if a survivor were filing suit. I will attempt to outline them only briefly for you here.

It is clear, from the literature and from my clinical experience, that there is a constellation of symptoms that generally result from sexual abuse by a trusted authority figure. Often some or most of these symptoms are latent until well into adulthood--that is, they don't appear or don't develop their full intensity until the survivor is grappling with adult stresses such as marriage, raising children, etc. These long-term negative effects include: chronic depression, low self-esteem, chronic irrational guilt, suicidal and other self-destructive thoughts and behaviors, inability to trust, lack of assertiveness, difficulty with intimate relationships, sexual problems and dysfunctions, disassociation of self from experience, recurrent nightmares, flashbacks to the abuse, disproportionate negative reactions to certain persons and events, eating disorders, alcohol and drug abuse, promiscuity, involvement in prostitution, the tendency to be revictimized, and the tendency to victimize others.

The victim/survivor of child sexual abuse suffers more and more from these increasingly chronic symptoms. And yet she or he has no way to connect them with the earlier experience of sexual abuse, without some form of expert input. This usually occurs through work with a psychotherapist who can

point out the connections, or sometimes through magazine articles, TV shows about sexual abuse, public presentations by experts, etc. But without education from an outside expert source, no one would recognize that a group of several of these symptoms strongly suggests the likelihood that child sexual abuse is the cause--and, prior to the past fifteen years, no one did recognize that connection.

Sexual abuse survivors have specific impairments that make them even less likely to connect their symptoms with their history of sexual abuse. The secrecy, which surrounds the abuse and is imposed by the offender, ensures that the victim has no perspective on the sexual contact except for what the offender communicates--and the offender doesn't tell his victim that his behavior is destructive to her. Also, the offender's authority and his position of trust put the child in a terribly helpless, powerless position. Unless someone somehow intervenes and offers protection for victims, they are forced, for their own survival, to find ways to accommodate to the ongoing abuse.

The "child sexual abuse accommodation syndrome," first described by R. Summit in 1983, develops out of the victim's need to cope with the contradiction between what the perpetrator is supposed to be (good, loving, trustworthy) and what he is doing (which is painful, confusing, and bad). The healthy, normal child who is subjected to this ongoing contradiction accommodates by viewing the perpetrator as good, to avoid the emotional devastation of experiencing an essential caretaker as bad. And so the only acceptable option for the victim is to assume responsibility for the abuse. Naturally, this leads to many of the symptoms that I have already listed--the rage over the victimization is suppressed and internalized, leading to self-hatred and self-destructiveness. Victims not only behave in various self-destructive ways, but come to feel guilty about everything bad that happens in their lives. They assume that their many problems are somehow their own fault, and have not the slightest understanding that those problems were caused by the offender's behavior.

What is more, accommodation to the intolerable anxiety, pain, and confusion of sexual abuse often includes actually repressing the memory of the abuse altogether. Many survivors of sexual abuse develop amnesia so complete that they simply do not remember that they were sexually abused at all; others remember only one or a few incidents out of the years of abuse they endured. Obviously, until survivors recover their memory of the abuse, they have no way of seeking compensation for its effects. This usually occurs many years later, with the help of a psychotherapist who suspects sexual abuse may be the cause of their constellation of symptoms.

Even if, somehow, a young survivor of sexual abuse discovered the nature of his or her injuries and their causes in time to file a lawsuit by the age of 21, there is probably no chance of the suit actually being filed. I have only seen one survivor in all of my experience who reached the point of even considering bringing suit against her offender at the age of 21. (In this case, the offender had been only a temporary member of her family.) This young woman certainly did not have the psychological strength to follow through with taking such action. Adolescents and young adults are still too immature and too emotionally attached to their families to be capable of this type of action against family members or close friends. In my professional opinion, probably less than five percent of incest survivors could, mentally and emotionally, even consider filing a lawsuit against their offenders by the age of 21; I doubt that any would be capable of actually filing and following through with such a suit by that age.

In fact, very few survivors of any age would actually file lawsuits against their offenders. Bringing suit against a family member or close friend brings tremendous stigma, family and social disruption, and pain to the plaintiff, especially when sexual contact is involved. The long, hard process of carrying such a lawsuit to completion would demand emotional reserves and resilience beyond what many sexual abuse survivors have, even after extensive psychotherapy.

I want to stress that, unless there are real external consequences for molesting, offenders are almost certain to go on sexually abusing children. This legislation offers the potential for financial consequences as well as having the behavior exposed. Also, there would be real deterrent value for potential molesters who foresee these possible consequences.

S.B. 157 would give survivors access to the courts, access they now are effectively barred from, so they could seek compensation from those who are responsible for their injuries. In the vast number of sexual abuse cases in which criminal prosecution cannot occur, this would create one other way for us as a society to communicate that we hold child molesters responsible for their crimes against children. I urge you to support this important legislation.

