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The Sean P. McIlmail Statute of Limitations Research Institute



STATUTE OF LIMITATIONS REFORM SERVES THE PUBLIC INTEREST:

A Preliminary Report on the
New York Child Victims Act


August 11, 2021





The Child Victims Act has empowered New York's victims and educated the public. In the last twenty years, brave individuals and reporters have exposed the worldwide epidemic of child sexual abuse. We now know that 1 in 5 girls and 1 in 13 boys are sexually abused before they turn 18 years-old.

Sexual abuse has life-long, traumatic impacts on victims, and it often takes decades for victims to realize or understand they were abused and to take action. Many victims never come forward, and when they do, it has been too late to access justice because of the statutes of limitations. In fact, the average age of disclosure is 52 years-old. Statutes of limitations (SOLs) set the deadline for pressing criminal charges or filing a civil lawsuit for child sex abuse.

A black and white photograph showing the silhouettes of two children, a taller one wearing a cap and a shorter one, standing against a cloudy sky. The children are positioned on the right side of the page, with their backs to the camera, looking towards the left.

THE PROBLEM OF CHILD SEX ABUSE



HOW REVIVAL WINDOWS HELP EVERYONE

Revival windows give the victims whose claims have expired time to file their claims. Revival windows help everyone in three ways because they:



Identify hidden child predators and the institutions that endanger children

to the public, shielding other children from future abuse.



Shift the cost of abuse

from the victims and taxpayers to those who caused it.



Educate the public

about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.

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The following facts about windows were confirmed in New York:

Revival windows shift the cost of abuse while providing victims a path to justice and also protecting society at large. When predators and institutions are exposed, the public learns about the insidious ways child molesters operate and which institutions endanger children. These revelations educate parents and prevent future abuse.

Preventing sex abuse helps society by reducing the number of victims, which results in healthcare savings, healthier workplaces, and happier homes.

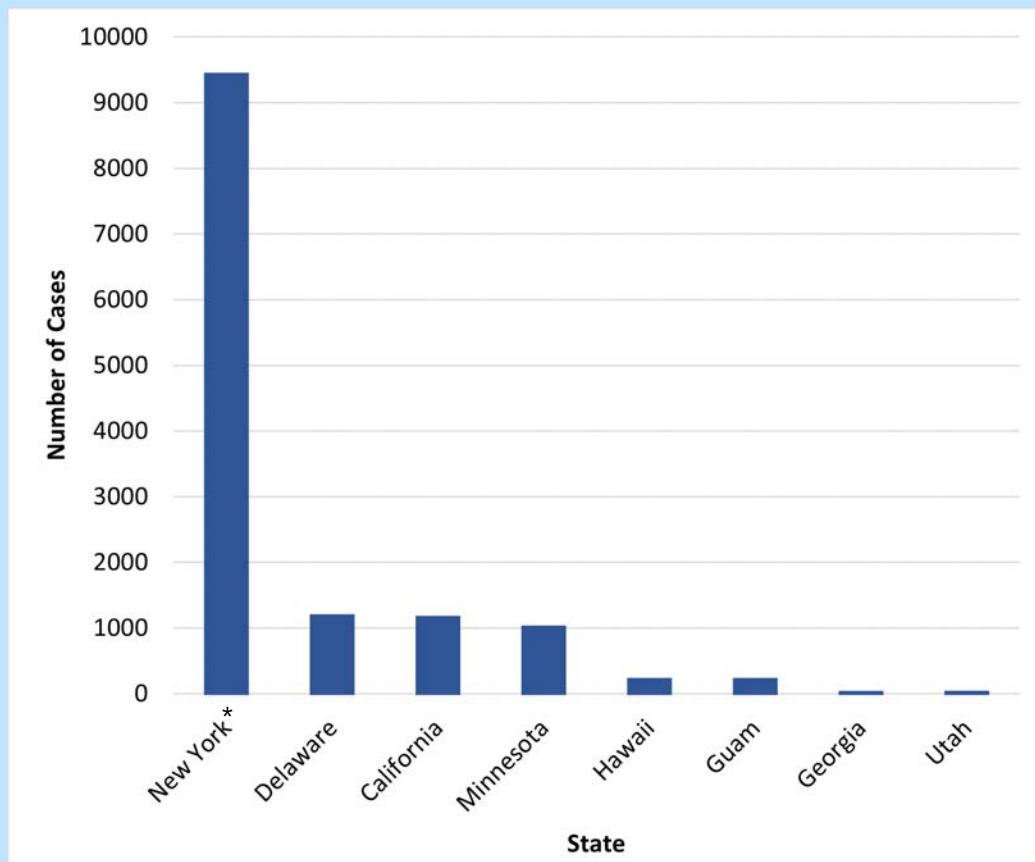
Revival windows also educate the public about the danger of child sexual abuse and how to prevent it. By shedding light on the problem, the authorities, parents, and others are better able to identify abusers and responsible institutions and prevent further abuse. This knowledge educates everyone on how to identify the signs of grooming and abusive behavior and create more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.



