

# Reforming NEW MEXICO'S STATUTE OF LIMITATIONS FOR CHILDHOOD SEXUAL ABUSE

SB 126 Senator Katy Duhigg

New Mexico is dealing with an ongoing crisis in child safety  
Nearly **1 IN 10** NM highschoolers reported having been forced to have sex <sup>[i]</sup>

## THE COST FOR SURVIVORS IS REAL & LIFE LONG

Over their lifetime, survivors of childhood sexual abuse:



Are more likely to be revictimized <sup>[ii]</sup>



Lose \$241,600 in income <sup>[v]</sup>



Are at increased risk of negative health outcomes such as substance abuse, <sup>[iii]</sup> anxiety, depression, & PTSD <sup>[iv]</sup>

## WHY WOULD A SURVIVOR WAIT TO COME FORWARD?

Survivors of childhood sexual assault face many unique barriers that can delay when they disclose

- Unable to process what happened
- Not wanting the person who caused harm to get in trouble
- Hoping to protect others
- Fear of retaliation
- Blaming themselves
- Shame & guilt

## THE CURRENT STATUTE DOES NOT SUPPORT SURVIVORS

It does not account for the realities of the time it takes many survivors victimized in childhood to overcome the psychological obstacles to seek justice.

It has led to confusion & inconsistency in court proceedings. Our courts have often not applied the current Statute of Limitations for childhood sexual abuse in keeping with the intent of the Legislature.

## SB 126 SENDS A STRONG MESSAGE:

### ACCOUNTABILITY FOR PEOPLE WHO CAUSE HARM

Healing from harm has no end date, neither should accountability. The barriers to disclosing that abuse creates shouldn't stop individuals from being held responsible.



SB 126 **WILL NOT** unduly prejudice those who cause harm

The facts of the abuse and that it caused the psychological injuries must still be proven to a jury.

*Victims of childhood sexual abuse endure unimaginable horrors in secret and suffer life long physical, financial, and psychological consequences. They deserve the right to a civil remedy that addresses those consequences through a statute of limitations accounting for the unique ways survivors victimized in childhood come to terms with their trauma.*

### JUSTICE FOR SURVIVORS

Childhood sexual abuse has a life time impact.

SB 126 is **designed to offer hope to NM children** that they will never be deprived of the chance to seek justice for the abuse they have suffered.

### MAKE NEW MEXICO A MODEL FOR JUSTICE

NM was once a leader in child protection efforts through its civil Statute of Limitations. We've since fallen behind.

**32** U.S. states or territories have **more victim-favorable** civil Statute of Limitations than New Mexico.

i. Youth Risk & Resiliency Survey (2017)  
ii. The National Intimate Partner and Sexual Violence Survey (2010)

iii. Dube, Anda, Whitfield, Brown, et. al, (2005)  
iv. Lalor & McElvaney (2010)

v. MacMillan, R. (2000)