Leslie Burgess  
Missoula, MT

SB 157

EXHIBIT 19  
DATE 3/6/89  
~~SB~~ SB 157

My name is Leslie Burgess. I am a survivor of incest. I had a complete memory block until I was 32 about the incest that I experienced between the ages of 4 to 7. I did not remember what had happened to me. When I was 32 I sought therapy because I was depressed and suicidal and very concerned about my inability to form or maintain intimate relationships. It was after nearly a year of therapy that I started to recall my memories. I believe that it became safer to remember because I was older, far away from the situation in time and space and had the support of my therapist. Remembering enabled me to finally work through the pain and begin the long healing process.

I now remember the abuse as starting when I was four. The last incident of abuse that I remember was when I was seven. During that time period, I was fondled, masturbated upon and forced to "perform" oral sex. I had my privacy invaded when I was bathing and when I was sleeping as well as at other times. I was told that if I told anyone, my younger brother would die. I was four years old and I believed it.

As a young adult I abused alcohol, drugs and food and I was very sexually promiscuous. I suffered a long-term depression and made two suicide attempts between the ages of 18 and 25. I had extremely low self-esteem and I was in a brutal battering relationship for almost four years. I didn't remember at that time that I had been sexually abused as a child and it wasn't until I was 32 and in therapy that I realized that my problems were a result of the childhood sexual abuse I had experienced.

At this point I have a tremendous time, energy, and monetary investment in healing so that I can realize some of my potential as a contributing member

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of society. It would be appropriate for the abuser to bear the financial burden, at least, of the cost of my therapy. However, to use the court system to allow me to do so is impossible for me because of the statute of limitations. I had no memory of the incest until I was 32 but the current law requires me to have taken action by the time I was 21. Blocked memory is certainly a factor that needs to be taken into account in reassessing the law in regard to the statute of limitations because it makes impossible the option of pursuing civil suit until such time that memory is recalled.

I hope that you will consider that the discovery rule is applicable to incest. For someone in my position, this addition would be the only way that I could recover damages for the cost of therapy from my abuser at the time that it was possible for me to do so - when I was an adult and after I recovered my memory and connected my problems as an adult with what happened to me as a child.

TESTIMONY IN FAVOR OF SENATE BILL #157

EXHIBIT 22  
DATE 3/6/89  
SB 157

Mr. Chairman and Members of the Committee:

My name is Kay Reddish. I'm 34 years old and I live in Missoula County. When my stepfather first sexually abused me at nine or ten years old, I was in bed. I pretended to be asleep because I was so horrified. The next day I acted like everything was OK because I really wanted it to be. After the second sexual abuse, my stepfather warned me not to tell my mother. He said telling her would only make it worse. Since my stepfather had in the past protected me from physical and emotional abuse by my mother, I felt not telling was the lesser of two evils. But the confusion of my former abuse protector turning into a sexual abuser made me feel abandoned.

Initially the sexual abuse involved manipulation (breasts, genitals, etc.), using sexual language like a lover would use, and making me manipulate him. This occurred in private. Some abuse, such as covert fondling, continued even with other family members present which was humiliating. There were no "safe" times when I didn't worry about being assaulted. The abuse continued for some time -- I'm not sure how long due to memory lapse. I felt awful; bad, ashamed, like somehow I deserved this abuse that I sensed was wrong.

My sister disclosed the abuse to our mother who then questioned my stepfather. He admitted it and said the abuse would stop but it continued on a lesser degree (brushing my breasts supposedly on accident, peeking through doors, and constant innuendos). I felt overwhelmed and insecure never knowing where or when I was safe. I avoided my stepfather whenever possible but never dreamed there could be any help, especially legally.

After that I was subjected to many abusive behaviors by my mother. She made as many, if not more, threats to guarantee secrecy and to protect my stepfather. The effects of her not protecting me and then blaming me for the sexual assaults caused even more emotional damage. I internalized the effects by daydreaming of

dying. I didn't know there were laws to protect children. I only knew that my protectors were my parents and in this case they were also the abusers.

Finally, after four or five years of this covert abuse, my sister and I were able to talk about it with each other since she was also a victim. We would stay awake at night, standing guard, to see if our stepfather was coming into the room so we could protect each other from him -- something no child should have to do. We became emotionally exhausted.

We were attending a church high school youth camp when my sister and I first told outsiders about the sexual abuse. We decided to run away because the youth directors assured us safety and protection. We stayed with church leaders a couple of days, then the police picked us up and took us to juvenile hall. That was horrifying for me. I was put in a cell, stripped and given jail clothes to wear. I was booked and fingerprinted -- treated like a criminal further reinforcing the guilt imposed by my mother. We told the authorities the reason we ran away was because of sexual abuse. They didn't say or do anything.

The next morning our stepfather and mother came to get us. I was terrified and felt my life was in jeopardy since the authorities, our last hope of protection, were willing to send us back to an abusive home. Our stepfather promised the probation officer he would get help for him and us, though we never received it. Not having stood up for myself before, I was petrified at the thought of going back home. Picture your most horrifying fears coming true and you'll sense the fear I felt that day.

