

# ROUTE FIFTY

## A State Could Open Up a Window for Adult Sex Abuse Survivors to Sue Over Old Allegations



The Adult Survivors Act would extend the statute of limitations for sex abuse cases that happened when the victim was an adult. Women often fail to report cases to the police over fear they will be blamed, disgraced, or defamed. SETH WENIG/AP PHOTO

By [Emma Coleman](#) JANUARY 16, 2020

Legislation introduced in the New York state legislature would create a one-year period for people to file lawsuits in cases where the statute of limitations has expired.

Twenty-three states passed laws in 2019 amending statutes of limitations for child sex-abuse cases. New York was one of them, creating a one-year window until August 2020 for people who were abused as children to both file lawsuits or attempt to bring criminal charges. The law received a big response, with more than 400 lawsuits filed within the first 24 hours and a total of 1,360 civil cases brought after five months.

The state legislature is now considering a similar proposal for people assaulted as adults, although the legislation as written would only extend the statute of limitations for civil cases, excluding the possibility for survivors to file criminal charges.

The legislation's sponsor, Sen. Brad Hoylman, who also introduced the Child Victims Act, said the same one-year window is needed for people who were abused as adults.

“For too long, justice has been out of reach for adult survivors of sexual crimes,” Hoylman said in a statement. “Survivors have experienced horrific trauma and abuse, and many do not immediately come forward—they deserve our support whenever they decide they are ready to pursue justice.”

The bill includes provisions to give trial preference to these older claims in order to “ensure legal proceedings do not drag on and to avoid case backlogs.”

Marci Hamilton, the founder of CHILD USA, an organization that advocates for sex abuse survivors, said that what New York is doing is nothing radical—in fact, its [a mirror of a bill](#) passed in New Jersey last year. “This approach is very important for helping victims find justice,” Hamilton said. “The power relationship between the abuser and victim, combined with the way trauma works, is often enough to silence a victim, even as an adult.”

In [a paper](#) examining the reasons why adult victims often neglect to report they were attacked in a timely manner, West Virginia University professor Karen Weiss wrote that shame is a powerful deterrent for both men and women. “Women fearing they will be blamed, disgraced, or defamed are often too ashamed to report sexual victimization to the police,” Weiss wrote. And for men, “acknowledging crimes that are not supposed to happen to men, or at least real men, may threaten their masculinity, and challenge their sexual identities.”

New York lawmakers have repeatedly taken on the issue of statutes of limitations. Another measure [signed into law](#) last year by Gov. Andrew Cuomo extended New York’s statute of limitations for certain sex crimes, including second- and third-degree rape and incest. Previously the statute of limitations for criminal charges was five years, unless the victim was a child, in which case a civil case could be brought before the victim’s 55th birthday.

Under the new law, prosecutors have 20 years to bring charges in second-degree rape and incest cases, while the statute of limitations is 10 years for third-degree rape and incest. People can also file lawsuits for up to 20 years after they say they were abused.

“Statutes of limitations on sexual offense cases impose a ticking clock on how long victims are able to come forward if they want to seek charges,” the bill reads. “Over the last year, victims who have suffered in silence for decades have bravely spoken about their abuse, and have also laid bare the state’s limited ability to prosecute their abusers due to the passage of time.”

[In 2006](#), New York eliminated the statute of limitations entirely for first-degree rape when the crime is committed by force or when a victim is physically injured.

Hoylman’s proposal arrives at a time when advocates for sexual abuse survivors nationwide are questioning the necessity of any expiration date for reporting sex crimes.

Much of this energy has focused on the rights of child victims, who may not understand how to seek help at the time of their abuse.

The [insurance industry](#), along with the [Catholic Church and the Boy Scouts of America](#), both organizations that have faced accusations of failing to protect children from abusers within their ranks, have fought bills to extend the time period for pursuing civil and criminal litigation. One [report](#) found that in New York alone, the Catholic Church spent \$2.9 million between 2011 and 2018 to lobby against the Child Victims Act, and \$10.6 million lobbying against similar bills in northeastern state legislatures.

Church officials have argued [in testimony](#) at state legislatures that the focus should be on abuse awareness education, child protection training, and prompt reporting of abuse.

A representative of the Catholic Archdiocese of New York said that the organization has not taken a position regarding the Adult Survivors Act.

Some criminal defense attorneys and civil liberties groups are opposed to abolishing statutes of limitations. Donna Lieberman, the executive director of the New York Civil Liberties Union, said in [a statement](#) that legislatures need to “strike the right balance” between justice for survivors and fairness for defendants. “Statutes of limitations exist for an important reason: as time passes, it becomes increasingly difficult for the accused to prepare a meaningful defense while evidence gets stale, witnesses disappear, and records become lost,” she said. “They are a critical cornerstone of our legal system and help ensure that people accused of a crime have a fair opportunity to defend themselves.”

Arguments for abolishing the statute of limitations for sex crimes that involve adult victims have gained traction in recent years during criminal proceedings involving high-profile men accused of dozens of sexual assaults. In the cases of Bill Cosby, Harvey Weinstein, and Jeffrey Epstein, women have been prevented from pursuing charges because of the statute of limitations. All three men maintain their innocence against the charges of sexual assault, abuse, and harassment.

The new bill in New York makes direct mention of one of these cases, though. “For women who survived Jeffrey Epstein’s horrific sex crimes as adults the Adult Survivors Act would be an especially important mechanism for restorative justice,” the announcement of the bill reads. “Epstein’s underage victims will already be able to pursue justice under the Child Victims Act, but multiple survivors who were 18 or older at the time of their abuse currently have limited legal remedies.”

Though criminal charges against Epstein were dismissed following his death in jail last summer, some women are pursuing [civil cases](#) against his estate.

Hamilton said that while the movement to entirely eliminate the statute of limitations on both past and future sex crimes has been growing since 2002, there has been an explosion of interest in state legislature in the past two years. “It’s been slow and steady

across the country for a long time. But at the end of 2018, we saw a tipping point,” she said, noting the combined impact of the Epstein scandal, [the testimony](#) of USA Gymnastic athletes against team doctor Larry Nassar, and the [grand jury investigation](#) into abuse within the Catholic Church in Pennsylvania. “Now we’re seeing action everywhere at once. We need to do the right thing for victims of the past and help the ones of the future.”