

THE GLOBAL SOL TASK FORCE REPORT ON CRIMINAL AND CIVIL STATUTES OF LIMITATION IN THE UNITED STATES AND CANADA

2024



PROFESSOR MARCI HAMILTON

University of Pennsylvania; CEO and
Founder, CHILD Global and Co-Chair
Global Statute of Limitations Task Force



DR. MIGUEL HURTADO

Brave Movement founding member.
Consultant in child and adolescent
psychiatry by the Maudsley Training
Scheme; Co-Chair Global Statute of
Limitations Task Force

TABLE OF CONTENTS

I. INTRODUCTION TO THE GLOBAL TASK FORCE	1
II. OVERVIEW OF STATUTES OF LIMITATION REFORM	1
MEMBERS OF THE GLOBAL SOL REFORM TASK FORCE	5
III. CRIMINAL AND CIVIL CSA SOLS IN THE U.S. AND CANADA	6
FEDERAL GOVERNMENT	8
ALABAMA	9
ALASKA	10
ARIZONA	11
ARKANSAS	12
CALIFORNIA	13
COLORADO	14
CONNECTICUT	15
DELAWARE	16
FLORIDA	17
GEORGIA	18
HAWAII	19
IDAHO	20
ILLINOIS	21
INDIANA	22
IOWA	23
KANSAS	24
KENTUCKY	25
LOUISIANA	26
MAINE	27
MARYLAND	28
MASSACHUSETTS	29
MICHIGAN	30
MINNESOTA	31
MISSISSIPPI	32
MISSOURI	33
MONTANA	34

NEBRASKA	35
NEVADA	36
NEW HAMPSHIRE	37
NEW JERSEY	38
NEW MEXICO	39
NEW YORK	40
NORTH CAROLINA	41
NORTH DAKOTA	42
OHIO	43
OKLAHOMA	44
OREGON	45
PENNSYLVANIA	46
RHODE ISLAND	47
SOUTH CAROLINA	48
SOUTH DAKOTA	49
TENNESSEE	50
TEXAS	51
UTAH	52
VERMONT	53
VIRGINIA	54
WASHINGTON	55
WEST VIRGINIA	56
WISCONSIN	57
WYOMING	58
WASHINGTON, D.C.	59
AMERICAN SAMOA	60
GUAM	61
NORTHERN MARIANA ISLANDS	62
PUERTO RICO	63
U.S. VIRGIN ISLANDS	64
IV. GRADING THE STATES AND PROVINCES ON THEIR CHILD SEX ABUSE SOLs	78
V. CONCLUSION	96
APPENDIX A: GLOSSARY	97
APPENDIX B	99

I. INTRODUCTION TO THE GLOBAL TASK FORCE

CHILD Global, the Brave Movement, and partners around the world have launched a global campaign to expose the sexual crimes that too often go unpunished and to persuade national governments to change their laws to align with best practices. The Global Statute of Limitation Reform Task Force (“Global Task Force”) is at the forefront of this campaign. The purpose of the Global Task Force is to research and compile a comprehensive list of laws relating to sex crimes against children and to conduct a thorough review of each crime and the applicable statute of limitation (SOL). The research will be available to the public via the SOL International Tracker project. The SOL International Tracker project is part of the Task Force’s larger effort to advocate for the repeal of SOLs to hold perpetrators accountable for these heinous crimes. The Global Task Force seeks to eliminate the SOLs for child sexual abuse (CSA) by highlighting through our research the best policies for criminal and civil SOLs.

II. OVERVIEW OF STATUTES OF LIMITATION REFORM

There is a global civil rights movement underway to create pathways to justice for victims of CSA. A necessary step to empower these victims and transform the culture that endangered them is to establish effective access to justice. Historically, SOLs, the arbitrary deadlines for prosecuting crimes and filing civil claims, have been unfairly short. For millions of victims, the SOLs on their claims expired long before they were able to come forward, publicly name their perpetrators, and seek justice in court. Short SOLs have kept the truth from the public by silencing victims, assisting perpetrators, and aiding institutional cover-ups. That is changing.