The whole thing was smoothed over as if nothing had happened. In the name of secrecy, my other siblings were never permitted to know the reason why we ran away. My feelings were invalidated. The idea that sexual abuse was "no big deal" was enforced even further. There was no one to turn to for help.

Before the abuse happened, I wanted to go to college and be a teacher. After the abuse, all that mattered was being as safe as I could while I had to live there and to move out as early as possible -- which I did by marrying at 17. I just wanted to get all that behind me and make a new life for myself.



Mr. Chairman, Members of the Committee, I am Elizabeth Williams. I am 37 years old. I was sexually assaulted from the time I was 5 until I was 12. Intercourse was forced upon me beginning at the age of 9. An overwhelming fear of abandonment; a paralyzing fear of adult anger; and threats made by my abuser that he would kill a member of the family if I told, kept me silent about the abuse until I was 12 years old. At that time I told a friend of my abuser's actions. Upon disclosure, a family meeting was held at which my abuser was confronted with having sexually molested me. He denied having had any type of sexual contact with me. Many adult family members expressed shock and anger that I would fabricate such a story.

From that point on, I was labled a liar, and a trouble maker. I was forbidden to have contact with my abuser, his family, and all other extended family members. I was accused of having had sexual relationships with boys at school. I was forbidden to tell anyone about the abuse and all open reference to the abuse was terminated. My immediate family shunned me. I was treated with contempt and greeted by silence. All of this produced confusion, shame and guilt within me. Looking back now, as an adult, I realize I was faced with conflicts and contradictions that my child's mind could not begin to grasp.

I spent much of my youth trying to deal with the disruption I felt I had caused within my family and with the resulting isolation and condemnation. It is unthinkable that I could have brought civil suit against my abuser when I was between the ages of 18 and 21, for I firmly believed that I had wronged the family and especially my abuser. In my mind, I was to blame. I felt responsible for the incestuous acts themselves; I felt responsible for telling my "secret" to a friend, whil at the same time not telling someone sooner; and I felt an overwhelming burden of responsibility for the trouble I had caused my abuser and my family. Therefore, I wanted to place the entire matter behind me and get as much distance from it as possible. My overall reaction to memories of the incidents of sexual abuse and the events surrounding my disclosure was to forget them. By the time I was 17, I had no specific memories of the incidents and recollections of my childhood in general were vague. I left home at 18, married someone I had only known for 2 weeks, and began a family of my own.

Between the ages of 18 and 21, I was an unusually distressed young person who had very little comprehension of my problems. I had no idea that what I thought were not unusual mood problems, would later turn into severe depression and suicidal intentions. I had no way of knowing that later I would develop extreme marital problems in this marriage and in a subsequent marriage.

Between the ages of 18 and 21, I obtained prescription drugs to help deal with family distresses. I did not know that 10 years later I would be so dependent on drugs, that I could not make it through a day without them.

I had no idea that my frustrations and anxieties about parenting would lead me to follow the pattern of abuse that had been used on my. As a very young parent, I had no way of knowing that my emotional problems would become so bad that I would physically and emotionally abuse my own children.

Although I had experienced difficulties between the ages of 18 and 21, I had no idea that my emotional problems would later grow so severe that they would nearly destroy my life and the lives of my husband and children.

As an adult I have had extreme difficulty establishing and maintaining relationships of trust. I have had many sexual problems including promiscuity. I have suffered chronic insomnia caused by the same terrifying, repeated nightmare.

In my early 30's I began having even more terrifying nightmares; severe episodes of suicidal depression; and feelings of suffocation during marital relations. My marriage quickly deteriorated and in November of 1983 I sought counseling with Dr. Allison to confirm my decision to divorce my spouse, and by so doing, put an end to my problems. During our first session, much to my surprise, Dr. Allison suggested that my difficulties most likely stemmed from my incestuous childhood rather than from my marriage.

The most difficult thing for me to come to terms with in therapy, was that I was the victim and not the perpetrator of the sexually abusive relationship with my abuser. My resistance broke down somewhat in therapy, as I realized that my experiences were much the same as other adults who had been victimized as children. As my therapy progressed, I began to think more and more about responsibility.

I had spent thousands of dollars for counseling; I still had bills to pay; and I knew I needed more counseling, which would cost me more. I felt my abuser should at least be required to pay a portion of my counseling fees. I decided to file a civil suit against my offender. The District Court Judge stated in his decision, that my action was barred by the Statute of Limitations Law. I appealed to the Montana Supreme Court. That court agreed, but they recommended that the legislature change the Statute of Limitations Law to allow such actions.

I appeal to you at this time to pass the bill now before you and give adult survivors of sexual abuse in this state the opportunity to place responsibility for the acts committed against them as children squarely on the shoulders of their abusers. I appeal to you to allow these survivors the opportunity to force their offenders to help pay for their recovery, which costs thousands of dollars.

