

Dear Chairman Klemin and House committee members,

My name is Harriette Rebsom, I am the mother of A [REDACTED] R [REDACTED], I fully support SB2282.

I am sure you are all aware of A [REDACTED]'s journey from previous testimony: raped at age 10, told no one; Attempted suicide at age 17, admitted to the MHU; Nearly successful at a second suicide attempt while in the MHU; Third suicide attempt, admitted to ICU, sexually assaulted by the male nurse on duty that night.

I understand some have concerns for not wanting to hold an institution liable for the actions of an employee they hired that many years ago that turned out to be a pedophile. They do back ground checks of which a pedophile will always come out squeaky clean, I get it!

My daughter reported the sexual assault that happened to her that night to a MHU nurse the next morning! She was chastised by that nurse for saying such a horrible thing about such a wonderful person and told A [REDACTED] to never talk about it again.

A Social Worker informed me that morning that "serious allegations were made by A [REDACTED] against the male nurse during the night, saying it was most likely a" bad dream".

I clearly remember thinking the hospital would certainly have the same standards of investigating any allegation as we did at the LTC facility I worked at. For those who may say, "The hospital would now have new policies and procedures to cover this type of incident" Is untrue! They were mandated by the same standards 29 years ago, just like we were in LTC. Here lies the difference related to the guilt of the hospital. Once the hospital was informed of the allegations their level of culpability changed, they were now informed that a pedophile. "could" be working for them, they were now responsible to ensure the safety of all their patients.

(One year and two months later a 14-year-old was sexually assaulted in the same hospital by the same nurse.)

For 28 years I believed the hospital had done their due diligence in investigating. When we got the copy of A [REDACTED]'s chart and police record from Jim Hope about 1-1/2 years ago, it was then that I realized, nothing had been done by the hospital! Nothing had been documented, no investigating had been done-or it would have been documented. I was so angry, but once again

I thought "It's too late!" A [REDACTED]'s allegations should have triggered certain actions which the Hospital nurse and the Social Worker was **mandated** by law to do! It was about 1-1/2 years ago after obtaining copies of A [REDACTED]'s records that I found out none of that documentation existed in A [REDACTED]'s chart, maybe because no one even bothered to interview our daughter about the incident.(YUP!!!) They basically lied by the omission of documentation that anything had happened. I know this caused our daughter a lot of hurt and self-doubt, but yet she held true to her account of what Michael did to her. I try to wrap it around my head how a nurse could do this to our daughter. A [REDACTED] told him she was in the MHU because of sexual abuse. What a sick, perverted and heartless man he was to think she would be his next perfect victim. What Michael did was a crime. For the hospital to not believe her after she told them was hurtful, horrific and neglectful. I can't help but wonder if A [REDACTED]'s life and our families would have been different had the hospital believed her, acted on it, provided her with the help she needed for a second sexual assault. Instead, they belittled her into thinking she had a bad dream and forbid her from ever talking about it again which added yet another burden for her to deal with for the rest of her life. To this day she still suffers from what the hospital did to her and can be triggered by certain actions of a hospital.

Months later Detective Stenberg was able to interview the other female nurse on duty that night and was able to substantiate A [REDACTED]'s allegation. It was that easy!!!!

It's hard to imagine our 18-year-old daughter when she was in the eye of that storm. And how she was not strong enough to bring forth any type of justice in the time frame allotted her. For nearly 10 years we lived day by day, never knowing what that day would bring or if there would even be a tomorrow. I lived in constant fear. We were told her mental disability was the worst they had ever seen in terms of her trauma from sexual abuse!