The SOL reform movement was spurred in the United States by the *Boston Globe*’s January 2002 Pulitzer Prize-winning *Spotlight* series on the cover-up of clergy CSA in the Boston Archdiocese.¹ This publication was a turning point in the history of child protection as the public was introduced to the outlines of a paradigm of sex abuse in trusted institutions. The *Spotlight* report was followed by disclosure of systemic failures in other U.S. dioceses² and reports about other religious organizations.³ Other institutional sex abuse cases soon began to appear, starting with Pennsylvania State University’s Jerry Sandusky in 2011.⁴ From there, abuse in many other venerated institutions surfaced, including in elite prep schools,⁵ sports teams, and leagues like the Olympic system,⁶ and other youth-serving organizations such as the Boys and Girls Clubs of America and YMCAs. With the surge in revelations of institution-based abuse, the public began to ask about justice. Shockingly, the two paths to justice—criminal prosecution⁷ and civil lawsuits⁸—were unavailable for the vast majority of these victims. When the SOLs blocked justice for the victims and simultaneously protected the perpetrators and institutions, a strong argument was made to do away with SOLs for CSA.

With so many bad actors and institutions in the headlines and thousands of victims coming forward, the pressure for justice has increased. Most states and the federal government have made access to justice, or SOL reform, a priority. Forty-nine states, or 98%, five territories, and the federal government have amended their CSA SOLs since January 2002.⁹ Many jurisdictions have amended their SOLs several times and continue to propose new SOL reform bills year after year. The movement within the United States to reform SOLs for CSA, particularly to eliminate the civil SOL and revive historical claims, has increased global recognition of the injustices of too short SOLs for CSA and thus propelled change in neighboring countries.

In Canada, there has been complete abolition of criminal CSA SOLs and a push for civil abolition, with a wave of provincial abolition in the early 2000’s—the history undergirding the movement toward complete abolition is set forth in greater detail below.

Under the Criminal Code of Canada, there is no SOL for indictable offences, including child sexual assault.¹⁰ Thus, it is possible pursue criminal charges against a perpetrator even if the abuse occurred decades ago. While it remains possible to press charges, it can be difficult to successfully prosecute such offenders given the high evidentiary standards and burden of proof required to secure a conviction. Thus, the ability to file civil claims is imperative to ensuring access to justice for victims of CSA. To that end, intense public outcry in response to several sex-abuse scandals, a wave of Canadian territories began amending their legislation to abolish civil SOLs for CSA.

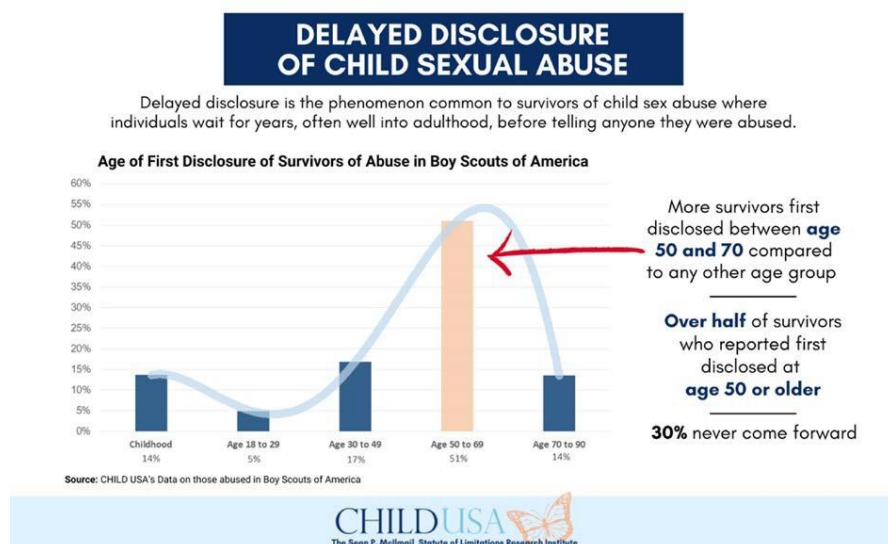
One of the earliest publicized sex-abuse scandals in Canada involved the Mount Cashel Orphanage in Newfoundland, one of several state-funded Catholic schools where more than 150,000 Indigenous children were forcibly sent as part of a program to assimilate them into Canadian society.¹¹ Allegations of sexual abuse at these residential schools emerged as early as the 1970s, but in 1988 a scandal erupted after a wave of victims came forward with their descriptions of widespread abuse of children at Mount Cashel.¹² In response, the Canadian government launched two inquiries into the heinous crimes that took place at these residential schools, and between 1989 and 1993, nine Christian Brothers were charged and prosecuted for various criminal offences against the children of Mount Cashel orphanage.¹³ The Archdioceses of St. Johns, the religious order that ran the orphanage, ultimately filed for bankruptcy while facing numerous lawsuits.¹⁴ In July 2020, the Court of Appeal for Newfoundland ruled that St. Johns was liable for the sexual abuse committed at the Mount Cashel Orphanage in the 1950s and 1960s.¹⁵

