

April 15-16, 2024

TESTIMONY IN SUPPORT OF SJR 64, SJR 88 and HJR 129

I presented this testimony in person on April 15, 2024, before the Senate Committee on Judiciary and Civil and Criminal Jurisprudence

I also am submitting this testimony in writing on April 16, 2024, to the House Committee on General Laws

Mr. Chairman and Members of the Committee:

My name is Ken Chackes. I am an attorney who was born & raised in Missouri and I have lived here my entire adult life, with my wife of over 50 years, my three children and seven children, all of whom are residents of Missouri.

I graduated from St. Louis University Law School in the 1970s. In over 45 years as an attorney, a substantial part of my work has been representing people who have been sexually abused. I have handled civil cases for over 200 sexual abuse survivors and have consulted with probably another 200 survivors who cases I had to reject because of the statute of limitations.

It's important to remember the reason that victims of sexual abuse are referred to as "survivors." It is because many victims have not survived. Some have either succumbed to conditions of drug or alcohol abuse or have taken their own lives. I have represented the parents of children who committed suicide and I have had clients commit suicide during the course of my representation.

My sex abuse clients were abused in schools, churches and residential facilities such as group homes and hospitals.

I have come to know a lot about the impact of sexual abuse on the victims and their families and want to share what I've learned.

Many of my clients were abused as children or teenagers, but were unable to reveal what happened to them until decades later.

Many survivors have told me that I was the first person they ever told of their abuse.

Many who were abused by clergy described the fear they felt when they were being abused by a person with seemingly absolute power over them and their families.

Many were told by their clergy abusers that they were chosen because they were special – that God wants them to do this.

Many were told that this has to remain a secret and that if they tell anyone something terrible will happen - they or their parents will be punished or will wind up in hell.

Many survivors told me they thought no one would believe them and they would get in serious trouble if they told anyone.

Many expressed reasons why they couldn't even tell their parents. When the victims were still children, they thought their parents wouldn't believe them and they would be punished.

As the abused children got older and more mature many said they still couldn't tell their parents because of emotional harm that it would cause their parents. They believed their parents would be devastated to learn what happened to their children and might blame themselves for not being able to protect their children.

Many said they had to wait for their parents to pass away before coming forward to spare them the trauma and guilt of learning that their children were abused.

How does this information relate to the statute of limitations?

If the statute of limitations is eliminated or extended much of this trauma and shame and guilt would be eliminated.

We must keep in mind the societal benefits of civil lawsuits:

- they are not simply a way to obtain compensation for injuries
- they also hold the institutions accountable that allowed and enable the abuse to occur
- civil lawsuits and the threat of civil lawsuits encourage these institutions to prevent more abuse

I ask you to think about the effect of public disclosure on the conduct of institutions.

Since the public learned about the vast extent of sexual abuse in the Catholic Church, starting with the Boston Globe's Spotlight articles in 2002, the Church leaders in the US met and adopted a set of policies and procedures designed to stop the abuse.

Through the extensive civil litigation that followed even more light has been shined on the institutions – and not just Catholic – that enabled known sexual abuse to occur and that actively covered it up

In a recent unanimous decision of the highest court in this state, the Missouri Supreme Court recognized the admissibility of evidence that the Catholic church developed “a code . . . for referencing a priest's sexual abuse of children in personnel files and other records.” The Supreme Court applied the law developed in “analogous situations” including cases involving the “practices, symbols, terminology, and history of particular street gangs.”

*John Doe v. Marianist Province of the US and Chaminade College Preparatory*, page 23, 4/6/21,  
Paul C. Wilson, Judge

Exposure of sexual abuse and how it has been allowed and covered up goes a long way to prevent future abuse and to protect today's children and future children and their families from suffering the trauma that has been inflicted by past abusers and their enablers.

Future trauma can be avoided if institutions are exposed and held accountable for their negligent, reckless or intentional acts that enable more abuse.

For the survivors themselves and their family members, a major benefit of the ability to pursue a civil lawsuit, and the ability to expose the perpetrator and the extent of the cover up and to be part of the effort to protect other people has great value in itself.

Survivors who succeed in their lawsuits may recover some money to compensate for their injuries. But most don't do it for the money. Many get none.

I always tell my clients that filing a lawsuit will mean they have to go through a long and difficult process, that will require them and many of their friends and family members to face extensive and intrusive questioning from the lawyers for the defendants, but they do it to expose bad guys and protect today's and future children.

And even when they lose their case because of some legal technicality, most of my clients are still glad they did it. They finally were able to tell their story. They were finally believed

Your action in eliminating or extending the statute of limitations can help to continue the effort to let the truth be known, to help the public learn of the extent of sexual abuse:

- that the cover up was intentional
- more perpetrators will be exposed
- more victims will be able to disclose what happened to them.

The cover ups will continue and more children will be abused unless all of us act to end it. Eliminating the arbitrary statute of limitations – not just for the perpetrators but also for the enabling institutions – is an extremely important tool to protect children.

Thank you.