I know some want to protect the institution, but this institution did NOTHING to protect our daughter or take care of her after the fact! The amount of harm they did to her by not believing her, by ignoring her allegations, belittling her into thinking she had a bad dream and forbidding her from ever talking about it again was so inhumane for a health care facility to do to someone who was already a victim! No human being should be treated this way, and this was the staff at

the MHU she had grown to trust. They too were now the abuser, it makes me so angry. This institution should not be protected by the passage of time. It took months for my daughter to tell me what happened. The hospital had also found the perfect victim to keep quiet and ignore. I remember when I drove her to see Stewart Stenberg to give her testimony, she was so scared. As we sat in the car and talked one of the things that she said to me was "Mom I don't know why all of this has happened to me already, but maybe someday I can make a difference for others." "Maybe I have a purpose to still be here on earth."

She has accomplished half of her goal by getting the Criminal statues raised to 7 years, and possibly more.

Please help her get the civil justice for all the criminal injustices she has endured. It's all she has left. Our daughter is also afraid of Michael. Those threats made to her at age 10 by her rapist still hold true and now have crossed over to a fear of Michael harming us. She panics if we go somewhere and we turn our phones on vibrate and can't get ahold of us. So, we always try to let her know where we will be. When she comes here to visit, she will only sleep on the couch. This started after the assault by Michael.

It really upsets me when I hear the comment that after so many years memories fade, witnesses are unreliable. How many rapes and sexual assaults have a witness, unless of course it was a gang rape. It's easy to say that about memories if you have never had anything this traumatic happen to you. Mundane memories fade, traumatic ones do not-it's a fact. But yet this is presented as an excuse by some to not get justice. It is personally insulting to me to hear that. For 29 years there has been no justice, no admission of guilt or harmdoing by anyone. Affected by her severe PTSD, all windows for justice were closed before she was strong enough to pursue any justice.

49 years ago my husband and I traveled to Fargo to have his hearing checked by the VA. He has severe tinnitus from the guns and explosions in Vietnam. Nothing could be done. 25 years later in an Agent Orange letter I saw that tinnitus was now covered as a disability. Because of this proof 25 years prior he was easily able to apply for disability. Shortly thereafter Lee

received his first disability check. I remember him holding it and with tears in his eyes said; "I know this is not much but to me it means the Army has finally acknowledged they hurt me", Thank you Harriette for having me do this. This admission helped my husband deal with the anger he had for what the war had done to him even though he still lives with this each and every day. In a way that disability check is a form of civil justice for the harm caused him by the war. Our daughter A [REDACTED] has her police report and investigation from 29 years ago that still shows cause. It would allow her to pursue civil justice for the harm done to her both by Michael and the hospital. Yet it seems the direction of the law wants to favor the institution and perpetrator once again denying our daughter the ability to say; "Thank you, finally after 29 years someone has admitted they hurt me." How can one fully heal if no one has ever taken responsibility for the hurt caused by their actions?

If nothing else can be done, please open up a window for extreme negligence or a window for special circumstances or an exceptional clause to meet the criteria our daughter has. The courts shouldn't be "flooded" with all these court cases some worry about! You are the lawmakers, let the judges and attorneys decide the rest. Not many victims, if any, have the burden of proof our daughter has. Give her that chance for the admission of guilt, give her that chance for civil justice so she can continue to heal and put this behind her. Show her the state of ND does care about her vs. tossing her to the side once again. Saying I'm sorry this happened to you but we decided it's more important to protect the institution and perpetrator who hurt you. How can our daughter even begin to recover from this, it will be another injury to her. I worry, as only a mother can worry of what no justice will do to her.

Please don't protect the facility, they had a chance to do what was right and failed. Failed our daughter, failed us, failed our family, failed our community. I fear that if nothing can be done for our daughter the burden will once again fall on her. Our justice will be to figure out how to forgive this sick perverted person and forgive the institution who did nothing at all to help her and actually tried to hide it.

I even visited with our Catholic Priest after last session to help me understand why it seemed

Catholic church seemed to be against most legislation that would help the sexual assault victim. He said they were not against all legislation, they just wanted it to be fair and not specifically target the Catholic Church. I don't feel this one does!

Thank you for your time. If any of you have any questions whatsoever to clarify any actions, in-actions or timelines please ask. I will do my best.