



WRITING SAMPLE: BLOGPOST

Pennsylvania Legal Update: Expert Testimony in Criminal Cases to Explain Victim Responses/Behaviors after Sexual Abuse

HB 1264, sponsored by House Representative Chelle Parker, would allow experts to testify as to sex abuse and sex assault victim behavior. It is likely to be law within the next 60 days. Click here to read [HB 1264 and its statutory language, as amended](#).

The new law would specifically allow a qualified expert to testify as to the “dynamics of sexual violence, victim responses to sexual violence and the impact of sexual violence on victims during and after being assaulted” and to testify about the “specific types of victim responses and victim behaviors.”

The main problem with this bill is that it only applies in criminal cases. It does nothing to help countless sexual abuse and assault victims obtain justice in the civil justice system. Under the [Pennsylvania statute of limitations in sex abuse or priest abuse cases](#), the victim has until their 30th birthday to bring civil claims against the perpetrator and anyone else who negligently allowed the abuse to continue.

[New Jersey’s statute of limitations for civil sex abuse victims](#) is not as rigid as Pennsylvania’s statute. The New Jersey statute of limitations expires when a sex abuse victim knew or should have known that their injury (mental, emotional, and physical trauma) was caused by the abuse. Under New Jersey's law, there certainly is room to argue about victim behavior after the abuse and why the victim was unable to "know" that their injury was caused by the abuse.

Pennsylvania’s statutory scheme is too rigid and makes no exception or room to argue what many people do not know about sex abuse victims – sexual predators create a twisted relationship with their victims, which makes coming forward that much more difficult. For victims, coming forward takes incredible courage and strength, and that might not come until well after their 30th birthday, when it is too late to find justice in the civil system.

Pennsylvania law will soon allow experts to explain the complexities of victim behavior after sex abuse and assault in criminal cases. It should also allow an exception to the civil statute of limitations for these types of cases, especially in cases where children undergo months or years of abuse. We need to allow experts to explain why these victims don’t come forward and also allow their civil claims to go forward.

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