



THE THINK TANK FOR CHILD PROTECTION ©

[www.childusa.org](http://www.childusa.org)

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

# SURVIVOR TOOL KIT

WASHINGTON  
D.C.



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.

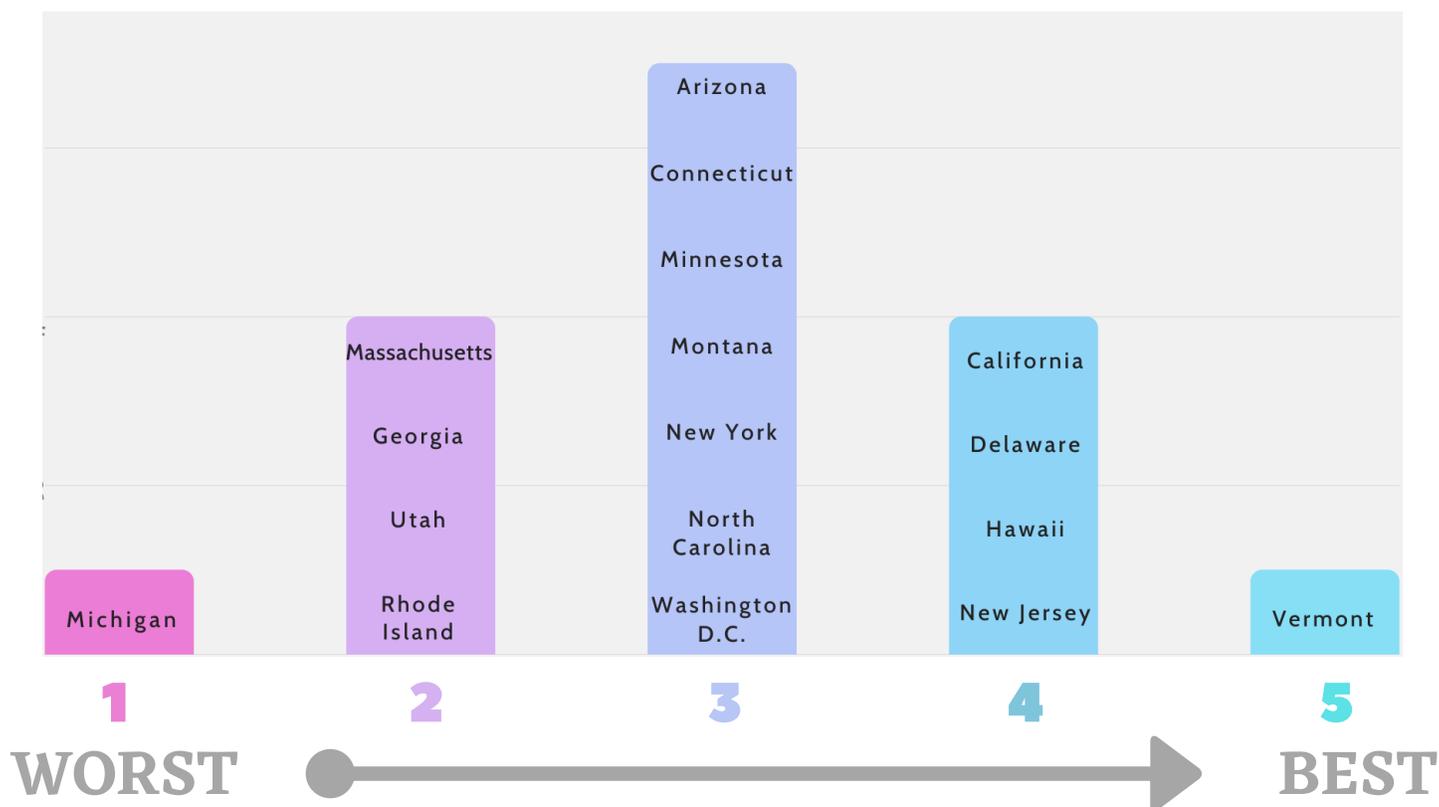
Jurisdiction	Date Opens First day can file	Date Closes Last day can file	Revival Law Description
<b>Washington D.C.</b>	May 3, 2019	May 2, 2021	<b>2-year window:</b> 2-year window opened on May 3, 2019 for expired claims against abusers, other individuals and entities. Window applies to all child sex abuse survivors up to age 40 and, in some circumstances, older victims and those sexually assaulted as adults.
<b>Montana</b>	May 7, 2019	May 6, 2020	<b>1-year window and revival up to age 27:</b> 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.
<b>Arizona</b>	May 27, 2019	Dec. 30, 2020	<b>19-month window and revival up to age 30:</b> 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.
<b>Vermont</b>	May 28, 2019	n/a	<b>Permanent window:</b> Window that is permanently open revived all expired claims against abusers, other individuals, private organizations and government.
<b>Rhode Island</b>	July 1, 2019	n/a	<b>Revival up to age 53:</b> Revived SOL up to age 53 against perpetrators only.
<b>New York</b>	Aug. 14, 2019	Aug. 13, 2020	<b>1-year window:</b> 1-year window opened on August 14, 2019 for expired claims against abusers, other individuals, private organizations and government.
<b>New Jersey</b>	Dec. 1, 2019	Nov. 30, 2021	<b>2-year window and revival up to age 55:</b> 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.
<b>California</b>	Jan. 1, 2020	Dec. 31, 2022	<b>3-year window and revival up to age 40:</b> 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.
<b>North Carolina</b>	Jan. 1, 2020	Dec. 31, 2021	<b>2-year window:</b> 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 the D.C. Sexual Abuse SOL Amendment Act of 2018?

