

CHILD USA

The Sean P. McIlmail Statute of Limitations Research Institute



SNAP

New York

Survivor Toolkit

A Guide For Adult Sexual Abuse Survivors Who Are Considering Legal Action



The window opens November 24, 2022 and closes November 24, 2023



What Is New York's Adult Survivors Act (ASA)?

The Law explained:

The ASA will benefit **ALL** victims of **adult sexual offenses** -- individuals who were sexually abused at age 18 or older in New York. However, there is a limited time for action. The law opens a 1-year revival window for expired claims.

New Civil SOL:

All survivors of adult sexual abuse can file suit starting on November 24, 2022, while the **1-year window is open**, even if they were abused many years ago and their claim was already time barred by statutes of limitation ("SOLs").

After the window closes on November 24, 2023, any previously time barred claims that were not filed during the window will go back to being time barred.

The ASA does not extend or eliminate New York's current civil SOLs for adult sexual abuse. There is already no civil SOL for claims related to some sexual offenses like 1st degree rape and sexual abuse, but there is an SOL ranging from 2-5 years after the abuse for claims related to other sexual offenses.

**THE WINDOW OPENS NOVEMBER 24, 2022
AND CLOSSES NOVEMBER 24, 2023**

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

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How Will New York's New Law Help You?

Are you a New York survivor of adult sexual abuse?

If you were abused at age 18 or older in New York, you now have a temporary right to file a civil lawsuit for your abuse against any party -- your abuser, another individual, organization, institution, or the government.

You benefit from the ASA's 1-year revival window that is open and can sue any party for your abuse until November 24, 2023.

You have this right no matter how long ago you were abused and no matter how old you are today.

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10 Things to Remember

- 1 You are not alone.** About 22% of women and 3.8% of men are sexually assaulted as adults. 65% of sexual assault crimes are never reported and those who do report often cannot come forward immediately.
- 2** Effects of **trauma on the brain may manifest** in long-term struggles with PTSD, depression, anxiety, or other health issues.
- 3 It's never too late to report abuse.** You can contact the local police department in the town where you were abused and tell them what happened at any time.
- 4 Take good care of yourself.** Everyone copes with trauma differently. Consider seeing a therapist and encourage loved ones to do the same. Practice self-care, like exercising regularly, mindfulness, limiting alcohol and recreational drugs, and seeking social support through a survivor support group.
- 5 The court system may not understand your needs.** Some officials will have received trauma-informed training, some will not.
- 6 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.
- 7 The litigation process can take time.** Your case may resolve quickly or slowly depending on your state and other factors.
- 8** There may be triggers during litigation that cause you to re-experience the initial trauma. This **re-traumatization can be treated** through proper therapy.
- 9 You control your story.** Your attorney and therapist will be bound by certain confidentiality rules and you may have the option to file a lawsuit under a pseudonym to protect your identity.
- 10 Your attorney works for YOU.** If you are offered a settlement, your attorney can only settle your case with your permission after you approve the monetary amount. If you receive settlement funds, this is American justice. You deserve to be compensated for harm.

10 Resources to Trust

- 1 CHILD USA:** www.childusa.org
Although CHILD USA cannot represent you in your legal action, we have additional resources to support you, your lawyer, your therapist, and your loved ones. Please share our website with your social support team.
- 2 Survivors Network of those Abused by Priests (SNAP):** www.snapnetwork.org
For those interested in connecting with other survivors, contact SNAP at www.snapnetwork.org/events to be included in a virtual support group, or to meet survivors.
- 3 CHILD USA Advocacy:** www.childusadvocacy.org
To get involved in advocating for better child protection laws, including SOLs.
- 4** For free **access to research** often needed in child abuse cases visit: www.nationalcac.org
- 5 The National Sexual Assault Telephone Hotline:** 1-800-656-HOPE (4673)
- 6 The National Center for Victims of Crime (NCVC):** www.victimsofcrime.org
- 7 The National Sexual Violence Resource Center:** www.nsvrc.org
- 8 The National Suicide Prevention Hotline:** 1-800-273-8255
- 9 The National Center for Exploited and Missing Children:** www.missingkids.org/gethelpnow
- 10 Rape, Abuse, & Incest National Network (RAINN):** www.rainn.org