Since the Mount Cashel scandal, priests across the country have been accused of sexual abuse.¹⁶ Most territories responded to the allegations by amending their respective limitations periods to give victims more time to come forward with their claims. Presently, there are no CSA SOLs in most Canadian territories and provinces, with the exception of the Northwest Territories and Nunavut. Although these territories do still retain SOLs, they have carved out exceptions, including for CSA, for which there is no prescriptive period. As a result, in virtually every diocese in Canada, victims have been able to come forward with civil claims, leading to hundreds of out-of-court settlements and justice for the victims.¹⁷

The United States and Canada have established themselves as global leaders in the push to abolish the criminal and civil SOLs for CSA. Their success has paved the way for countries around the world to increase victims' access to justice.

A. THE SCIENCE BEHIND STATUTES OF LIMITATION REFORM FOR CHILD SEX ABUSE

The trauma of CSA can affect whether and at what time a victim chooses to disclose their abuse. In the legal field, this phenomenon is referred to as delayed disclosure because, on average, victims do not disclose their abuse for decades, often well into adulthood.¹⁸ The trauma associated with CSA is complex and individualized, and it has immediate and lasting impacts on the victim. CSA can take a significant toll on a person's health, increasing the risk of depression, anxiety, substance abuse, post-traumatic stress disorder, and suicidal ideation, as well as high blood pressure and chronic illness.¹⁹ These impacts are costly to the individual who seeks medical care and has diminished work capacity, and they are costly to society.²⁰ Many victims are plagued by shame, confusion, fear, or do not understand that they have experienced abuse, especially in cases where the predator exerts control over the victim. As a result, it can take decades for a CSA victim both to understand that they were abused and to report the abuse to someone who can help them access justice. In fact, one study found that 44.9% of male CSA victims and 25.4% of female CSA victims delayed disclosure by *more than twenty years*.²¹ Another study examining disclosure by victims of the Boy Scouts of America found that over 50% disclosed for the first time after age 50.²²



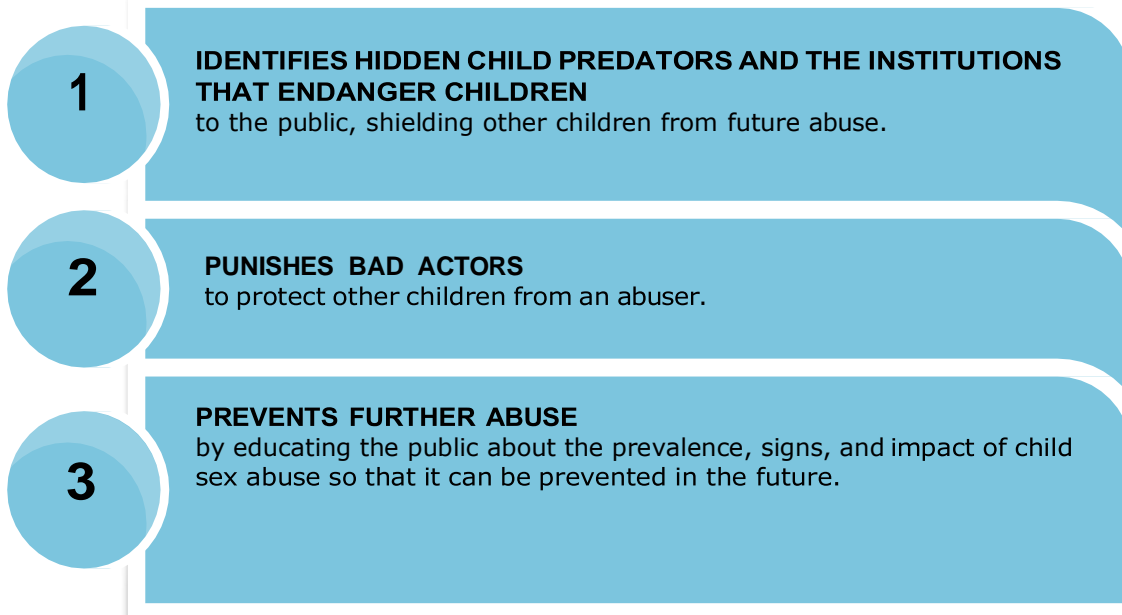
The scientific literature has identified many barriers to self-reporting. In a Catholic or religious environment family pressure remains a deterrent to victims reporting their abusers. Victims are reluctant to report clergy that are respected in their family and community out of fear that they will not be believed. This pressure also extends to schools and other organizations that are imbued with community trust and hold the social capital to silence their victims.²³ This pressure compounds as victims build their lives in the same communities in which they were abused. As victims develop careers and start families, they are reluctant to disrupt their adult lives by reporting past abuse.

