



**Written Testimony of Pennsylvania Council of Children, Youth & Family Services (PCCYFS)  
Pennsylvania House Judiciary Committee, May 5, 2025  
House Bill 464**

Chairman Briggs, Chairman Kauffman, and Members of the House Judiciary Committee:

On behalf of the Pennsylvania Council of Children, Youth & Family Services (PCCYFS), thank you for the opportunity to submit testimony regarding House Bill 464, legislation that amends the Pennsylvania Constitution to provide a two-year window for survivors of childhood sexual abuse to file previously time-barred claims.

PCCYFS is a statewide membership association representing private children's service agencies. Our members employ more than 12,000 individuals and have impacted hundreds of thousands of children, youth, and families across Pennsylvania. These services include foster care/kinship care, adoption, residential treatment, behavioral health services, education, counseling, independent living/transitional living services, juvenile justice services, and others.

PCCYFS supports the objective of House Bill 464, which offers survivors of childhood sexual abuse the opportunity to secure financial restitution from their abusers, recognizing the complexities of trauma that may lead individuals to delay or suppress these deeply painful experiences. We also affirm a survivor's right to disclose their story on their own timeline and terms.

As reviver statutes gain traction nationally, we can learn from their implementation in other states. Our research found that in New York, most attorneys prioritized claims against institutions, often seen as having "deeper pockets,"<sup>1</sup> leaving many survivors without access to legal counsel.<sup>2</sup> Additionally, these statutes can often attract frivolous or fraudulent claims,<sup>3</sup> which risk undermining and harming true survivors of abuse.

While House Bill 464 serves as a critical lifeline for many survivors, it is essential to implement legislative guardrails that ensure true survivors of abuse and neglect receive fair restitution

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<sup>1</sup>Lee, Brian "A Theoretical Impossibility: As Attorneys Are Flooded with Plaintiffs Under Child Victims Act, a Legislative Push May Help." New York Law Journal, April 12, 2022.  
<https://www.law.com/newyorklawjournal/2022/04/12/a-theoretical-impossibility-as-attorneys-are-flooded-with-plaintiffs-under-child-victims-act-a-legislative-push-may-help/>

<sup>2</sup>McKinley, Edward "Many victims fall through the cracks of New York's Child Victims Act." Times Union [Albany, NY], September 23, 2020. <https://www.timesunion.com/news/article/CVA-lawyers-15592197.php>

<sup>3</sup>Hemenway, Chad "Insurers Say 'Bazooka' of Bogus Boys Scouts Claims Is Abuse of Bankruptcy System." Insurance Journal, November 21, 2022.

<https://www.insurancejournal.com/magazines/mag-features/2022/11/21/695622.htm>

without the risk of legislative overreach. Key concerns include inequitable attorney compensation, prioritization of certain claims over others, or unjust payouts. PCCYFS recommends companion legislation that outlines safeguards against the exploitation of these laws, following the example set by other states.

- Rhode Island’s statute<sup>4</sup> **limits a perpetrator as the individual who caused the harm, not the institution itself**. Defining a perpetrator as an individual can decrease the likelihood of frivolous lawsuits by individuals seeking only financial gain. Although about 90 percent of child sex abuse is perpetrated by people who know the child, in New York most cases filed were against institutions, as the “deepest pockets.”<sup>5</sup> Similarly, in Montana, a survivor **can only include an employer or an institution if they could show the institution knew or had reason to know the abuse took place and failed to take action to stop the abuse from occurring again**.
  - Provisions like these will not only deter the practice of unnecessarily pursuing cases against institutions only, but it will also uphold the current safety net of services available to support victims of crime and abuse. The child serving system is largely comprised of nonprofit organizations that have been historically underfunded and operate on razor thin margins while attempting to keep up with skyrocketing costs.
- Michigan opened the statute of limitations **only in response to specific incidents**. In 2018, for example, they opened a 90-day window against Michigan State University and Dr. Larry Nassar who abused girls for nearly 20 years prior.<sup>6</sup>
- The New York Child Victims Act<sup>7</sup> started with a **one-year window** on their statute of limitations; the legislature later extended the window due to pandemic-related delays.
- California required every plaintiff age 40+ to have a **certification from a mental health professional that there is a “reasonable basis to believe” that sexual abuse occurred**, established by the legislature to specifically weed out false claims. Also, **lawsuits cannot publicly name defendants without judge approval**. Until then, institutions and individuals are anonymous in filings.<sup>8</sup>
- Maryland established a **cap on damages as well as a percentage cap on attorney fees** to ensure that survivors are directly benefiting from these cases. Lawmakers estimated

