

We'd like to send
Notifications can be
settings

OPINION > COMMENTARY

Maryland must pursue justice for all sex-abuse survivors | GUEST COMMENTARY



The Maryland legislature's Child Victims Act eliminated time restrictions on civil lawsuits for child sex abuse. (AP Photo/Brian Witte)



By **SAMANTHA DOS SANTOS**

PUBLISHED: April 26, 2025 at 12:20 PM EDT

Earlier this year, the Maryland Supreme Court ruled in a 4-3 decision that the Child Victims Act of 2023 is constitutional, thereby upholding the law that lifted the statute of limitations on civil lawsuits in child sexual abuse cases. While challenges to the law and attempts to invoke limitations on its application will continue to persist, the Maryland Supreme Court's holding opened the door for countless survivors of child sexual abuse to pursue their abusers and the institutions that enabled them. The Child Victims Act was undoubtedly a step toward justice for survivors; however, many are still being left behind without a voice and without a mechanism for recovery or compensation.

While those who advocated for the passage of the Child Victims Act, and subsequently advocated for its constitutionality, highlighted the pervasive threat of child sexual abuse within Maryland's institutions, namely schools and churches, many abusers do not have institutional backing and deep pockets. When a child, or adult, is sexually abused by another individual outside the scope of an institution, the odds of recovery or compensation for that individual dwindle due to the abuser's lack of financial resources to make that survivor whole. In these instances, many survivors never see their abusers held accountable and never receive proper compensation because many attorneys view these cases as infeasible, thereby denying survivors access to the civil justice system.

We must rewrite the script on handling sexual abuse cases by focusing on the survivor's story and strength and investigating all avenues of recovery or compensation available to them. This is not an easy feat, given insurance policy exclusions that leave perpetrators responsible for the payment of any settlement or judgment that is reached. Further, those who perpetrate such heinous acts not only deceive and fabricate the facts of the abuse but further attempt to victimize survivors by concealing assets and collectability. These challenges require thorough investigations to determine all available sources of recovery in the event of a settlement or judgment.

The odds are often stacked against survivors in sexual abuse cases without institutional backing. According to the Rape, Abuse & Incest National Network, approximately 34% of sexual abuse perpetrators are family members, thereby complicating the dynamics between not only the survivor and abuser, but also other family and community members who may have vested opinions about the allegations. Further, many instances of sexual abuse involve intimate partners, colleagues or acquaintances whose advances have been denied by the survivor.

The complexities of these relationships often serve as a barrier to reporting the abuse to police or seeking proper medical attention due to the fear of public opinion, shame or retribution. When allegations of sexual abuse are not reported to police and medical examinations are not sought and memorialized, the paper trail documenting the abuse after an occurrence can be either lacking or nonexistent. While declining to report sexual abuse or declining to undergo medical examination are not dispositive of a civil claim, abusers and their representatives routinely weaponize a survivor's decisions to challenge the veracity of their allegations. This perpetuates the cycle of abuse and leads to the revictimization of survivors after they have mustered the courage to come forward to pursue a civil claim.

There is no dispute that the Child Victims Act has propelled the discussion of sexual abuse claims into the spotlight in Maryland. Institutions throughout Maryland are now being appropriately scrutinized for having knowledge of sexual abuse committed by their employees or members. However, articles and discussions regarding the Child Victims Act and its application are clouded by the pursuit of sizable recoveries against institutions with deep pockets. Unbeknownst to those with all of the right intentions, the discussion often lacks the voice and experience of sexual abuse survivors who cannot hold their abusers accountable through the institutions that enabled them. The civil justice system is designed to be accessible to all individuals who have suffered as a result of another's wrongdoing.



[Read More](#)

00:00

02:40

As advocates in the civil justice system, it is our collective responsibility to ensure that survivors, under all circumstances, are afforded the same opportunity to tell their stories and hold their abusers accountable, without being revictimized by the system. This includes mirroring the courage of survivors by accepting and pursuing sexual abuse cases where the recoveries may require in-depth investigations, creativity and an unrelenting purpose of holding abusers accountable.

Samantha Dos Santos is a partner at the Maryland law firm Plaxen Adler Muncy.

Around the Web

REVCONTENT

Here's What New Gutter Guards Should Cost You in 2025

LeafFilter Partner