WHAT WE KNOW ABOUT THE CHILD VICTIMS ACT SO FAR

In New York, Senator Brad Hoylman and Assemblymember Linda B. Rosenthal sponsored the Child Victims Act, which was signed into law in 2019. Senator Hoylman and Assemblymember Rosenthal also sponsored S.7082/A.9036 in 2020, which extended the Child Victims Act's revival window for an additional year in the face of COVID-19 court closures.

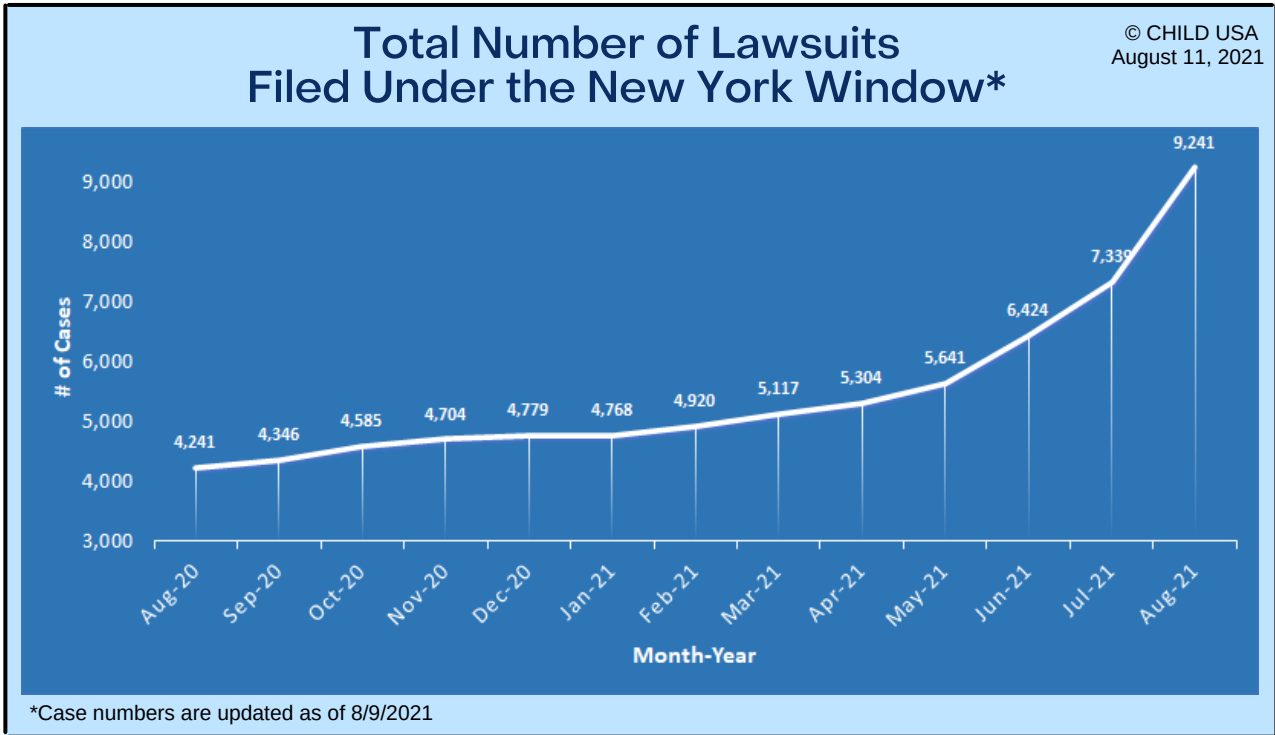
Number of Cases Filed in State Revival Windows



