IN THE
SUPREME COURT OF INDIANA

No. _____

POLLY ANNA BARNES, Appellant (Plaintiff Below)	
v.	PETITION FOR TRANSFER FROM THE COURT OF APPEALS, THIRD DISTRICT
JOHN E. BARNES, III, Appellee (Defendant Below)	No. 66A03-8910-CV-440

BRIEF OF AMICI CURIAE

NOW Legal Defense and Education Fund, Indiana National Organization for Women, Association of Sexual Abuse Prevention Professionals, Equal Rights Advocates, the Men's Anti-Rape Resource Center, the National Association of Social Workers, the National Coalition Against Domestic Violence, the National Network for Victims of Sexual Assault, the National Victim Center, the Northwest Women's Law Center, Trial Lawyers for Public Justice, and the Women's Law Center, Inc.

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SUMMARY OF ARGUMENT

The doctrine of parental tort immunity was the product of a legal and social climate that has long since passed into oblivion. In today's world, with our newly-gained understanding of the epidemic of child abuse inflicted by parents, parental immunity is an anachronism that block access to justice for the most vulnerable and powerless victims in our society.

In recent years, courts and legal scholars have overwhelmingly disapproved of a blanket rule of parent-child immunity. As the twentieth century draws to a close, this Court must join the trend of rejecting a nineteenth-century doctrine that fails to serve the goals of an enlightened society. Therefore, amici curiae respectfully urge this Court to abrogate the doctrine of parental tort immunity.

In the alternative, amici curiae argue that an egregious case of this type -- a violent, intentional rape and sodomy attack spanning four days, inflicted by a father on a daughter following the break-up of the family -- should be recognized as falling within an exception to parental immunity.

Incestuous child sexual abuse is a widespread and devastating problem in all strata of our society. Civil suits against abusive parents are necessary to redress children's injuries and to deter further abuse. The judicial system, long the last hope of innocent victims of tortious injuries, must not turn its back on the incestuously abused child seeking civil relief.

ARGUMENT

I. THE COURT OF APPEALS ERRED IN APPLYING THE DOCTRINE OF PARENTAL IMMUNITY TO THIS CASE.

This case comes to this Court following a trial in which a jury found that a fifteen-year-old girl was violently and repeatedly attacked, raped, and sodomized by her father during a four-day nightmare of brutality and horror. The jury awarded the plaintiff $3.25 million in recognition of the devastation she had suffered. Despite the shocking facts of this case, the majority of the Court of Appeals reversed the jury verdict and ruled that the plaintiff should be denied any access to a civil legal remedy, solely because her assailant was her father.

A. The Doctrine of Parental Tort Immunity Has Been Thoroughly Discredited and Should Be Abrogated By This Court.

The doctrine of parental tort immunity is a vestige of a society where minors enjoyed few legal rights and parental authority over their children was close to absolute.[1] In such a society, barring children from suing their parents for civil damages arising from personal injury may once have made some sense.

By contrast, modern society is characterized by rapidly

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[1] See generally Hollister, Parent-Child Immunity: A Doctrine In Search of Justification, 50 Fordham L. Rev. 489, 490-96 (1982). Parents have never enjoyed total immunity from legal intervention in their treatment of their children, however. See, e.g., Prince v. Massachusetts, 321 U.S. 158 (1944) (upholding criminal conviction for using child to distribute religious literature).

increasing recognition of children's personal and legal autonomy and by the conferring of a wide range of individual rights on minors. See, e.g., Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969) (First Amendment rights of high school students); In re Gault, 387 U.S. 1 (1967) (right to appointed counsel in juvenile court). Enlightened lawmakers, aware that parental authority is, tragically, exercised all too often in ways that are injurious to children, have enacted a wide variety of measures designed to protect children from abuses within the parent-child relationship. See, e.g., Ind. Code Ann. §§ 31-6-5-4, 31-6-5-4.2 (Burns 1990) (termination of parental rights); Ind. Code Ann. § 31-6-11-3 et seq. (Burns 1990) (duty to report child abuse). These measures, which might have been viewed a century ago as an unwarranted usurpation of a parent's prerogatives, are widely accepted today as a legitimate and healthy expression of society's interest in protecting vulnerable children.