I am aware that passage of this bill will in no way effect my case against my abuser, for it is closed. My hope in testifying before you, is that other survivors will have the opportunity to sue their offenders. I urge you to pass Senate Bill 157. Thank You.

SB 157 - Revised Civil Statute of Limitations for Child Sexual Abuse

My name is Susan Kraft Ball. I am 31 and a survivor of childhood sexual abuse. Although Montana has been my home for 10 years and I discovered my abuse less than 3 years ago, passage of this important legislation will not help me personally. Montana law would not apply to my case because my abuser lives in another state where the molestation also occurred. My motivation for this testimony is that I feel compelled to do whatever I can to help prevent even one child from having to experience the trauma and lifetime consequences of sexual abuse. I also want to help child victims and adult survivors to have access to the courts in order to have the opportunity to place the burden of responsibility for abuse and its resulting damage on the violators rather than on the innocent victims. I hope that my own history might give you some insight into the dynamics of sexual abuse and its consequences, and help you understand why the legislation before you needs to be passed.

My father was manic/depressive and from the time I was 8 or 9 until his suicide when I was 15, he was tortured by prolonged periods of suicidal depression and hospitalization, and brief manic episodes. My mother had to work full time and was preoccupied with my father's illness and suicide. I was the youngest of 3 sisters, and we all focused our lives on trying to help our parents. I did not understand what was happening to my father and family; I felt abandoned, confused, responsible, and desperately in need of love and attention. My abuser was a close family friend, lay minister, and lay counselor. My mother was dependent on him as a trusted advisor, confidant, and, after my father's death, lover. My sisters and I were also dependent on him as our primary source of nurturance - as a "surrogate" father.

I believe my molestation began when I was about 12, as this father figure very gradually introduced fondling and intercourse into our relationship. He told me not to tell because my mother and other people would not understand that he was just helping me discover my inner-self, my unique beauty, and my sexuality. He told me

he "could be charged with statutory rape, go to jail, and lose everything he had, and I didn't want that to happen did I?". I felt more confused and guilty, and experienced a great deal of anxiety with each sexual encounter. I didn't know how to stop him without risking his rejection. I felt trapped by my family's emotional dependence on my abuser and feared further abandonment if I said anything or told anyone, so I remained silent. The abuse continued past my 18th birthday; even after I left home for college and work, the pattern of abuse and secrecy remained unbroken and would be repeated every time I returned home to visit. The longer it continued the more responsible I felt for meeting his needs, for the continuation of the abuse, and for maintaining the secrecy, and the guiltier I felt for not being able to stop it.

I now understand that I learned to cope with the repeated trauma through: 1) rationalization - "Since everybody trusts and loves him, this must be OK, and it must be good for me because he tells me it is..."; 2) minimization - "He isn't physically hurting me, therefore I can do this small thing for him, besides his needs are more important ..."; 3) splitting - I hid my inner turmoil by presenting a public image of what I thought people liked, I only acknowledged to myself and others the positive aspects of my relationship with my abuser, and I would disassociate from my emotions and even from my body during the actual abuse - like watching a scene from a movie; 4) denial - I denied my feelings - they were too confusing and painful, I denied that there was anything negative or unusual about my relationship with my abuser, and I denied to myself that the earlier abuse took place, and 5) escape - I escaped my feelings and thoughts by "spacing out" for hours on end in front of the television set.

I had memories and flashbacks of the fondling and intercourse I had experienced primarily during episodes of abuse and during intimate or sexual experiences in my

adult years (I rarely dated during my teen years). I had never told anyone of my experiences nor did I comprehend that what I had experienced was molestation or incest (clinical definition) until after I was forced to disclose those experiences to my mother in the Spring of 1986 and to her counselor in June of that same year. My mother had found out while on a romantic vacation with my abuser the summer before, when he remarked on how fascinating it was that she made love just like her daughters. After several months of personal counseling, she confronted my sisters and I with this information and flew us home to discuss it as a family and with her counselor. During that family meeting I discovered that my sisters had also experienced similar long-term abuse and we recently confirmed that a female foster child had also been molested by this same person in our home. My mother's counselor convinced me that I had indeed been a victim of sexual abuse and suggested that I seek professional help when I got back to Montana to help deal with some of the inevitable consequences. Some of the consequences I have experienced include: susceptibility to repeated victimization, confusion about sex and intimacy, splitting and sexual dysfunction, depression and low self-esteem, and chronic headaches and nausea.

