



**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE
JUDICIARY COMMITTEE
Wednesday, March 17, 2010**

**HB 5473, An Act Concerning Actions To Recover Damages For
The Sexual Abuse, Sexual Exploitation Or Sexual Assault Of A Minor**

The Connecticut Hospital Association (CHA) appreciates the opportunity to submit testimony concerning **HB 5473, An Act Concerning Actions To Recover Damages For The Sexual Abuse, Sexual Exploitation Or Sexual Assault Of A Minor**. CHA opposes this bill.

The bill seeks to eliminate the existing statutes of limitations for personal injury to a minor alleged to be caused by sexual abuse, exploitation or assault.

CHA fully recognizes the frustration and perspective of the individuals and their families who have brought these issues before you at this point in time. No one should have to suffer such offenses, and the pain of the victims is palpable and compelling. Yet, it is imperative that these proposed changes to current law not be made.

Connecticut's legal history is replete with events and circumstances where a statute of limitations or repose may have seemed harsh or unjust to an individual when an otherwise valid claim, if it had been timely brought, was lost because it was time-barred. But statutes of limitations and repose serve important balancing interests while also addressing the needs of individuals. Preserving a balance is precisely why, at these times, it is most critical that a removed and calm reflection must prevail to recognize and affirm the principles that necessitate having clear, known, and set statutes of limitations and repose that are not subject to emotionally charged situations.

Our Supreme Court has appropriately and accurately outlined these necessary characteristics that we ask you to maintain. Statutes of limitations are designed to serve justice, ensure fairness, and maintain balance by taking into consideration several important factors. First among these is the effect of time on memories, witnesses, documentation and physical evidence, which inevitably become lost, distorted and unreliable as time passes. Memories fade, witnesses move away or otherwise become unavailable, documents are misplaced or destroyed, and physical evidence deteriorates or is unrecoverable. Statutes of limitations appropriately account for these realities.

In addition, as our highest court has explained in many well-reasoned cases, statutes of limitation prevent fraudulent, unexpected or stale claims; provide a degree of certainty in planning; balance the rights and duties of competing interests; promote prompt resolution of the economic and legal affairs of adverse parties; eliminate unknown potential liabilities after a reasonable period of time has elapsed; and aid in the search for the truth. We would be happy to provide you with copies of the cases that include this line of reasoning.

We fully acknowledge that, at this particular moment in time, removing these principled underpinnings of statutes of limitations may seem to promote justice. But we ask you to take a broader view. In the long run, it is in our better interest to preserve this appropriate, long-standing structure that allows individuals, businesses, and society a degree of certainty in decision-making and predictability in their obligations and planning.

Thank you for your consideration of our position.

For additional information, contact CHA Government Relations at (203) 294-7310.