As the social and legal conditions that define American family life have changed, legal rules growing out of those conditions must also evolve. Parent-child tort immunity is a creature of judge-made law, and therefore this Court should not hesitate to alter or abrogate it in light of the changing needs of society.[2]

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[2] See Brooks v. Robinson (1972), 259 Ind. 16, 284 N.E.2d 794, 797; Barnes v. Barnes, No. 66A03-8910-CV-440, slip op. at 3-4 (Ind. Ct. App. Feb. 19, 1991) (Conover, J., dissenting); Berman, Time to Abolish Parent-Child Tort Immunity, 4 Nova L. J. 25, 61 (1980).

The policy reasons justifying parental immunity have been variously identified as:

> 1) the need to maintain domestic tranquility and harmony; 2) the need to insure the parents' right to discipline, care, and control; 3) the need to avoid the depletion of the family's assets; 4) the possibility of parental inheritance of the child's recovery; 5) the possibility of fraud and collusion among family members; and 6) the analogy to spousal immunity.[3]

Each of these rationales has, in turn, been thoroughly discredited.[4] In particular, the need to protect family harmony and preserve parental control, which were heavily relied upon by the majority of the Court of Appeals below, have been widely criticized as archaic and unsound.[5] In a case such as this, where a child seeks to bring a suit against her father for severe and heinous intentional injuries, there clearly has already been a breakdown of family harmony.[6] In the case at bar, the family relationship between father and daughter has been irrevocably

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[3] Wingerter, Family Law Symposium: Parent-Child Tort Immunity, 50 La. L. Rev. 1131, 1135 (footnote omitted) (1990).

[4] See generally Borst v. Borst, 41 Wash. 2d 642, 251 P.2d 149 (1952) (reversing application of parental immunity); Berman, supra, 4 Nova L.J. at 33-38; Hollister, supra, 50 Fordham L. Rev. at 496-508.

[5] Id.; Gibson v. Gibson, 3 Cal. 3d 914, 92 Cal. Rptr. 288, 479 P.2d 648 (1971).

[6] See Stavsky, Kirchner v. Crystal -- Ohio Abolishes Parental Immunity: Family Harmony Has Never Been So Well Protected, 14 Capital U. L. Rev. 681, 687-88 (1985).

destroyed by the father's acts. See Wilson v. Wilson, 742 F.2d 1004 (6th Cir. 1984) (alleged sexual assault by stepfather would, if proven, be so destructive of domestic tranquility of the family that parental tort immunity should not apply).[7] Denying the plaintiff the relief granted to her by the jury can in no way create a peaceful, close family out of the wreckage of these tragic events; it will merely leave a serious and pressing dispute unresolved and unremedied. See generally Rousey v. Rousey, 528 A.2d 416 (D.C. 1987); Sorenson v. Sorenson, 369 Mass. 350, 339 N.E.2d 907, 912-913 (1975); Kirchner v. Crystal, 115 Ohio St. 3d 326, 474 N.E.2d 275 (1984).

Moreover, the emphasis of the majority below on the need to reinforce parental control over "the unrestrained youth of this generation," see Barnes v. Barnes, supra, slip op. at 7 (quoting Smith v. Smith (1924), 81 Ind. App. 566, 142 N.E. 128, 129), is cruelly ironic in light of current awareness of the epidemic of parental child abuse. In striking contrast to the situation in 1924, when the Smith case was decided, we now know that incestuous abuse is a widespread and devastating problem in all strata of American society. See generally Argument Section II, infra.

Not surprisingly, in recent years, the doctrine of parent-

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[7] Furthermore, the plaintiff lived with her mother, not her father, for a substantial period of time prior to the sexual attack, and she continues to do so now that her parents are divorced. Barnes v. Barnes, supra, slip op. at 2-3, 5.

child tort immunity has been eroding throughout the country.[8] Numerous courts and legislatures have abrogated the doctrine, while others have sharply limited it by carving out a host of exceptions.[9] One expert on torts has referred to this as a "long-overdue landslide" and has predicted that this trend will continue to grow.[10] The authoritative American Law Institute has also repudiated this anachronistic doctrine.[11] This Court should join the prevailing modern trend.

The general rule in our legal system is that tortfeasors will be liable for their acts of wrongdoing.[12] The time-honored goals of this system are to compensate innocent victims and to deter future injurious acts. Any grant of immunity is an exception to this fundamental scheme and therefore should be carefully scrutinized.[13] When an immunity doctrine has outlived its usefulness, it should be rejected. See generally Brooks v.

