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Testimony Before Joint Committee Hearing on FY 2020 Budget: Public Protect Section

Thank you, committee chairs Krueger and Weinstein, and members of the committee.

My name is Asher Lovy, I'm the director of the sexual abuse victims' advocacy organization, ZA'AKAH, and I am a survivor of sexual abuse. For as long as I can remember until the age of 23, I was abused on and off physically, emotionally, and sexually, by my mother. In my community, the Orthodox Jewish community, reporting abuse to the authorities is something that just isn't done. It's called mesirah, informing, and absolutely forbidden.

I distinctly remember one instance when I was 16, after my mother had woken me up by flying into a rage and beating me, where I actually called the police who took an hour to show up, and reluctantly handed me a complaint form and a pen. I remember sitting there with that pen in my hand as my grandmother, standing right next to me, begged me not to file the complaint. "What will the neighbors say, what will this do to our family's reputation, how will you ever find a wife if this is what people know about you?" And that's all it took to silence me.

A few years later I'd had enough of my silence, and wrote a piece for a local Orthodox publication about my mother and some of the abuse she had made me suffer. I remember doing my grandmother the courtesy of telling her what was about to be published about the family, and when she tried guilt and scaring me into silence, I told her that I'd had enough of this culture of silence. Come what may, I was going to tell my story. "Yes, but what about your cousins? Will you take responsibility for ruining their lives and reputations, too?" And again I kept quiet. The article was published, but without my name.

Despite the fact that my story had been told it didn't feel like mine, and it didn't feel like it mattered because I had been robbed of the opportunity to have *my* experiences heard, and *my* experiences validated. I began writing online, under my own name, about what was happening, and finally it felt like I had a voice. In January of 2015, with the help of the community I had been able to find online through my writing, I was able to leave my abusive home at the age of 23, and build a life for myself. Since then I've been an advocate for fellow survivors of abuse, and in 2016 I became the director of community organizing for ZA'AKAH.

Along with that role came the stories, the tens, dozens, hundreds, and thousands of stories from my fellow survivors in my community and others. Story after horrific story of rape, sexual abuse, incest, exploitation, perpetrated by everyone from rabbis, to teachers, to family members, and everyone in between. I've accompanied survivors to hospitals for rape kits, sat with them in police stations, and

rooted for them through court cases. I've seen, heard, and felt child sexual abuse from every end of my community, and the most painful thing I've ever had to tell a survivor is, "I'm sorry, there's nothing you can do to report your abuser because you're over the age of 23. Perhaps I can help you find a therapist."

Survivors on average don't report until they're well into their 40s, not because their abuse didn't mean much to them, not because they've had better things to do with their time, but because they were so fundamentally hurt and violated, and in too many cases were further hurt by the community around them that didn't seem to care. People understand that evil exists in this world. We're born with a resilience in us that allows us to overcome tragedy. But what hurts more than anything else in this world is when the people who are meant to care for us, love us, our friends, families, communities, rabbis, priests, imams, coaches, teachers, and school administrators tell us that we matter less than their money, reputations, and convenience. What hurts even more is when those people who we expect to care for and love us protect our abusers, and call us survivors liars.

In New York State it's been even worse. All across the country, states have been reforming their statutes of limitation and opening retroactive civil windows to rectify their historic injustices to survivors of sexual abuse. New York State, however, along with Mississippi and Alabama, have at the behest of powerful lobbies like the New York Conference of Catholic Bishops, Agudath Israel, Boy Scouts of America, as well as large insurance lobbies, been pouring millions of dollars into fighting against the Child Victims Act. Even as the ferocity with which they oppose this common-sense reform bespeaks the sheer volume of abuse for which they are responsible, New York State has bowed to their wishes, and refused to protect its children and secure justice for its survivors of sexual abuse.

Even now, as state after state opens investigations into large institutions and their handling of sexual abuse, as the attorney general of New York State is investigating large-scale coverups committed by the Catholic Church, we see resistance to the Child Victims Act. Members of the committee, nothing will change until we see comprehensive reform on this issue. Over the last 12 years as we've been fighting desperately for the Child Victims Act, 1 in 4 girls and 1 in 6 boys have continued to be abused. Those survivors have continued to suffer from eating disorders, self-harm, depression, PTSD, and suicidal ideation. None of that will change until we act decisively to change our current laws which as they stand accomplish nothing but the continued protection of abusers and the institutions that cover for them.

What we need is a complete elimination of the criminal statute of limitations for child sexual abuse felonies, and an extension, at least until age 50, for misdemeanors. What's particularly heinous about statutes of limitation for child sexual abuse is the fact that inherent in the crime—since abusers tend to threaten their victims, and communities tend to silence survivors—is the almost guaranteed certainty that the abuser will never be charged. We must change that. The suffering we experience as survivors of sexual abuse doesn't know the difference between whether or not what prosecutors can prove about what happened to us meets the burden of misdemeanor or felony, we suffer all the same, and the people who made us suffer continue abusing until they're identified, charged, prosecuted, convicted, and registered as sex offenders.

We must also eliminate the civil statute of limitations. Given the lifelong toll sexual abuse takes on its victims, and the exorbitant lifetime costs to treat it—an estimated \$300,000-\$1,000,000 per survivor over lifetime—we must give survivors the ability to seek reparations from the responsible parties so that the abusers and the people who protected them can be held responsible for the damage they caused, rather than inflicting those costs on an already suffering victim.

And finally, we must open a lookback window of at least 1 year. We know from bitter experiences that we cannot take institutions at their word when they promise to change. They will not change unless they are made to feel the consequences of their actions, and until the insurance companies that indemnify them are incentivized to force them into compliance with laws and practices that will prevent any more children from being abused within their walls.

I didn't have any people or institutions that cared enough about me to protect me when I was being abused. Neither did all of those people whose stories I've heard over the years. They were too old at the ripe age of 23 to be given the opportunity for justice in this state. But we have a chance now to not only right that injustice, but also to guarantee that this never happens again in the future of our great state.

Sincerely,

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