



District of Columbia

Survivor Toolkit

*A Guide For Child Sex Abuse Survivors Who
Are Considering Legal Action*



WINDOW CLOSED

The window opens May 3, 2019 and closes May 2, 2021

What is District of Columbia's New SOL Law?

The D.C. Law explained:

This new law will benefit MANY victims of sex abuse in D.C in some way. Some parts of the law will be permanent going forward and some parts of the law are temporary and have a limited time for action.

New Civil SOL for CHILD Sex Abuse:

All future survivors and some current survivors will have until their 40th birthday or 5 years from discovery of the abuse to file a civil lawsuit, whichever is later. Adults who were abused as children that are currently under age 40, or older but recently discovered their abuse, can now sue until May 2, 2021.

New Civil SOL for ADULT Sex Abuse:

All future survivors and some current survivors who are abused while under age 35 will have until their 40th birthday or 5 years from discovery of the abuse to file a civil lawsuit, whichever is later. All future survivors and some current survivors who are abused at age 35 or older will have 5 years from the abuse or discovery of the abuse to sue. Some survivors may be able to sue until May 2, 2021, depending on the age they were abused, how old they are now, and the date they discovered their abuse.

New Criminal SOL for CHILD and ADULT Sex Abuse:

There is no longer an age or time limit for criminal prosecution of sex abuse crimes committed against children and adults.

**THE WINDOW OPENS MAY 3, 2019
AND CLOSSES MAY 2, 2021**

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

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How Will District of Columbia's New SOL Law Help You?

Are you a DC survivor of CHILD sex abuse?

If you were abused in D.C., you may have the right to file a civil lawsuit and criminal prosecution of the abuser may be permitted for a longer period of time. The scope of your rights depends on your current age.

If your birthday is on or after May 4, 1994:

Civil: You will benefit from the civil SOL extension and can sue for your abuse until your 40th birthday or 5 years after you discover the abuse, whichever date is later.

If your birthday is from May 4, 1979 to May 3, 1994:

Civil: You will benefit from the 2-year revival window that is open and can sue for your abuse until May 2, 2021.

If your birthday is on or before May 3, 1979:

Civil: If you discovered your abuse within the last 5 years, you may benefit from the 2-year revival window that is open and may sue for your abuse until May 2, 2021. If you discovered your abuse over 5 years ago, you will not benefit from the SOL extension or window and do not gain any rights under this new law.

Criminal: If a child sex abuse felony crime was committed against you and you are currently under age 36, you may benefit from the criminal SOL elimination and your abuser may be prosecuted at any time. If you are currently age 36 or older, the SOL for criminal prosecution has already expired and cannot be revived.

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How Will District of Columbia's New SOL Law Help You?

Are you a DC survivor of ADULT sex abuse?

If you were abused in D.C., you may have the right to file a civil lawsuit and criminal prosecution of the abuser may be permitted for a longer period of time. The scope of your rights depends on the age you were when you were abused and your current age.

If you were abused at Age 18-34 and your birthday is after May 3, 1979:

Civil: If the SOL was not already expired, you will benefit from the civil SOL extension to age 40 or 5 years from discovery of the abuse. If the SOL already expired, you will benefit from the 2-year window that is open and can sue for your abuse until May 2, 2021.

If you were abused at Age 18-34 and your birthday is on or before May 3, 1979:

Civil: If the SOL was not already expired, you will benefit from the civil SOL extension to 5 years from discovery of the abuse. If the SOL already expired but you discovered your abuse within the last 5 years, you may benefit from the 2-year revival window that is open and may sue for your abuse until May 2, 2021. If you discovered your abuse over 5 years ago, you will not benefit from the window and do not gain any rights under this new law.

If you were abused at Age 35 or older:

Civil: If the SOL was not already expired, you will benefit from the civil SOL extension to 5 years from the abuse or discovery of the abuse. If the SOL already expired, and the abuse occurred within the last 5 years or you discovered your abuse within the last 5 years, you may benefit from the 2-year window that is open and can sue for your abuse until May 2, 2021.

Criminal SOL for all ADULT sex abuse survivors: If the criminal SOL was not already expired on May 3, 2019, you may benefit from the criminal SOL elimination and the abuser may be prosecuted at any time for felony sex abuse. If the SOL was already expired, it cannot be revived.

THE WINDOW OPENS MAY 3, 2019 AND CLOSSES MAY 2, 2021

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10 Things to Remember

- 1 You are not alone.** About 1 in 5 girls and 1 in 13 boys are sexually abused. 86% of child sexual abuse is never reported and those who do report often cannot come forward until adulthood.
- 2 The brain adapts to trauma in order to cope,** and that coping may manifest in PTSD, depression, anxiety, or other ways.
- 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.** 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** To find a local **Child Advocacy Center** visit: www.nationalchildrensalliance.org/
- 6** The **National Sexual Assault Telephone Hotline:** 1-800-656-HOPE (4673)
- 7 The National Center for Victims of Crime (NCVC):** www.victimsofcrime.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 Child Sex Abuse (CSA):** Any sexual activity with a minor (like fondling, intercourse, exposing oneself, masturbating, obscene calls, messages, or digital contact, vaginal, anal, or oral sex, sex trafficking, producing or possessing child sexual abuse material (CSAM), or any other harmful sexual conduct).
- 2 Delayed Disclosure of Abuse:** the common phenomenon where survivors of child sex abuse wait for years, often well into adulthood, before telling anyone they were abused. The average age of disclosure is 52 years-old.
- 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 child sex abuse. Punishment for criminals could involve jail time, fines, or restorative justice.
- 5 Civil Lawsuit:** A survivor of child sex 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 child sex abuse or makes the connection that their injuries were caused by abuse.
- 7 Injuries Caused by Child Sex 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 child sex abuse. A defendant can be an **abuser**, a person who sexually abused a child, 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. States have opened windows for a few years or permanently. When the revival period is set at a survivor's age, it is called a **revival age limit**, and claims can be filed until a survivor reaches that specific age. The age states choose ranges from 27-55.

Join CHILD USA in Our Fight to End Child Abuse and Neglect



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

ACCESS OUR MEMBERSHIP PORTAL

CHILD USA's portal is the only library on child sex abuse, curated by experts for survivors. It contains a curated selection of books (both fiction and nonfiction), documentaries, videos, articles, and online resources that are respected, illuminating, and informative. Whether you are a survivor of child sex abuse, a family member, or someone who works with children, this is a place where we hope that you can browse, learn, and relax in peace. Sign up for 1 year of free membership at childusa.org/members with the code DCTOOLKIT.



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.

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