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[8] Andrews, Parent-Child Torts in Texas and the Reasonable Prudent Parent Standard, 40 Baylor L. Rev. 113, 116-17 (1988); Montminy, District of Columbia Survey: Torts, 35 Cath. U. L. Rev. 1153, 1153 (1986).

[9] Hollister, supra, 50 Fordham L. Rev. at 528-532 (Appendix: A Survey of Parent-Child Immunity in the United States); Stavsky, supra, 14 Capital U. L. Rev. at 691.

[10] Prosser, Law of Torts 904-07 (5th ed. 1984).

[11] Restatement (Second) of Torts § 895G (1979).

[12] See Hollister, supra, 50 Fordham L. Rev. at 525.

[13] Id.; Gibson v. Gibson, supra; Berman, supra, 4 Nova L.J. at 27. See also Dunlap v. Dunlap, 84 N.H. 352, 150 A. 905, 906 (1903) (when considering child's right to sue parent, the general rule that injured victims may seek civil redress is point of departure).

Robinson, supra.

Sexual abuse of minors is currently recognized as a grave social problem. See generally Argument Section II, infra. Making strangers liable in tort for such actions, while excusing from liability a parent (whose transgression is if anything more heinous), is arbitrary and unreasonable. See Signs v. Signs, 156 Ohio St. 566, 577, 103 N.E.2d 743, 748 (1952) (allowing recovery from a stranger but not from parent for identical injury would be a "fantastic anomaly"). Amici curiae therefore urge this Court to abrogate the doctrine of parental immunity.

B. This Case Falls Within Exceptions to the Doctrine of Parental Immunity.

Even if this Court does not repudiate the doctrine of parental tort immunity in its entirety, the Court of Appeals decision should nevertheless be reversed. Plaintiff's complaint falls within the scope of exceptions to the doctrine that have been recognized in Indiana and elsewhere.

As noted in Section IA, supra, exceptions to parent-child immunity have proliferated as courts have increasingly recognized the doctrine's weaknesses.[14] Among these exceptions, many states have held that parents are not immune from suit for actions against their children that are willful, malicious,

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[14] Berman, supra, 4 Nova L.J. at 38-45; Hollister, supra, 50 Fordham L. Rev. at 509-511, 528-532; Stavsky, supra, 14 Capital U. L. Rev. at 686-692.

intentional, and/or outrageous.[15] The complaint in the present case clearly alleges such acts, and the jury below found that such acts had in fact occurred. Therefore, this Court should recognize an exception to the parental immunity doctrine in this case.

A consistent and meaningful approach to limiting the scope of parent-child immunity was pioneered by the Wisconsin Supreme Court in the case of Goller v. White, 20 Wis. 2d 402, 122 N.W.2d 193 (1963). In that case, the court restricted the doctrine's reach to cases where the alleged conduct of the parent involved ordinary parental authority over the child or an exercise of ordinary parental discretion with respect to the provision of food, clothing, housing, medical and dental services, and other care.[16] This approach, too, requires reversal of the Court of Appeals holding below.

In addition, the Indiana Court of Appeals has recognized an exception to the parent-child immunity where the parents' marriage is no longer intact and the alleged tortfeasor is the non-custodial parent. Buffalo v. Buffalo (1982), Ind. App., 441

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[15] Hollister, supra, 50 Fordham L. Rev. at 509-510, 528-532; Potts, Ohio: Intrafamily Immunity Abolished Without Reservation: Kirchner v. Crystal, 15 Ohio St. 3d 326 (1984), 12 Northern Ky. L. Rev. 369, 376 (1985).

[16] The California Supreme Court later wisely carried this approach one step further. In Gibson v. Gibson, supra, California abolished parental immunity and adopted the "reasonable and prudent parent" standard as a substantive standard for defining the limits of a parent's tort liability for actions toward a child. This formula provides an admirable model for this Court to follow.

N.E.2d 711. In light of the plaintiff's parents' history of living separately and apart, and their subsequent divorce, this case falls within that exception. See Barnes v. Barnes, supra, slip op. at 2-3, 5; slip op. at 4-5 (Conover, J., dissenting).

