CHILD USA

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The Sean P. McIlmail Statute of Limitations Research Institute at CHILD USA

SURVIVOR TOOL KIT

VERMONT

FOR CHILD SEX ABUSE VICTIMS CONSIDERING LEGAL ACTION UNDER A NEW WINDOW OR REVIVAL LAW

If you are considering filing under a window or revival law please consider the following:

1. Know that you are not alone.

2. See a therapist before consulting a lawyer, and continue seeing that therapist during the duration of the lawsuit.

3. Understand that the legal system is a lot of "hurry up and wait" - It is normal to be asked to produce information quickly, and then not hear from your lawyer for a while.

4. An attorney cannot be your attorney without your authorization.

5. Your attorney works for YOU and cannot settle your case without your permission prior to your approval of the monetary amount.

6. Don't assume that the court system understands your needs; some officials will have received trauma-informed training, some will not (1 & 2 above).

7. Understand that this can be a confusing time not only for you but everyone around you (2 above and encourage loved ones to do the same).

8. You have been empowered to file a legal action, but it will take our whole culture to end child sex abuse.

9. The settlement funds you receive are not blood money or dirty money, this is American justice. You deserve to be compensated for your harm.

10. Talk to a finance professional about how to protect your settlement and do not make any major financial decisions or purchases for at least 6 months.

Terms to Know

- **Statute of Limitation (SOL):** is a law that sets the age limit or the amount of time after a person is abused that: (1) the person can file a civil lawsuit for the abuse or (2) the government can criminally prosecute an abuser for the crime.
- **Discovery Rule:** a law that says the SOL time countdown doesn't begin until a person discovers his injuries relating to child sex abuse or that his injuries were caused by abuse.
- **Injuries Caused by Child Sex Abuse:** depression, anxiety, PTSD, inability to form secure relationships, etc.
- **Abuser:** A person who sexually abuses a child.
- **Entity:** A private organization (like a business, non-profit company or religious institution) or a public organization (like a government agency or public school).
- **Civil Lawsuit:** A survivor of child sex abuse may file a civil lawsuit against an abuser, other individual, entity or the government to recover money damages or seek other remedies for abuse related injuries.
- **Criminal Prosecution:** The state or federal government may prosecute by filing criminal charges against a person or entity for their crimes relating to child sex abuse. Punishment for criminals involves jail time and fines.
- **Windows and other Revival Laws:** Laws that allow adult survivors of child sex abuse whose civil claims had already expired to file civil lawsuits against abusers, other individuals or entities relating to their abuse for a set period of time, with a revival window (either time-limited or permanently open) or an age limit.

Remember, your State's law is specific to your State. Each window or revival law is different.

Nine New SOL Windows or Revival Laws in 2019

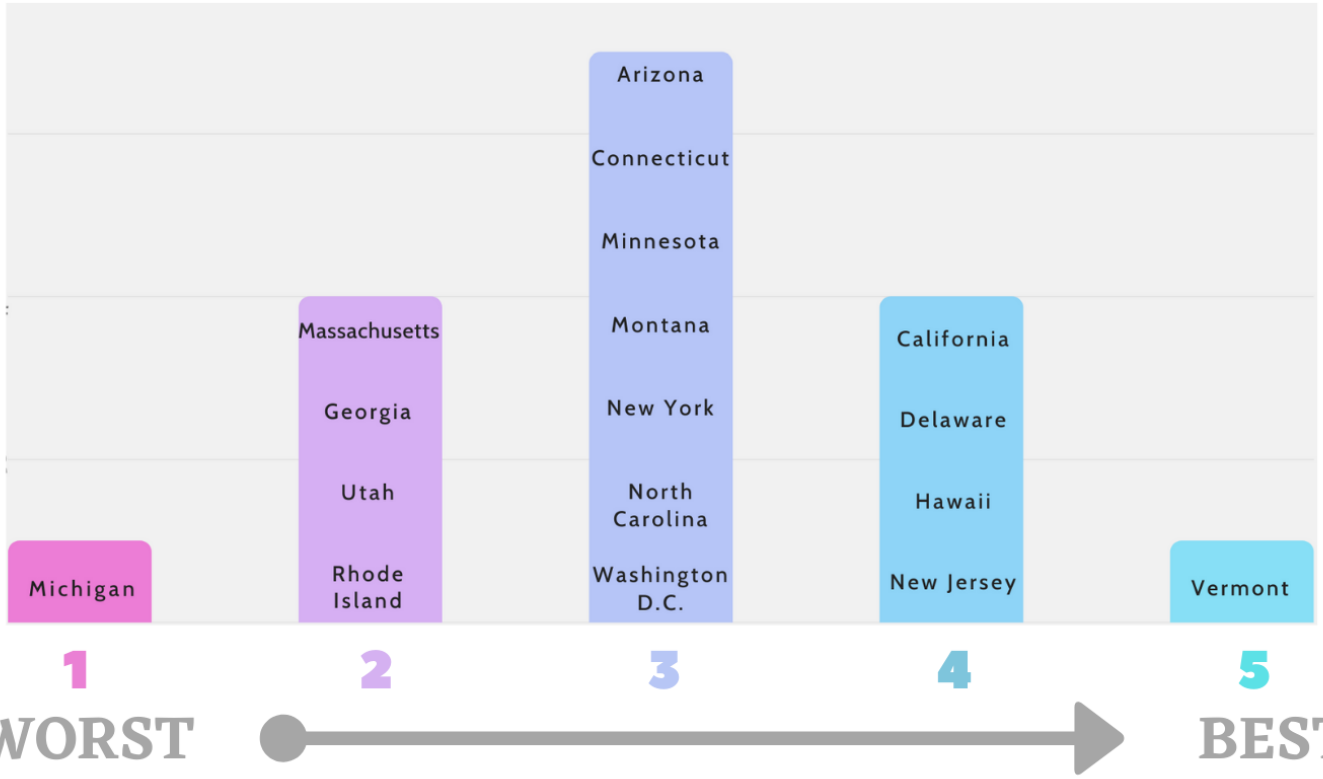
Adult survivors of child sex abuse now have access to justice via civil lawsuits in the following jurisdictions. Even if the SOL had already expired for their civil claims of abuse, they are now revived for a set period of time with: (1) a revival window, either time-limited or permanently open, or (2) an age limit.