For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse.²⁴ That is why eliminating the deadline for criminal charges and civil suits, as many U.S. states and Canadian territories have already done, is so important.

B. THE PUBLIC INTERESTS SERVED BY STATUTES OF LIMITATION REFORM

There are three compelling public purposes served by the CSA SOL reform movement, which are explained below:

HOW CRIMINAL STATUTES OF LIMITATION REFORM HELPS EVERYONE



The recidivism risk of serial child sex abusers does not significantly decrease merely by the passage of time.²⁵ Therefore, scientific evidence supports the assertion that even child sexual abuse crimes committed long ago indicate a continuing risk of current reoffending by the offender. Child molesters routinely commit premeditated and planned crimes. They use a process of emotional and psychological manipulation with their victims known as grooming to reduce their resistance and gain the victim's trust and that of their parents or guardians. By using a modus operandi that does not require violence or intimidation, they do not need to have high physical strength or sexual potency.²⁶ Thus, their risk may increase as they age, since they have more practical experience and a more sophisticated modus operandi, their social status in the community is higher, and there is a greater asymmetry of power with their victims.

The risk of recidivism is evident in the Canadian clergy-abuse cases. For example, Fr. Robert Joseph Whyte was accused of abusing 18 boys and girls between 1962 and 1982 while serving as a priest at the St. Pius Catholic Church and a Catholic school teacher.²⁷ In 2019, the Archdiocese of Vancouver publicly acknowledged that it was aware of 36 sex abuse cases involving 26 children spanning the course of over seven decades. Similarly, records retained by the Ottawa Archdiocese reveal allegations of CSA involving at least 11 pedophilic-priests and 41 victims dating back to the 1950s.²⁸ Among these cases was those of convicted child sex offenders, Dale Crampton, Ken Keely, Jacques Faucher and Barry McGrory, all of whom served as priests in the Ottawa diocese in the 1970s and 1980s under Archbishop Joseph-Aurèle Plourde, who enabled the abuse but was never accountable by the courts.²⁹

These cases serve as a powerful reminder that the risk of recidivism of serial child abusers does not significantly diminish over time. Therefore, abolishing SOLs is not only about justice for the victims of the past but also preventing crimes in the future. If, due to restrictive SOLs, the justice system cannot address historical cases, perpetrators will continue to operate in secrecy, gaining access to a stream of potential victims.

C. RESEARCH PROTOCOLS AND RANKING OF STATUTES OF LIMITATION IN THE UNITED STATES AND CANADA

The Task Force has developed a standard to assess best practices for researching CSA SOLs and has ranked the U.S. states and Canadian territories accordingly. An objective benchmark based on scientific data related to delayed disclosure was used to assess the efficacy of the criminal and civil SOLs and access to judicial remedies for victims of CSA. The benchmark ranges from states/territories that have eliminated the criminal and civil SOLs for CSA and have received an "A" grade, to states/territories that retain SOLs for all CSA crimes which have received an "F."

CHILD USA has tracked U.S. SOLs weekly since its founding in 2016. That research, which is based on CHILD USA CEO, Professor Hamilton's, research on SOLs since 2002, can be found in the SOL Tracker, available at childusa.org on the home page and via QR code. The law firm Budden & Associates has been assisting the Task Force with verifying the information in the report regarding Canadian laws. The Task Force is grateful for their assistance.

This Report covers all U.S. states, territories, and the federal government as well as all Canadian provinces and territories. Though the research and reports of the Task Force are generally focused on abolishing criminal SOLs, this Report includes research on criminal and civil SOLs due to the impressive progress on both in each country.