II. ALLOWING CIVIL INCEST SUITS AGAINST A PARENT IS NECESSARY TO PERMIT INCEST SURVIVORS TO SEEK LEGAL REDRESS.

Article 1, § 12 of the Indiana Constitution confers a guarantee that "All courts shall be open; and every man, for injury done to him in his person...shall have remedy by due course of law." Similar rights are guaranteed by the Due Process Clause of the U.S. Constitution. The United States Supreme Court has made it clear that "persons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard." Boddie v. Connecticut, 401 U.S. 371, 377 (1971). The plaintiff in this case asks this Court to protect her access to the judicial process.

Regrettably, our legal system has for too long ignored, condoned, and underestimated the harm done to women and children through domestic violence, rape, child sexual abuse and incest. The rape of a spouse or child was traditionally not considered a crime because women and children were considered a man's "sexual property."[17] One of the great advances of recent decades has been society's recognition that domestic violence of all types is

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[17] Saunders, The Child Sexual Abuse Case: A Short Course for Judges, 27 Judges' J. 20, 40-41 (1988).

epidemic throughout all strata of society, that the physical and psychological damage to its victims is enormous, and that this problem demands public attention.[18]

At the time when Blackstone formulated the common-law rule that a man may strike his wife with an instrument no thicker than his thumb,[19] and for many years thereafter, wife-battering was considered acceptable and a private matter. Today, with soaring estimates of the true frequency of domestic battering,[20] courts have held that women have a legal right to be protected from beatings by family members.[21]

Our courts' treatment of incestuous sexual abuse must make a similar transition to awareness and sensitivity. In the past, authorities told us that sexual abuse of female children was not necessarily damaging,[22] that children's and adults' reports of

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[18] See, e.g., M. Straus, R. Gelles, & S. Steinmetz, Behind Closed Doors: Violence in the American Family (1981); U.S. Comm'n on Civil Rights, Battered Women: Issues of Public Policy (1978); L. Walker, The Battered Woman Syndrome (1984).

19 W. Blackstone, Commentaries on the Laws of England (1765), cited in, U.S. Comm'n on Civil Rights, Under the Rule of Thumb: Battered Women and the Administration of Justice 2 (Jan. 1982).

[20] At least 1.8 million women are severely beaten in their homes every year. M. Straus, R. Gelles, & S. Steinmetz, supra.

[21] See, e.g., Thurman v. City of Torrington, 595 F. Supp. 1521 (D. Conn. 1984); Bruno v. Codd, 47 N.Y.2d 582, 393 N.E.2d 976, 419 N.Y.S.2d 901 (1979).

[22] See, e.g., Kinsey, Pomeroy, Martin & Gobhard, Sexual Behavior in the Human Female (1953).

child sexual abuse and incest were fantasies,[23] and that incest was so rare that there was but one case per million persons in the United States.[24] Some even suggested that children invite sexual assault.[25] The unwillingness to confront sexual abuse of children was so intense that one pioneering physician in the field warned colleagues,

> Those who try to assist sexually abused children must be prepared to battle against incredulity, hostility, innuendo, and outright harassment. Worst of all, the advocate of the sexually abused child runs the risk of being smothered by indifference and a conspiracy of silence. The pressure from one's peer group as well as the community to ignore, minimize or even cover up the situation may be extreme.[26]

Until recently, in certain states, a murderer could be convicted on the testimony of a child alone, but if a child alleged sexual abuse, every aspect of the crime had to be

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[23] J. Masson, The Assault on Truth: Freud's Suppression of the Seduction Theory (1984); Peters, Children Who Are Victims of Sexual Assault and the Psychology of Offenders, 30 Am. J. of Psychotherapy 398 (1976); Rush, The Freudian Cover-up, 1 Chrysalis 31 (1977); Summit, Recognition and Treatment of Child Sexual Abuse, in Coping with Pediatric Illness 115 (C. Hollingsworth ed. 1983).

[24] S. Weinberg, Incest Behavior (1955 Rev. 1976), cited in D. Russell, Sexual Exploitation: Rape, Child Sexual Abuse, and Workplace Harassment 177 (1984).

[25] D. Russell, supra at 164, quotes an earlier study of rapists that includes the statement, "[I]t is difficult to assess the role of the child in provoking rape...".