## The D.C. Law explained:

It will benefit many victims of sex abuse in D.C. in some way:

### **New Civil SOL for CHILD Sex Abuse:**

All children being abused now will have until age 40 or 5 years from discovery of the abuse to file a civil lawsuit. Adults under age 40 who were abused as children can now sue until May 2, 2021.

### **New Civil SOL for ADULT Sex Abuse:**

All adults being abused now under age 35 will have until age 40 or 5 years from discovery of the abuse to file a civil suit. All adults age 35 and older who are abused now will have 5 years from the abuse or discovery of the abuse to sue. Adults who were abused within 5 years of May 3, 2019 can now sue until May 2, 2021.

### **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  
CLOSES MAY 2, 2021**

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



The Sean P. McIlmail Statute of  
Limitations Research Institute  
at CHILDUSA

**CHILDUSA**  
THE THINK TANK FOR CHILD PROTECTION

[www.childusa.org](http://www.childusa.org)



# How Will D.C.'s New SOL Law Help Survivors of CHILD Sex Abuse?

## Are you a DC survivor of CHILD sex abuse?

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 you are currently under Age 25:

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

**Criminal:** If a child sex abuse felony crime was committed against you, you may benefit from the criminal SOL elimination and the abuser may be prosecuted at any time.

### If you are currently Age 25-39:

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

**Criminal:** If a child sex abuse felony crime was committed against you and you are under age 36, the 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.

### If you are currently Age 40 and older:

**Civil:** If you are currently age 40 or older and have 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. 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.

**Criminal:** You will not benefit from the criminal SOL elimination because the SOL for criminal prosecution has already expired and cannot be revived.

**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 DC.



The Sean P. McIlmail Statute of  
Limitations Research Institute  
at CHILDUSA

CHILD USA  
THE THINK TANK FOR CHILD PROTECTION

[www.childusa.org](http://www.childusa.org)



# How Will D.C.'s New SOL Law Help Survivors of ADULT Sex Abuse?

## Are you a DC survivor of ADULT sex abuse?

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 you are currently under Age 25:

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

### If you are currently Age 25-34:

**Civil:** If the SOL was not already expired, you will benefit from the civil SOL extension to age 40 or 5 years from discovery. 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 are currently Age 35 and 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. If the SOL already expired and the abuse occurred within 5 years of May 3, 2019, you will have the benefit of 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**

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



The Sean P. McIlmail Statute of  
Limitations Research Institute  
at CHILDUSA

**CHILDUSA**  
THE THINK TANK FOR CHILD PROTECTION

[www.childusa.org](http://www.childusa.org)



## Trusted Resources

- 1** CHILD USA: [www.childusa.org](http://www.childusa.org)
- 2** CHILD USA Advocacy: [www.childusadvocacy.org](http://www.childusadvocacy.org)
- 3** To find a Child Advocacy Center near you visit: [www.nationalchildrensalliance.org/](http://www.nationalchildrensalliance.org/)
- 4** For free access to research often needed in child abuse cases visit: [www.nationalcac.org](http://www.nationalcac.org)
- 5** RAINN – Rape, Abuse, & Incest National Network: [www.rainn.org](http://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](http://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](http://www.missingkids.org/gethelpnow)
- 10** The National Human Trafficking Hotline: 1-888-373-7888