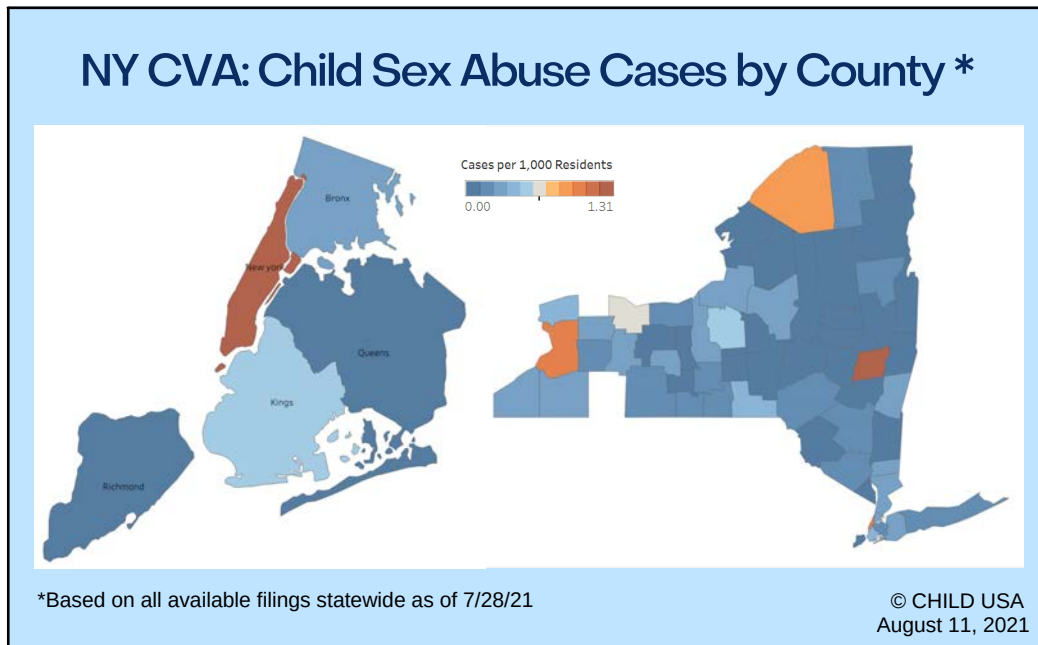
*Case numbers for New York are updated as of 8/9/2021

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9,241 Cases Have Been Filed Under the Child Victims Act as of August 9, 2021. Thousands of victims have accessed long-awaited justice under the Child Victims Act and the one-year extension. Since August 2020, the rate of case filings has consistently increased as the deadline nears.