[26] Sgroi, Introduction: A National Needs Assessment for Protecting Child Victims of Sexual Assault in Sexual Assault of Children and Adolescents xv (A.W. Burgess, A.N. Groth, I.L. Holstrom, S.M. Sgroi, eds., 1978).

corróborated.[27] No less an authority than Wigmore in his treatise on evidence urged that every complainant in a sexual assault case undergo psychiatric examination to determine whether she is fantasizing.[28]

Today, thanks to a process of public education begun by incest survivors courageous enough to tell their own stories,[29] we are painfully aware that the realities of child sexual assault and incest are the opposite of what we have been led to believe. As Dr. Roland Summit, one of the leading experts in the field, has written, "Sexual abuse is anything but exotic or rare. It is an everyday sort of experience for hundreds of thousands of children in every economic and cultural subgroup in

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[27] See, e.g., Holtzman, To Help Prosecute Child Molesters, N.Y. Times, Mar. 28, 1984, p. A27.

[28] 3A J. Wigmore, Evidence, Sec. 924a, at 737 (1970). This view has been soundly rejected by this Court. See, e.g., Duffit v. State (1988), Ind. App., 519 N.E.2d 216; Neaveill v. State (1985), Ind. 474 N.E.2d 1045. The generalization that women and girls tend to fabricate sexual assault charges is utterly without foundation. Boland, Civil Remedies for Victims of Childhood Sexual Abuse, 13 Ohio N.U. L. Rev. 223, 225 n.14 (1986); Estrich, Rape, 95 Yale L.J. 1087 (1986); Taylor, Rape and Women's Credibility: Problems of Recantations and False Accusations Echoed in the Case of Cathleen Crowell Webb and Gary Dotson, 10 Harv. Women's L.J. 59, 74-81 (1987). Contrary to the myth of fabrication, in a study of fifty-three women outpatients in short-term therapy groups for incest survivors, three out of four were able to obtain evidence substantiating their memories from outside sources. Herman & Schatzow, Recovery and Verification of Memories of Childhood Sexual Trauma, 4 Psychoanalytic Psychology 1, 10 (1987).

[29] See, e.g., C. Allen, Daddy's Girl: A Memoir (1980); L. Armstrong, Kiss Daddy Goodnight: A Speak-Out on Incest (1978); K. Brady, Father's Days: A True Story of Incest (1979).

the United States."[30]

In a landmark 1978 study of 930 randomly selected San Francisco women, Professor Diana Russell found that 54% of them had been sexually abused before age 18. In 48% of cases the abuse occurred before age 14. Sixteen percent of the 930 women who were studied had been victims of incestuous abuse. Sixty-four percent of the incestuous abuse cases were classified as very serious or serious.[31] It is estimated that girls are two to ten times more likely than boys to be victims of sexual abuse.[32]

Far from being innocuous, childhood sexual abuse and incest are so damaging as to disrupt their victims' lives long into adulthood and in many cases permanently. In addition to the immediate physical and psychological trauma of the attack, sexual abuse survivors typically report low self-esteem, anxiety,

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[30] Summit, supra at 117. By 1985, there were 113,000 reports of child sexual abuse annually, the vast majority of them involving parents and other members of the victim's family. Kleiman, "The Last Taboo: Case on L.I. Pierces the Silence on Incest," N.Y. Times, Sept. 28, 1987, p. A1, col. 1. Unreported cases far outnumber those that are reported. Id.; D. Whitcomb, E. Shapiro & L. Stellwagen, When the Victim Is A Child: Issues for Judges and Prosecutors 13-16, National Institute of Justice, U.S. Dep't of Justice, n.7 at 4, 84 (1985) [hereinafter cited as "National Institute of Justice"].

[31] D. Russell, supra, at 180-94. The definition of very serious and serious abuse included, e.g., forced penile-vaginal penetration and forced digital penetration.

[32] Swink & Leveille, From Victim to Survivor: A New Look at the Issues and Recovery Process for Adult Incest Survivors, in The Dynamics of Feminist Therapy 119 (D. Howard ed. 1986).

depression and extreme feelings of guilt and shame.[33] For years after the abuse occurred, they suffer from psychosomatic and sleep related disorders, sexual dysfunction, inability to differentiate between sex and affection, and difficulties in forming meaningful, trusting relationships. Survivors of incest also experience extreme feelings of powerlessness, phobias, and a heightened sense of vulnerability. They are prone to self-abuse in the form of anorexia, bulimia, obesity and alcohol and drug abuse. Victims of childhood sexual assault and rape are susceptible to continued victimization in adulthood, frequently marrying men who abuse them and who sexually abuse their children. Just how profoundly and permanently childhood sexual abuse traumatizes the victims can be seen in the fact that, according to one study, nearly forty percent of adult incest victims have attempted suicide.[34]