10 Terms to Know

- 1 Sexual Abuse:** In general, any sexual act (like fondling, intercourse, exposing oneself, masturbating, obscene calls, messages, or digital contact, vaginal, anal, or oral sex, sex trafficking, or any other harmful sexual conduct).
- 2 Delayed Disclosure of Abuse:** The common phenomenon where survivors of sexual abuse wait years before telling anyone they were abused.
- 3 Statute of Limitation (SOL):** A law that sets the amount of time after a person is abused that: (1) the person can file a civil lawsuit for their injury, or (2) the government can criminally prosecute an abuser and others for their crimes.
- 4 Criminal Prosecution:** The state or federal government may prosecute by filing criminal charges against a person or entity for their crimes relating to sexual abuse. Punishment for criminals could involve jail time, fines, or restorative justice.
- 5 Civil Lawsuit:** A survivor of sexual abuse may file a claim against an abuser, other individual, entity or the government to recover money damages or seek other remedies for abuse-related injuries.
- 6 Discovery Rule:** A law that says the SOL time countdown doesn't begin until a person is aware of their injuries relating to sexual abuse or makes the connection that their injuries were caused by abuse.
- 7 Injuries Caused by Sexual Abuse:** Injuries can include physical and mental health issues, like STDs, depression, anxiety, PTSD, addiction, and difficulty participating in relationships, work, or community.
- 8 Defendant:** A person or institution that is sued for sexual abuse. A defendant can be an **abuser**, a person who sexually abused another person, or other individuals or institutions that knew about or enabled the abuse. **Institutions** can be a private organization (like a business, non-profit company, or religious institution) or a public organization (like a government agency or public school).
- 9 SOL Extension or Elimination Laws:** Laws that change the SOL to give survivors more time to file claims for abuse-related injuries. **Extension** laws lengthen the SOL so that it expires later, while **elimination** laws completely remove the SOL so that there is no limit for when claims can be filed.
- 10 Revival Laws:** Laws that establish a specific period of time during which survivors can bring previously-expired civil claims to court. When the revival period is a set amount of time after the law is passed, it is called a **revival window**, and claims can be filed while the window is open.

Join CHILD USA in Our Fight for the Civil Rights of Children



COVERING WELL-BEING | SURVIVORS & GENERAL INTEREST FAMILIES & CAREGIVERS
| RELIGIOUS | SPORTS & THE ARTS | SCHOOLS | LEGAL | FINANCES | HOTLINES

ACCESS THE HAMILTON LIBRARY

The Hamilton Library is an expertly curated collection of materials on child sex abuse for everyone. The Library was stocked to inform and support victims, parents, teachers, clergy, researchers, attorneys, doctors, the media, and youth-serving organizations. We hope you will find these materials informative and helpful. For survivors, there is a well-being section we encourage you to visit. This free resource can be accessed by visiting www.childusa.org/library.



BECOME A COMMUNITY AMBASSADOR VOLUNTEER

CHILD USA is looking for individuals who are passionate about child protection and welfare to sign up to be Community Ambassador Volunteers! Community Ambassador Volunteers will be advocates for CHILD USA in their communities and will hold events to raise money for and get the word out about CHILD USA and the work we are doing. If you are interested in applying, please visit childusa.org/community-ambassador.

JOIN THE SOL REFORM MOVEMENT

The Sean P. McIlmail Research Institute at CHILD USA was founded in 2018 with a generous donation from the parents of Sean McIlmail, a brave clergy sex abuse victim who passed away from a drug overdose while awaiting justice. Due to Pennsylvania's exceedingly short SOLs, Sean was the only person in statute that could prosecute Fr. Robert Brennan of the Philadelphia Archdiocese. The Institute, which will help preserve Sean's legacy, is dedicated to studying and analyzing SOLs to fight for access to justice for all child sex abuse victims. For more information on SOL reform, visit childusa.org/so. To get involved in advocating for better SOLs in your state, please contact our sister organization, CHILD USAAdvocacy, at info@childusadvocacy.org.

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