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MOTION TO DISMISS FILED IN CIVIL LAWSUIT AGAINST KERNERSVILLE FAMILY YMCA

WINSTON-SALEM, N.C. June 16, 2020 – On June 1, 2020, attorneys representing Young Men’s Christian Association of Northwest North Carolina d/b/a Kernersville Family YMCA filed a Motion to Dismiss the claims filed by numerous victims of sexual assault by a YMCA employee during the 1990’s. The Motion argues that the amendments to various statutes of limitations that revive barred claims by childhood victims of sexual assault violate the due process provisions of the North Carolina Constitution. The amendments were adopted unanimously by the General Assembly in 2019. Attorneys for the Plaintiffs expected this argument and have filed a motion seeking to transfer the YMCA’s motion to Wake County Superior Court for the appointment of a three-judge panel to determine the constitutional challenge to these amendments.

The North Carolina General Assembly joined numerous other states in passing much-needed legislation designed to permit individuals who were victims of childhood sexual abuse to bring claims that otherwise would have been barred by the existing three year statute of limitations. Child victims of sexual abuse often suffer alone during their adolescent years and beyond. Studies indicate that approximately 90% of children never report their abuse to the police and the vast majority of claims have expired before the victims are emotionally and psychologically able to go to court.¹ Extensive scientific evidence has established that child sex abuse victims often

¹ Centers for Disease Control and Prevention, The Adverse Childhood Experiences (ACE) Study, available at <http://www.cdc.gov/violenceprevention/acestudy/#1>; see also, U.S. Dep’t of Health and Human Services Administration for Children and Families, Administration on Children, Youth and Families, and Children’s Bureau, Child Maltreatment 2017, available at <https://www.acf.hhs.gov/sites/default/files/cb/cm2017.pdf>.

need decades to report what happened to them.² It is estimated that the average age of a victim to first disclose child sexual abuse is 52.³ Approximately 3.7 million children are sexually abused in the United States every single year.⁴ Every nine (9) minutes another child becomes a victim of sexual violence.⁵

The purpose behind these amendments is a significant and compelling legislative attempt to help childhood victims of sexual abuse address what happened to them and to seek redress for one of the most damaging types of injury that a minor can suffer. This legislation recognizes the stark reality that the doors to the courthouse are closed long before the vast majority of victims of child sexual abuse are able to come to terms with what happened to them or to even discuss their experience. Through these amendments, the General Assembly sought to bring some measure of relief for the unjust result wrought by the statute of limitations in these situations.

The Plaintiffs' motion to transfer and the YMCA's motion to dismiss are scheduled for hearing in Forsyth County Superior Court on July 16.

² Rebecca Campbell, Ph.D., "The Neurobiology of Sexual Assault: Explaining Effects on the Brain," NAT'L INST. OF JUSTICE (2012), available at <https://upc.utah.gov/materials/2014Materials/2014sexualAssault/TonicImmobilityWebinar.pdf>; R.L. v. Voytac, 971 A.2d 1074 (N.J. 2009); Bessel A. van der Kolk M.D., et al., Traumatic Stress: The Effects of Overwhelming Experience on Mind, Body, and Society (2006).

³ N. Spröber et al., Child sexual abuse in religiously affiliated and secular institutions, 14 BMC PUB. HEALTH 282, 282 (Mar. 27, 2014).

⁴ Preventing Child Sexual Abuse, CDC.GOV (last visited Jan. 24, 2020), available at <https://www.cdc.gov/violenceprevention/pdf/can/factsheetCSA508.pdf>; see also, Finkelhor, D., Turner H. A., Shattuck, A., & Hamby, S.L., Prevalence of child exposure to violence, crime, and abuse: Results from the Nat'l Survey of Children's Exposure to Violence, JAMA PEDIATRICS 169(8), 746-54 (2015).

⁵ Rape Abuse Incest Nat'l Network, Statistics (2020), <http://www.rainn.org/statistics> (last visited June 15, 2020).