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<sup>4</sup> 2019-H 5171A, Rhode Island House of Representatives. 2019 Legislative Session.  
<https://webserver.rilegislature.gov/BillText/BillText19/HouseText19/H5171B.pdf>

<sup>5</sup> McKinley, Edward “Many victims fall through the cracks of New York’s Child Victims Act” September 23, 2020.  
<https://www.timesunion.com/news/article/CVA-lawyers-15592197.php>

<sup>6</sup> Senate Bill No. 872, Michigan State Legislature. 99<sup>th</sup> Legislature Regular Session of 2018.  
<https://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0183.pdf>

<sup>7</sup> Senate Bill 2440/Assembly Bill 2683. New York Legislature. 2019-2020 Legislative Session.  
<https://legislation.nysenate.gov/pdf/bills/2019/S2440>

<sup>8</sup> Assembly Bill No. 218. California State Assembly. 2019 Legislative Session.  
[https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB218](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB218)

that about 1,500 cases already have been filed and an additional 4,500 were expected and claims against state juvenile detention facilities specifically were expected to reach \$3-4 billion and potentially bankrupt the state.<sup>9</sup>

- Washington established a statute of limitations window on a progressive basis, limiting the retroactive effect of the bill, after estimating that it could cost the state hundreds of millions of dollars, especially against its Department of Children, Youth and Families.<sup>10</sup>
- Los Angeles County reached a \$4 billion agreement to settle thousands of people who alleged they were mistreated and sexually abused in foster care and juvenile detention facilities in the County.<sup>11</sup>
- **Mandatory structured settlements** will also help survivors earmark funding to receive the services they need to rebuild and recover. Structured funding will allow individuals to access much-needed services over time rather than simple financial restitution.
- **A designated compensation fund** may help support individuals in need of financial assistance while also balancing the realities of the fiscal impact to the state and other agencies. A compensation fund for this population can be a fund of last resort, which supplements other pre-existing state sources of funding, such as the sexual assault counseling claims fund.

Without such safeguards, this legislation can result in the unintended consequences of closing agencies or bankrupting government agencies that are working diligently to support survivors of abuse and neglect today. We support the bill's concept but affirm that in order for this to be successful in Pennsylvania, there must be guardrails in place to offer a balanced approach.

If you have any questions or if we can provide you with additional information, please do not hesitate to contact me at [TerryC@pccyfs.org](mailto:TerryC@pccyfs.org) or 717-651-1725.

Sincerely,



Terry L. Clark, MPA  
President and CEO, PCCYFS

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<sup>9</sup> Witte, Brian "Maryland lawmakers pass bill to limit future liabilities amid thousands of claims of sexual abuse" Associated Press, April 5, 2025. <https://apnews.com/article/sex-abuse-lawsuits-maryland-28c70db3c55e36b2781062787e3e6e6a>

<sup>10</sup> Albarazi, Hannah "'It Erases Us': Sex Abuse Survivors Troubled By Wash. Bill" Law360, March 8, 2024. <https://www.law360.com/articles/1809089>

<sup>11</sup> Blood, Michael R. and Taxin, Amy "LA County reaches \$4 billion agreement to settle sexual abuse claims at juvenile facilities" Associated Press, April 4, 2025. <https://apnews.com/article/los-angeles-county-sexual-abuse-jvenile-facilities-37d06fa55aacbe072051546ead07a65b>