Consistent with this initiative, the Task Force also seeks to foster transnational cooperation to provide a global, coordinated, and strategic response to the urgent problem of child sexual abuse and the criminal and civil SOLs that enable perpetrators to escape conviction and institutions to avoid accountability. It is imperative that lawmakers worldwide take action and finally abolish all criminal and civil SOLs for all CSA crimes.

MEMBERS OF THE GLOBAL SOL REFORM TASK FORCE

PROF. MARCI HAMILTON

Co-Chair of The Global SOL Reform Task Force

DR. MIGUEL ANGEL HURTADO CALVO

Co-Chair of The Global SOL Reform Task Force

BRISA DE ANGULO | ANNE BARRETT DOYLE

JENNIFER FREEMAN | VINKA JACKSON

YAMILE KALKACH | MIÉ KOHIYAMA

MATTHEW MCVARISH | ANN OLIVARIUS ROSALIA RIVERA

ELYSSE STOLPE | ANDREA VARRELLA

EXECUTIVE STAFF

The Executive Staff mentioned drafted the United States and Canada report.

MARCI A. HAMILTON

Founder & CEO at CHILD USA

JESSICA SCHIDLOW, ESQ.

Legal Director at CHILD USA

DEVYNE BYRD, ESQ.

Staff Attorney for Global Projects

ALICE HANAN, ESQ.

Senior Staff Attorney at CHILD USA

CARINA NIXON, ESQ.

Senior Staff Attorney at CHILD USA

**The information contained in this Report is accurate as of October 2024. For the most up-to-date information on SOL reform, visit the 2024 SOL Tracker at <https://childusa.org/2024sol> or scan the QR code below.*



III. CRIMINAL AND CIVIL CSA SOLS IN THE U.S. AND CANADA

The U.S. states, territories, and the federal government as well as the Canadian provinces have enacted a patchwork of criminal and civil SOLs, tolling mechanisms, and theories of liability relating to prosecuting CSA crimes and filing civil claims.

Notably, in Canada, the Parliament has sole jurisdiction over criminal law and procedure, much of which is contained in the Criminal Code, while the provisional legislatures are principally responsible for the administration of justice, including enforcing the Criminal Code and prosecuting Criminal Code offenses.³⁰ The Criminal Code establishes three basic types of offenses; the most minor offenses are summary conviction offenses, and they are subject to a limitations period of between 1-2 years. Serious offenses are indictable offenses, and they are not subject to a limitations period. Hybrid offenses are those that may be prosecuted either summarily or as an indictable offense. Sexual assault, including CSA, is an indictable offense for which there is no universal SOL, meaning that no prescriptive period may be applied to prevent charging a perpetrator for CSA crimes, regardless of when the crimes occurred.³¹

This section presents an overview of the criminal and civil SOL laws in every U.S. state, territory, and the federal government as well as the Canadian provinces. Because Canada does not recognize a criminal SOL for CSA offenses, this Report only provides written analysis of the civil SOLs for CSA offenses in the Canadian provinces.

THE FOLLOWING INFORMATION IS PROVIDED ABOUT CIVIL LAW SOLs:

- 1. AGE CAPS:** Each state gives victims of CSA until a certain age to file a civil lawsuit, called the age cap. Often, states contain a majority tolling statute, which keeps the statute of limitations from running until the victim reaches the legal age of adulthood, often age eighteen. This means that, in a state with an SOL of seven years for sexual crime, a child victim has until age twenty-five, or seven years after turning age eighteen. Most states have either extended the age cap SOL since 2002 or eliminated it entirely.
- 2. REVIVAL LAWS:** Revival laws 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 varying periods of time, from ninety days to 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 twenty-seven to fifty-five.
- 3. DISCOVERY TOLLING:** A discovery rule is a law that says the SOL time countdown does not begin until a person is aware of their injuries relating to CSA or makes the connection that their injuries were caused by abuse. Sometimes, a victim will not make the connection between the abuse and their injury until the age cap has passed, but a discovery rule allows them to bring their claim anyway.
- 4. LIABILITY LIMITATIONS:** Institutions like the government and charitable organizations are often protected from being sued in civil court for their own negligence or for bad acts of their employees or agents, which impacts whether a victim can bring a claim, when notice of claim must be given, and the amount and types of damages recoverable.
- 5. SOVEREIGN IMMUNITY** is a legal doctrine stating that the government cannot be sued without giving consent. Different states have given different members of the public consent to sue them and have set the parameters for such suits.
- 6. CHARITABLE IMMUNITY** is a legal doctrine stating that charitable organizations cannot be held liable for negligence under tort law. It originated in the 1800s and is based on the principle that nonprofit assets that are held in trust for the public good should not be used to pay off personal injury claims brought against a charitable organization.