For several months after returning to Montana I tried unsuccessfully to block out the memories and feelings that came flooding back into my mind after so many years of suppression. I believe that had I not been forced to disclose, and had I not received counseling that helped me recognize the connection between my abuse and its repercussions in my own life, I probably would have maintained the secret for years until later life crises would have lead me to examine the causes. But it was like opening Pandora's Box - once the secret was out, the ugly and painful realities of my experiences and their consequences could no longer be pushed back into "safe" dark corners of my mind. I had to start dealing with them, and that has been an extremely costly, time consuming, disturbing, and painful process. I have been in

individual, group, and marital counseling for 2 years. Sometimes I find myself wishing I had been paralyzed in an accident so that I would have some physical basis for my sexual dysfunction. Many times I have wished for my life to end so that I wouldn't have to feel or deal with it anymore, and so that my husband and our relationship would be free of its torturous impacts. It is an agonizing process to unlearn the lessons of the past and learn how to live as a functional, healthy person. I read everything I can on the subject, which, in addition to therapy, helps me understand that even though the influences of sexual abuse never go away there are ways of lessening its hold on my life.

I have recently made the very difficult decision to initiate a civil suit against my abuser in the State of Colorado. My abuser has not indicated any remorse or willingness to take responsibility for his acts of abuse, and has continued to place himself in a position of trust with other vulnerable children. I therefore felt it was necessary to go through the legal process to attempt to place legal, moral, and financial responsibility where it properly belongs, and to do what I can to make sure this chronic abuser doesn't hurt any more children. However, the lower court has ruled that the statute of limitations started running when I turned 18 regardless of the continuation of the abuse or the date of "discovery", similar to the present interpretation of Montana law. I am currently appealing that decision and hope that I will not be permanently barred from the justice system while my abuser escapes responsibility and potentially continues his abusive behavior unchecked.

Unfortunately, because of the dynamics of child sexual abuse, current Montana law effectively bars most victims due access to the courts and inadvertently protects child molesters. This legislature has the opportunity to make a positive difference in the lives of many innocent victims. You can help make Montana a better, safer place to live and grow-up. Please vote for this legislation. Thank you.

Mr. Chairman, Members of the Committee:

My name is Fay Dozier of Reedpoint, Montana. You may recall that I previously testified on SB122. I am unable to give oral testimony on SB 157, but want my testimony on the record.

As I previously testified, I was sexually abused for 13 years. I had devastating emotional problems for many years after the abuse stopped. I sought help from various therapists for those problems from the time I was 18, but they always treated the symptoms, never the problem. I later came to call it "bandaid therapy". Throughout the years, I also suffered many physical problems, but the physicians could never find anything medically wrong with me.

In September of 1980, at the age of 30, I was suffering so greatly from severe depression, increased alcohol abuse, self-hatred and thoughts of suicide, that my husband had to force me to go back into therapy. I spent six months with an individual therapist. He seemed to give some credence to the possibility that the sexual abuse might have something to do with my problems. At the end of six months, he referred me to a therapist who conducted group therapy sessions for adult, female sexual abuse victims. By this time, I was 31 years old. I spent from March of 1981 to October of 1984 processing through my feelings of rage, pain, fear, guilt and self-hatred. During that time, I learned that my behavior and problems (both physical and emotional) were common characteristics of sexual abuse victims.

Not only was my recovery a long and painful process, but it was also a financial hardship to my family. The cost of the therapy from 1980 to 1984 was over \$5,000. We are still paying off this debt. Throughout the years I would estimate it has cost me well over \$30,000 to try to get help for the emotional, mental and physical pain caused by the sexual abuse.

If there had been a law such as this proposed one, I could have sought remedy through the courts to at least recover monetary damages for what was done to me. I couldn't stop him by filing criminal charges, but at least he might have been exposed and such an action might have been a deterrent so that he would not have continued molesting as he has done.

I strongly support Senate Bill 157. Thank you.

*Fay Dozier*  
Fay Dozier

EXHIBIT 24  
DATE 3/6/89  
SB 157

SB 157 - Revised Civil Statute of Limitations for Child Sexual Abuse

My name is Patricia; I am a 28 year old incest survivor. I've already submitted testimony under this same alias for SB 122 (Revised Criminal Statute of Limitations for Child Sexual Abuse) which contains a more detail version of my childhood experiences.

I was sexually abused starting before I turned 3 to 17 years of age by 6 perpetrators who were mainly family members. My family was severely dysfunctional and alcohol abuse was prominent. Unspoken family rules such as don't trust, don't feel, and don't tell were ingrained and backed up with verbal abuse and physical violence by all family members. I felt trapped and isolated. I was on my own to deal with the sexual abuse and believed I had no other choice but to submit when cornered by an abuser. When I confided in 4 different adults about my abuse I only received negative feedback that reinforced my feelings of helplessness and responsibility. When I was 17 I began a long period of alcohol and drug abuse, and became sexually promiscuous because I felt helpless against any sexual advance. Shortly after I left home at 18, I married a man who continued to sexually abuse me, and we divorced three years later. I had relied on my family for reaffirmation and acceptance until quite recently. I feel this dependency on my family prevented me from discovering the connection between my behavior and the sexual abuses.