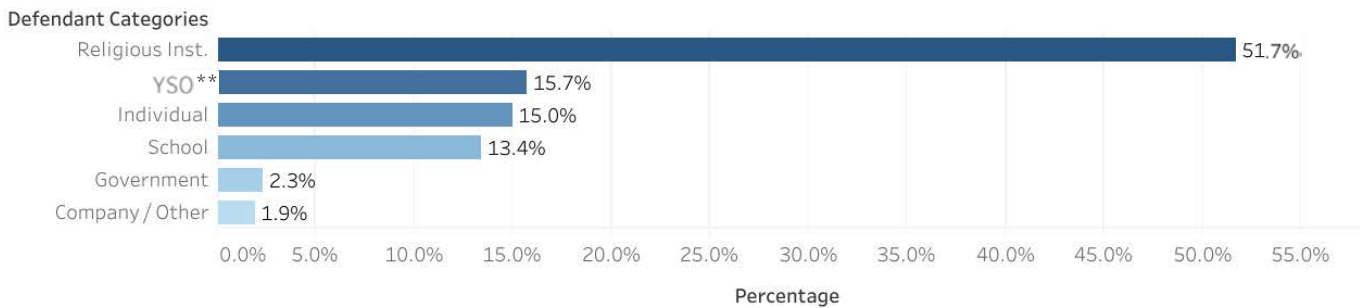


Child sexual abuse is a widespread issue in New York.

Cases have been filed all over the state. As of July 28, the highest concentration of cases filed per 1,000 residents were in the following counties: Albany, Monroe, New York, Onondaga, and St. Lawrence.



NY CVA: Child Sex Abuse Cases by Defendant Category *



*Based on defendant records pulled from New York's eight most populous counties

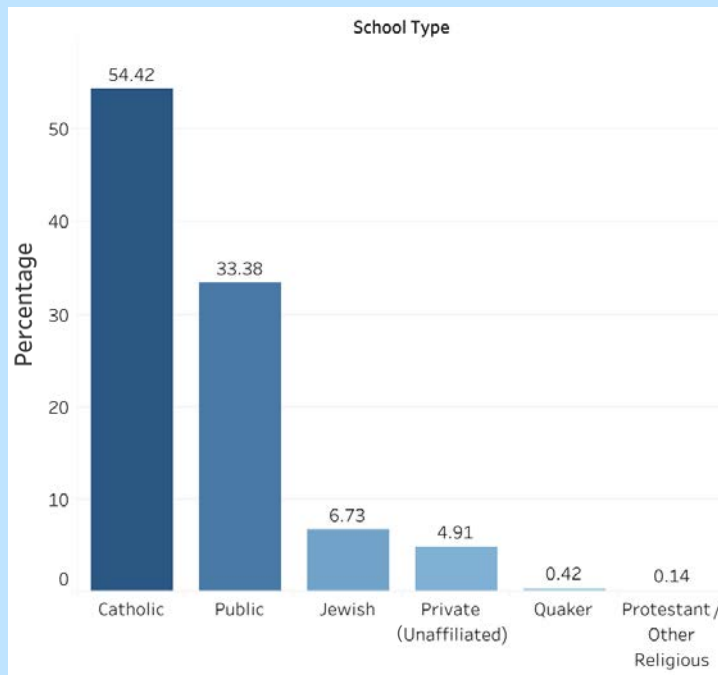
**Youth-Serving Organization

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Victims have identified many contexts for abuse.

They include, among others, religious institutions, youth-serving organizations (YSO), abusers, other individuals, schools, government agencies, and companies.

