

NY Child Victims Act Sets One-Year Revival Period for Sex Abuse Claims

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With the enactment of the Child Victims Act, New York State has exposed all institutions and individuals who care for children to civil litigation for claims of child sex abuse regardless of how long ago the abuse is alleged to have occurred.

Prior to the enactment of this statute, a person who claimed to have been sexually abused as a child was required to file suit for money damages before turning 21 years of age. The exceptions to this period of limitations were insignificant and had little effect on the statute, barring claims by individuals who had passed their 21st birthday.

The Child Victims Act changes that. Under the new law:

“...every civil claim or cause of action brought against any party alleging intentional or negligent acts or omissions by a person for physical, psychological or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age ... which is barred ... because the applicable period of limitations has expired ... is hereby revived.”

In plain English, this means that all time-barred sex abuse claims have been revived and the victims may file suit for money damages against any party they claim to be responsible for the abuse during a one-year period beginning at the statute's effective date on August 14, 2019. Any plaintiff may file a lawsuit for money damages for sex abuse *regardless of how long ago the abuse is alleged to have occurred*.

It is widely expected that a flood of previously time-barred sex abuse claims will be filed when the statute takes effect on August 14, 2019.

Plaintiffs who do not file within the one-year revival period must file lawsuits for sex abuse before their 55th birthday. Thus, after the revival period ends in August 2020, any person alleging sex abuse will have until they reach the age of 55 to commence a lawsuit for money damages.

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