I sought counseling at the age of 25 because I had been physically abusing my current spouse and children. In an attempt to find out why and correct it before I lost my husband and children I entered counseling and eventually an incest survivors' group. I have been in counseling ever since and have gradually discovered the connection between the repercussions I have experienced and my abuse. I believe the following repercussions are the direct result of the



combined abuses I experienced as a child: severe depressions, suicidal attempts, tendencies, and other self-destructive behaviors, alienation from peers, spouse, children, and society in general, anxiety, insomnia, inability to make decisions for myself, mistrust and fear of people, confusion, eating disorders, and a loss of personal identity. Even though they could also have been produced by the different forms of abuse individually, I feel the sexual abuse in particular intensified the repercussions dramatically. The repercussions I feel are due solely to the sexual abuses, and which especially affect my marriage are: sexual promiscuity, flashbacks to the abuses, nightmares of sexual abuse, confusion about sexuality, and shame of and disassociation from my body, and the irrational fear of being sexually abused by my husband.

I feel passage of SB 157 would provide me with an opportunity to pursue compensation for damages inflicted by those who abused me. I did not choose to be sexually abused and dealing with the damages has been, and will continue to be, a long, time consuming, and costly process. Medicaid has helped pay for my therapy and medical expenses so far, but I expect to be paying on the balance for many years. The repercussions resulting from sexual abuse are life long and also affect my spouse, children, and close friends. I have been receiving therapy since 1985 and I know that I will probably continue to need it off and on for the rest of my life. The opportunity to try to get compensation from my abusers would put responsibility where it belongs and would help relieve Medicaid and myself of its burden. I believe at least three of my abusers are still abusing children and one other is in prison due to molesting another child. Forcing them to take moral, legal, and financial responsibility would hopefully help deter them from abusing other children.

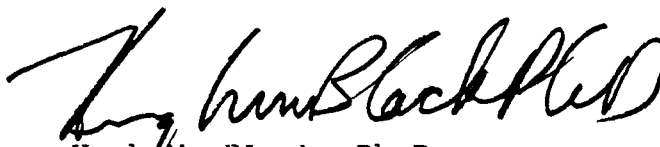
Testifying: Hugh M. Black, Ph.D., Licensed Clinical Psychologist  
in private practice in Helena, MT

Representing: Montana Psychological Association

The Montana Psychological Association supports extending the statute of limitations for recovery of actual damages caused by sexual abuse of minors for reasons of justice and equity. It is well documented that children find it psychologically difficult to report sexual abuse in the best of circumstances because they frequently believe it is their fault, and when they do report it they are often not believed. Clinicians frequently report the debilitating effect on adults of their childhood sexual exploitation and the difficulty they have working through the trauma sufficiently to be able to go on with their lives. Frequently they are so damaged that their inner conflicts preoccupy them to the point that they are emotionally unable to support themselves and are receiving State assistance. In cases where the exploitation can be proven, this bill would shift the costs of treatment from the State (Medicaid) to the assailant. Furthermore, sexual molesters frequently continue their behavior under the hope that they will never be exposed. This bill may provide some deterrence to those predators who are capable of anticipating the future, in the knowledge that they may some day be required to make restitution.

Most people think of sexual abuse as involving young girls, but there are an increasing number of young men who are now reporting sexual abuse that occurred when they were children. In our culture it is much more difficult for male juveniles or adolescents to report this exploitation due to societal shame, as well as the reasons females find it difficult. Boys believe frequently that the exploitation happened to them because there is something abnormal about them, rather than the predator.

The Montana Psychological Association urges this committee and the Senate to pass this bill to further protect those citizens who need special protection, and to provide some opportunity for just redress to those who have been exploited when they were helpless. Often, the capacity to obtain redress can aid mightily in allowing an emotionally disabled person become a productive member of society.

  
Hugh M. Black, Ph.D.  
Licensed Clinical Psychologist  
License # 133 (Montana)

Legeslative testimony for Senate Bill 157

I was sexually abused from the time I was five years old, and possibly younger, until I was twelve. The sexual, emotional, and other physical harrassment and abusive treatment was continuous. Ingrained into my psyche during these years was fear, anger, helplessness, hopelessness, the feeling that I was somehow bad, shamefull, and "dirty", worthlessness, the inability to trust, and a great sadness. I thought the abuse would last as long as I would. In fact that childhood feeling of hopelessness was in a sense very true. It has lasted my lifetime --- never leaving for a moment, and only until recently not caused an inner uprising of intense fear and anger.