Now that American society has achieved this long overdue understanding of the incidence and consequences of childhood incestuous abuse, it is essential that the legal system adjust its own response so as to afford a meaningful remedy for these

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[33] On symptoms of incest survivors, see generally J. HERMAN, FATHER-DAUGHTER INCEST (1981); J. RENVOIZE, INCEST: A FAMILY PATTERN (1982); BLAKE-WHITE & KLINE, TREATING THE DISASSOCIATIVE PROCESS IN ADULT VICTIMS OF CHILDHOOD INCEST, SOCIAL CASEWORK 394 (SEPT. 1985); Blume, The Walking Wounded: Post Incest Syndrome, 15 SIECUS Report 5 (Sex Information and Education Council of U.S. 1986); Gelinas, The Persisting Negative Effects of Incest, 46 Psychiatry 312, 319 (Nov. 1983); Salten, Statutes of Limitations in Civil Incest Suits: Preserving the Victim's Remedy, 7 Harv. Women's L.J. 189, 199-202 (1984); Swink & Leveille, supra.

[34] J. Herman, supra at 101.

victims. One of the cruelest aspects of childhood incestuous abuse is the child's perception that, having been betrayed by an adult directly responsible for her care, she cannot depend on any person or any of society's institutions to offer her protection.[35] As one commentator has noted, "near universal societal refusal to respond appropriately to incestuous abuse punishes the victim by denying her warranted assistance, thereby compounding the psychological harm caused by her father's conduct."[36] Providing reasonable access to the courts for incest survivors is crucial if we are to demonstrate that the legal system does indeed provide redress for the innocent against wrongdoers. This message may have a significant deterrent effect, as well as clearing the victim of guilt in her own eyes and those of society.[37]

Criminal penalties for incestuous rape and childhood sexual abuse do not provide an adequate legal remedy. Prosecution and conviction in such cases are rare.[38] Moreover, even if conviction results, criminal punishment does nothing to provide the victim with direct redress. There is a growing recognition

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[35] See Swink & Leveille, supra at 121.

[36] Allen, Tort Remedies for Incestuous Abuse, 13 Golden Gate U.L. Rev. 609, 616 (1983).

[37] See Salten, supra, 7 Harv. Women's L.J. at 190 n.2.

[38] Allen, supra, 13 Golden Gate U.L. Rev. at 609; Berkowitz, Balancing the Statute of Limitations and the Discovery Rule: Some Victims of Incestuous Abuse are Denied Access to Washington Courts -- Tyson v. Tyson, 10 U. Puget Sound L. Rev. 721, 723 (1987); National Institute of Justice, supra at 4-8.

of the need to provide a tort remedy for survivors of childhood sexual abuse.[39] In many incest cases, including this one, the survivor requires costly medical care and long-term psychotherapy. Civil damages could furnish the plaintiff with funds to pursue the treatment she needs in order to come to terms with the sexual abuse inflicted on her by her father. Nothing can restore her lost childhood, and nothing will eliminate her permanent psychological scars, but a civil remedy could give her the means to strive toward a more normal life.

Because of the nature of childhood sexual abuse, abrogation or relaxation of parent-child tort immunity provides the only realistic possibility of access to a legal remedy for incest survivors. This Court has the power to grant or deny plaintiff legal redress for her devastating injuries. In light of the modern understanding of the vulnerability and victimization of children, there is a widespread consensus that we must harness all available social resources to prevent and punish child abuse. One of the most effective resources available is the civil legal system. Amici curiae therefore respectfully urge this Court to protect child victims of incestuous sexual abuse by reversing the holding of the Court of Appeals.

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[39] ALLEN, supra; BOLAND, supra; HANDLER, CIVIL CLAIMS OF ADULTS MOLESTED AS CHILDREN: MATURATION OF HARM AND THE STATUTE OF LIMITATIONS HURDLE, 15 FORDHAM URB. L.J. 709 (1987); Salten, supra.

CONCLUSION

For all of the foregoing reason, amici curiae respectfully request this Court to reverse the judgment of the Court of Appeals.

Respectfully submitted,

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