Jurisdiction	Date Opens First day can file	Date Closes Last day can file	Revival Law Description
Washington D.C.	May 3, 2019	May 2, 2021	**2-year window:** 2-year window opened on May 3, 2019 for expired claims against abusers, other individuals and entities. Window applies to all child sex abuse survivors up to age 40 and, in some circumstances, older victims and those sexually assaulted as adults.
Montana	May 7, 2019	May 6, 2020	**1-year window and revival up to age 27:** 1-year window opened on May 7, 2019 for expired claims against abusers and entities. Claims are revived for survivors until age 27, even after window closes.
Arizona	May 27, 2019	Dec. 30, 2020	**19-month window and revival up to age 30:** 19-month revival window opened on May 27, 2019 for expired claims against abusers, other individuals, private organizations and government. Claims are revived for survivors until age 30, even after window closes.
Vermont	May 28, 2019	n/a	**Permanent window:** Window that is permanently open revived all expired claims against abusers, other individuals, private organizations and government.
Rhode Island	July 1, 2019	n/a	**Revival up to age 53:** Revived SOL up to age 53 against perpetrators only.
New York	Aug. 14, 2019	Aug. 13, 2020	**1-year window:** 1-year window opened on August 14, 2019 for expired claims against abusers, other individuals, private organizations and government.
New Jersey	Dec. 1, 2019	Nov. 30, 2021	**2-year window and revival up to age 55:** 2-year window opened on December 1, 2019 for expired claims against abusers, other individuals, private organizations and government. Window applies to child sex abuse victims and those sexually assaulted as adults. Child sex abuse claims are revived until age 55, even after window closes.
California	Jan. 1, 2020	Dec. 31, 2022	**3-year window and revival up to age 40:** 3-year window opened on January 1, 2020 for expired claims against abusers, other individuals, private organizations and government. Claims are revived for survivors until age 40, even after window closes.
North Carolina	Jan. 1, 2020	Dec. 31, 2021	**2-year window:** 2-year window opened on January 1, 2020 for expired claims against abusers, other individuals and entities.

*This is not legal advice. To determine the SOL in a particular sex abuse case, contact a lawyer in your state.

Sixteen States and D.C. Have SOL Windows or Revival Laws Since 2002

Not all windows and revival laws are equally valuable. Here's how they rank from worst to best:



1. Revival window only for claims against abuser doctors
2. Revival window, revival up to a certain age, or revival of all claims, against abusers only
3. Revival window or revival up to age 30-54, for claims against abusers and entities
4. Revival window for 2 or more years or revival up to age 55, for claims against abusers, other individuals, private organizations and government
5. Permanently open revival window for all claims against abusers, other individuals, private organizations and government

What is Vermont's New SOL Law?

The Vermont Law Explained:

It will benefit **ALL** survivors of any age that have suffered child sex abuse in VT in the past, present and future:

New Civil SOL:

There is no longer an SOL for civil claims relating to child sex abuse and all claims that were previously expired are revived. All children being abused now will be able to file a civil lawsuit against an abuser, other individual, entity or the government at any time. Adults of all ages who were abused as children will now be able to sue whenever they are ready.

THE PERMANENT WINDOW OPENS MAY 28, 2019 AND DOES NOT CLOSE

*This is not legal advice. To determine the SOL in a particular sex abuse case, contact a lawyer in VT.

How Will Vermont's New SOL Law Help You?

Are you a VT survivor of child sex abuse?

All survivors of any age who were abused at any time in Vermont will benefit from the permanent window that is open. You now have the right to file a civil lawsuit relating to your abuse against an abuser, other individual, private entity or the government at any time that you are ready.

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Trusted Resources

1. CHILD USA: www.childusa.org
2. CHILD USAdvocacy: www.childusadvocacy.org
3. To find a Child Advocacy Center near you visit: www.nationalchildrensalliance.org/
4. For free access to research often needed in child abuse cases visit: www.nationalcac.org
5. RAINN – Rape, Abuse, & Incest National Network: www.rainn.org
6. The National Sexual Assault Telephone Hotline: 1-800-656-HOPE (4673)
7. NCVC – The National Center for Victims of Crime: victimsofcrime.org/help-for-crime-victims
8. The National Suicide Prevention Hotline: 1-800-273-8255
9. The National Center for Exploited and Missing Children: www.missingkids.org/gethelpnow
10. The National Human Trafficking Hotline: 1-888-373-7888

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