When the abuse finnally ended, the psychological traumas had begun their devastating effects. Unable to cope with the reality of my feelings about what had happened, I blocked it from my memory at about age thirteen. Through my teen years acceptance within my family and with my peers was made very difficult by my behavior as a confused child turning to inappropriate means of behavior in order to be noticed, heard, accepted. I was raped at age twelve. I ran away from home at age twelve. I became such a "problem child" that I was placed in a mental hospital for a time. Eventually, I withdrew, and upon reaching adulthood I found myself in control only through rigidity of standards and opinions that I'd set for myself. My family still considered me a bit confused, but I was seemingly "straightening out". In reality I'd developed a strong front to use for the world to see, because I was unable to look at the real me or to have anyone else see too deeply. By the time I reached adulthood I had thought of everything from suicide to drugs to prostitution, but fortunately never acted on any of them. Never once did it occur to me what the source of my inner agony was. I did not even remember that the sexual abuse had occured until I was 27 years old--- long after reaching majority. Even then I was unable to come to grips with the reality of it for another three years. By that time my marriage was having problems, a small business I'd begun was barely kept going, and I was an emotional wreck. In short, the controlled facade that I'd so carefully built was crumbling in the light of remembered horrors, and I was crumbling with it.

Never once during these three years that I'd remembered the abuse, did I ever consider legal action. I hated my abuser, and yet loved him too. It is a very odd thing to love someone who has been so undeniably cruel, and yet I cannot ignore that feeling. I blamed myself for what had happened, although in truth it was in no way my responsibility. It took me three years of constant therapy to even be able to write my abuser a letter stating the facts and that I was aware of them. Even after that three years, I was terrified of his and my family's reaction. He has denied it entirely, but unlike most women the majority of my family believes me. Taking this action was one of the most difficult things I've ever done. The fear that was ingrained in me as a young child should I ever dare to tell the secret certainly did not diminish in my adulthood. There is no way I would have had the emotional wherewithall to bring legal action against this person until only two years ago --- 14 years after I reached majority. I now have the emotional strength and the understanding of the complexity of the psycological devastation that sexual abuse causes to take action if I choose to --- but the statute of limitations is past. And so a person who has done a cruel and permanent injustice to another person will remain unscathed by his actions except within the closed doors of his family.

We must be able to trust our protection under the law. The abusive person must know there is rightful recourse for the pain and suffering he is inflicting. I believe that ability to take recourse should begin upon the victim's full understanding of the damage inflicted. The psycological effects of sexual abuse are deep and lasting. But as a child living with this and growing to adulthood I had no understanding whatsoever that my problems were due to sexual abuse. Upon even

remembering it I was too traumatized to do anything about it. It has taken years and years to learn to live with myself and the facts. Life is complex --- people are complex. The revision of the law proposed in the bills before you would recognize that complexity and preserve the rights and due process that is due each individual.

Does my abuser continue to abuse children? I do not know. But I do hope that if he has, that child will survive to adulthood and be able to reach an understanding of herself and the ramifications of his unjust behavior, and still be able to take action at whatever level she so chooses and finds not one door closed to her plea.

I urge you to listen, to understand, and to pass Senate Bills 122 and 157.

Signed,

KGF



Box 483

Florence, Mt. 59833

1/19/89

EXHIBIT 276  
DATE 3/6/89  
SB157

WITNESS STATEMENT

NAME Lewis Peppers BILL NO. SB157

ADDRESS 125 11<sup>th</sup> Ave. N Shelby

WHOM DO YOU REPRESENT? SELF

SUPPORT ✓ OPPOSE                      AMEND ✓

COMMENTS: CHANGE EFFECTIVE DATE TO INCLUDE  
ALL INSTANCES THAT ARE CURRENTLY OPEN  
UNDER THE STATUTE OF LIMITATIONS

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Ex. #27  
3-6-89

Senate Bill 157 - NATHE - Revision of the statute of limitations for recovery of damages connected with child sexual abuse cases

WE, by our signatures, support SB157, and hereby request that the legislature adopts the revisions to MCA 27.2.204 as proposed by this bill.

NAME	CITY	SIGNATURE
Lewis APEPPLES	Shelby	<i>Lewis Apepples</i>
Patricia E. Waite	Shelby	<i>Patricia E. Waite</i>
SIM KICKER	Shelby	<i>Sim Kicker</i>
maureen Pappas	Shelby	<i>maureen Pappas</i>
Jerry L. Branch	Shelby	<i>Jerry L. Branch</i>
Colby L. Branch	Shelby	<i>Colby L. Branch</i>
MARLYS ROBERTSON	Shelby	<i>Marlys I. Robertson</i>
Mary Brown	Shelby	<i>Mary Helen Brown</i>
CORRINE MERHAR	Shelby	<i>Corrine I. Merhar</i>
Judith J. Nevins	Shelby	<i>Judith J. Nevins</i>
CYNTHIA L. CRUZ	Shelby	<i>Cynthia L. Cruz</i>
<i>C. Jackson</i>	Shelby	<i>C. Jackson</i>
MABEL IVERSON	Shelby	<i>Mabel Iverson</i>
MARY Schwindt	Sunburst	<i>Mary Schwindt</i>
CAROLYN TOECKES	VALER	<i>Carolyn Tucker</i>
Kimberly Hayes	Shelby	<i>Kimberly Hayes</i>
Judy A. Robinson	Cut Bank	<i>Judy A. Robinson</i>
Sara Shepard	Shelby	<i>Sara Shepard</i>
Jane A. Kindzerski	Shelby	<i>Jane A. Kindzerski</i>
<i>Karen A. Johnson</i>	Shelby	<i>Karen A. Johnson</i>
Ginny Porter	Shelby	<i>Ginny Porter</i>
JAMES B. PORTER	Shelby	<i>James B. Porter</i>

