

Stratton Faxon Client's Written Testimony in Support of Raised Bill #5473

Members of the Judiciary Committee: As a child, I was a victim of sexual abuse by St. Francis Hospital's Chief of Endocrinology, Dr. George Reardon. Dr. Reardon had recruited me and some of my siblings into a "growth study" at St. Francis Hospital. The growth study, as it turns out, was nothing more than a ruse for him to sexually abuse me, like he did so many other children. As if the abuse by the St. Francis' Chief of Endocrinology wasn't enough, I continue to be victimized by the completely arbitrary and irrational statute of limitations contained in General Statutes Section 52-577d. I wish I could comfortably come before you and personally tell my story to you, but because of the stigma society attaches to these matters, I am not comfortable doing so at this time. I therefore have asked my attorney to address my statement to you.

The timeline of changes made to the statute of limitations as it relates to my case is as follows:

I was born in the summer of 1959. At the time of my abuse, the statute of limitations essentially required me to file a claim before my 20th birthday. I turned 20 in 1979, and from 1979 to 1991 I faced a statute of limitations bar to any claim.

In 1991, when I was 32, the statute of limitations was amended, extending the deadline essentially to a person's 35th birthday, but I was not aware of this change. In 1994, shortly after my 35th birthday, I retained counsel and, upon his advice, filed a lawsuit relating to the sexual abuse I suffered as a child. Shortly thereafter, my counsel

advised me that my claim was barred by the statute of limitations because I hadn't filed it before my 35th birthday. On his advice, my lawsuit was withdrawn.

Then, in 2002, when I was 43 years old, the legislature again changed the statute of limitations for these sorts of claims to its current form, permitting sex abuse claims to be filed before the victim turns 48 years old. I was not notified by my prior attorney of this change and was otherwise unaware of this change in the law.

Five years went by and then in the late spring or early summer of 2007, I learned that the West Hartford Police Department was investigating the discovery of a massive cache of child pornography found hidden behind a basement wall in the former home of Dr. Reardon. Upon learning of this, I immediately contacted the West Hartford Police Department and offered to assist in their investigation by sharing what I knew about Dr. Reardon's abuse of children at St. Francis Hospital.

In the course of my communications with the West Hartford Police Department, I was specifically instructed by the West Hartford Police Department not to tell anyone about the ongoing investigation because they had an ongoing criminal investigation and did not want the integrity of their investigation compromised until they were ready to share the information with the public.

I was 47 years old when I spoke with the police that summer. I turned 48 the end of that summer. The West Hartford Police Department did not publicly disclose the discovery of Dr. Reardon's child pornography cache until November, 2007. I sought counsel immediately thereafter and Stratton Faxon filed a suit on my behalf in early December, 2007. I was 48 years and a few months old at the time it was filed. I

understand now that my claim may be subject to the statute of limitations bar if and when St. Francis Hospital raises the issue with the Court.

As you can see, the evolution of this statute overtime has been nothing short of random and bizarre and results in extreme unfairness, despite the fact that it may have evolved over time with the best of intentions. My eligibility under that statute has changed 5 times over the years. My claims are no less significant or impactful on me than if I had been born just 4 months later. As if it isn't enough to have been sexually abused as child as I was, it simply adds insult to injury to now face a potential procedural bar to having my case decided on its merits by a jury under these circumstances.

The statute of limitations as it currently exists incentivizes cover up and nondisclosure. Institutions and organizations with pedophiles in their midst are encouraged by the current provisions of 52-577d to keep the true facts concealed, hoping that the statute of limitations runs before the truth gets out. This appears to be exactly what happened at St. Francis Hospital, where the hospital has maintained all of Dr. Reardon's records, but never sought out any of his victims to determine what happened and offer them any sort of compassionate response. Rather, St. Francis chose to do nothing. This is unconscionable public policy, particularly in the context of the kind of devastation that child sex abuse can cause.

Abolition of a statute of limitations for these sorts of cases will serve at least 2 important purposes: First, it will permit all claims to rise or fall on their merits in front of a jury while recognizing the inherent reluctance most child sex abuse victims feel about coming forward with these claims; second, it will incentivize full investigation and disclosure, rather than institutional cover up and denial, by removing from the realm of

possibility the ill conceived notion that prolonged cover up and denial can result in procedural bars to otherwise meritorious claims.

You have no idea how difficult it is for a child sex abuse victim to come forward later in life and stand up for what is right, and to seek justice for all the harm that has been done. To finally have the corroborative evidence to support my claim, together with the courage and conviction to pursue it, bolstered by the knowledge that I was not alone, but was one of many, many children preyed upon by St. Francis' Department Chief and full time employee, only to find out that I might be a few months too late to have my claim from even being heard on the merits, is a moral outrage. Had the law permitted my claim to be pursued earlier, I no doubt would have been attacked as a fabricator, a kook or both, with no corroborative evidence to support my claim. And now, when the corroborative evidence is discovered to support my claim, I am told that my claim may be a few months late and could be dismissed without being considered and decided on its merits at all. What an injustice! So I ask you, members of the Judiciary Committee, to do what's right. Give child sex abuse victims their day in Court. Vote in favor of Raised Bill #5473. Give me, and all victims of childhood sexual abuse, the right to seek redress from those who are accountable for the harm and damage suffered.

Thank you for your consideration.