NY CVA: Child Sex Abuse Cases by School



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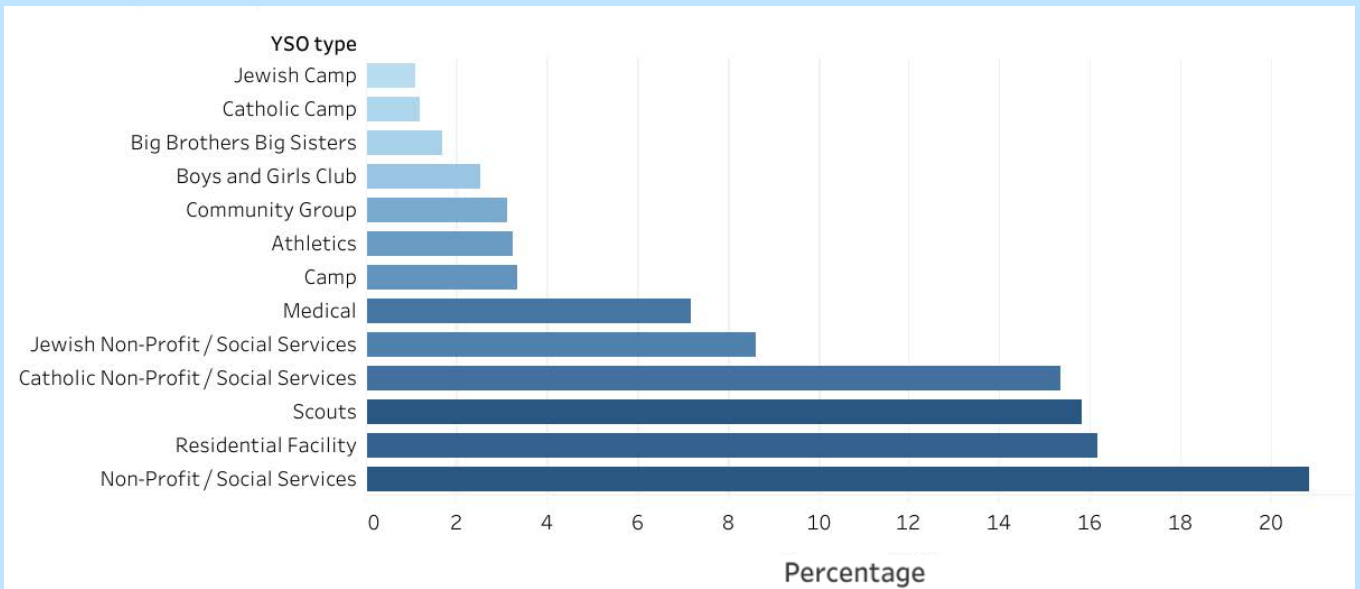
Child Victims Act cases also teach the public that **abuse happens in private, public, religious, and non-religious contexts.**





NY CVA: Child Sex Abuse Cases by Youth-Serving Organization (YSO)

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Child sex abuse happens in multiple types of youth-serving organizations because they are settings in which perpetrators have regular access to children.

The Child Victims Act look back window closes at midnight the evening of August 13, 2021, and claims filed under the window will take time to process through the courts. At this point, the window has already helped identify previously unknown predators in New York, while educating the public about abuse in the state. Once these cases progress further, the public will gain even more insight about what went wrong and how we can prevent abuse in the future, and the cost of abuse will finally be shifted to those who caused it.



What About Adult Victims?

While the Child Victims Act has provided a pathway to justice for thousands of individuals in New York who were sexually assaulted before reaching age 18, many victims of known perpetrators, like Jeffrey Epstein, have come forward only to be told they just missed the age cut off.

The brain does not fully develop its executive function before age 25. This means that the trauma of abuse can impact the brain of a 25 year-old the same way it impacts the brain of a 17 year-old. Because the Child Victims Act only applies to individuals under age 18, there are many victims in New York who, due to no fault of their own, have been unable to access the justice they need. Their perpetrators continue to benefit from a short statute of limitations, remaining hidden from the public.

When victims are empowered to disclose their abuse and sue for their injuries, the public benefits from finding out who the perpetrators are, the cost of abuse is shifted to those who created it and it learns how to prevent sex abuse. This also sends a strong message to sexual predators and organizations in New York that the State will not tolerate sexual crime. By creating a lookback window for adult survivors of sexual assault, access to justice for past victims will be available; and this will also greatly reduce the present danger to the people of New York.

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CHILD USA is the leading national nonprofit think tank working to end child abuse and neglect in the United States. CHILD USA engages in high-level legal, social science, and medical research and analysis to derive the best public policies to end child abuse and neglect in America. CHILD USA produces evidence-based solutions and information needed by policymakers, organizations, media, and society as a whole to increase child protection and the common good. CHILD USA is also the national leader in the field of statute of limitations reform, and the only organization to track child sex abuse SOLs in every state, D.C., and the progress made in the federal government.

To learn more about the progress made in 2021, consult CHILD USA's bill tracker at www.childusa.org/2021sol, or about CHILD USA's work on SOL reform, see www.childusa.org/sol.

Sources for this report are available upon request at info@childusa.org.

ACKNOWLEDGEMENT

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