Ex. #27  
3-6-89

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NAME	CITY	SIGNATURE
Joseph P. Pehan	Shelby	Joseph P. Pehan
KELLY J. HOLTZ	Shelby	Kelly J. Holtz
VERNA M. OTIS	Shelby	Verna M. Otis
Rosemary A. Battleson	Shelby	Rosemary Ann Battleson
Ronald J. Migneault	Shelby	Ronald J. Migneault
DAVID J. HOLLINGSWORTH	Shelby	David J. Hollingsworth
Jois D. Migneault	Shelby	Jois D. Migneault
Roger Shepherd	Shelby	Roger Shepherd
Jacqueline M. Rohlf	Shelby	Jacqueline M. Rohlf
Charles C. Rohlf	Shelby	Charles C. Rohlf
James R. Brunn	Shelby	
Norman O. Peterson	Shelby	
Fern Brunn	"	
Emma Peterson	Shelby	
Karen Nasore	Shelby	
Leonard M. Villamor	Shelby	Leonard M. Villamor
Julie Shepherd	Shelby	Julie Shepherd
Deanna L. Hilner	Shelby	
MIKE SHEPARD	Shelby	Mike Shepard
Melodee Robins	Shelby	Melodee Robins
GEARY S. BARGAS	Shelby	Geary S. Bargas
Beverly BARGAS	Shelby	Beverly S. Bargas
Carmelita Flynn	Shelby	Carmelita P. Flynn
Tom FLYNN	Shelby	Tom Flynn
Jane Allmaras	Shelby	Jane Allmaras

Ex. #27  
3-6-89

Senate Bill 157 - NATHE - Revision of the statute of limitations for recovery of damages connected with child sexual abuse cases

WE, by our signatures, support SB157, and hereby request that the legislature adopts the revisions to MCA 27.2.204 as proposed by this bill.

NAME	CITY	SIGNATURE
Eve Jacobson	Shelby	Eve Jacobson
Jay Lanius	Shelby	Jay Lanius
Lynn Pettigrew	Shelby	Lynn Pettigrew
Helen F. Bryson	Great Falls	Helen F. Bryson
Robert W. Bryson	Great Falls	Robert W. Bryson
Kenneth E. Bryson	Great Falls	Kenneth E. Bryson



## VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. SENATE BILL 157DATE MARCH 6, 1989SPONSOR SEN. NATHE

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Susan Kraft Ball	Self	✓	
Elizabeth Williams	Self	✓	
John Madsen	DFS	✓	
Janet R. Allison	Mont. Psych. Assoc / self	✓	
Leslie Burgess	Self	✓	
Rosanne E. Davis	DFJ	✓	
Marabeth Pepples	Self	✓	
Lewis Pepples	Self	✓	
John Connor	Dept. of Justice MT County Atty Assn	✓	
Konnie Kemmis	Parents Anonymous of MT	✓	
Dennis North		✓	
Noel C. Garrison	MONT CAP	✓	
Megan Hill	MT-Catholic Conf	✓	
Holly Franz	Women's & State Bar	✓	
Jack Ross	Self	✓	
Brenda Nordlund	MT Women's Lobby	✓	
Christie Marron	MT Council of Mental Health Centers	✓	
Rep Bill Strzich		✓	
Jane Niklas	MT Education Assoc	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

Marti Adria  
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Susan Swinchart

KASW

Holly Kolaczko

DFJ

## VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. SENATE BILL 122 1062 DATE MARCH 6, 1989SPONSOR SEN. NATHE

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Susan Kraft Ball	Self	✓	
Eliza Beth Williams	Self	✓	
JANET BENSON John Madsen	SOCIAL WORKERS Family Services	✓	
Janet R. Allison	MT Psych Assoc. / self	✓	
Leslie Burgess	self	✓	
ROSANNE E. DAVIS	Self	✓	
MARI BETH PEPPLES	self	✓	
Lewis Pepples	Self	✓	
John Connor	Dept of Justice Nat County Atty Assn	✓	
Jeanne Kemmis	Parents Anonymous of MT.	✓	
Dennis Noble		✓	
Janet Benson	MT Assoc of S.W.	✓	
Megan Hill	MT Catholic Cent	✓	
Janet Coughlin	Carroll College	✓	
Judith Ross	self	✓	
Joanne Shearer	Pro-Family Women's Lobby	✓	
Brenda Novellund	MT Women's Lobby	✓	
Christie Marron	MT Council of Mental Health Centers	✓	
Rep Bill Ayth		✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY. X

Toni Niklas

Mond. Educ. Assoc. ✓

## Judiciary

BILL NO. SB 122 2012 DATE 3-6-89

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.