7. OTHER TOLLING THEORIES/CAUSES OF ACTION: State courts have developed various theories by which a defendant may be held liable or responsible for CSA claims, depending on their relationship to the victim, the power dynamics between them, or anything a defendant did to cover up the abuse or lie to the victim. Common theories are fraudulent concealment, conspiracy, the continuing violations doctrine, and equitable estoppel. Fraudulent concealment occurs when a defendant knows about a cause of action and has a duty to tell a victim, but they fail to do so. Equitable estoppel is a legal doctrine that prevents a defendant from bringing a defense (like an SOL defense) for reasons of fairness or justice. In some states, equitable estoppel is used to keep defendants from asserting an SOL defense so a claim can move forward. In the context of CSA claims, the continuing violations doctrine tolls SOLs until the perpetrator's last act of abuse.

THE FOLLOWING INFORMATION IS PROVIDED ABOUT CRIMINAL LAW SOLs:

1. STATUTE OF LIMITATIONS: The SOL for CSA crimes is identified as either an age cap or a time limit. Similar to a civil age cap, a criminal age cap gives victims of CSA until a certain age to work with prosecutors to bring criminal charges. The SOL time limit is typically defined as giving victims a certain number of years after the crime occurs to initiate a prosecution. In some states, the SOL "clock" does not start to run until a crime victim reaches the legal age of adulthood, typically age eighteen. This means that in a state with a time limit SOL of six years from the abuse, a victim may have until they are twenty-four years-old to report their abuse and work with prosecutors to bring charges.

2. TOLLING THEORIES: Many states have identified tolling theories, or situations that justify giving a victim and the state more time to prosecute a defendant for CSA crimes. When the perpetrator is out of the state or flees from the state, the SOL often pauses until they return, or for a certain period of time. Many states have a DNA rule, which restarts the running of an SOL when a defendant is identified through a DNA match in a rape kit.

As of October 2024, here are the civil and criminal SOLs for CSA, including child sex trafficking and CSAM, and SOL developments since 2002 in every state, territory, and the federal government for the U.S. and Canada. For more recent updates, check out the 2024 SOL Tracker at <https://childusa.org/2024sol>.

A. THE U.S. FEDERAL GOVERNMENT, STATES, AND TERRITORIES



FEDERAL GOVERNMENT



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

None

DISCOVERY TOLLING

10 years

SUMMARY: There is no SOL for civil claims for federal CSA, CSAM, and trafficking offenses. The SOL for other federal laws that create civil liability for CSA, like Title IX, typically borrow the SOL from the state where the abuse occurred.³⁹⁴

LIABILITY LIMITATIONS: In general, the federal government may be liable for CSA claims based in negligence if the alleged CSA breaches an analogous state-law duty of care.³⁹⁵ A claimant must present their claim against the federal government within two years after the claim accrues.³⁹⁶

OTHER TOLLING THEORIES/CAUSES OF ACTION: Federal SOLs are generally subject to equitable principles of tolling including under the doctrines of fraudulent concealment, equitable estoppel, which have been successfully applied in CSA cases.³⁹⁷



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: During the life of the child

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for most federal felony CSA crimes.¹ Remaining crimes can be prosecuted any time while the child victim is alive or 10 years after the offense, whichever is later. There is no SOL for trafficking crimes. There is no SOL for CSAM crimes.

TOLLING: The SOL does not apply to any person fleeing justice.³⁹⁸

¹Aggravated sexual abuse 18 U.S.C. § 2241, 18 U.S. Code § 3283, Sexual abuse 18 U.S.C. § 2242, 18 U.S. Code § 3283, Sexual abuse of a minor or ward 18 U.S.C. § 2243, 18 U.S. Code § 3283, Abusive sexual contact 18 U.S.C. § 2244, 18 U.S. Code § 3283, Sexual Exploitation of Children 18 U.S.C. § 2251, 18 U.S. Code § 3283, Selling and Buying of Children 18 U.S.C. § 2251A, 18 U.S. Code § 3283, Certain activities relating to material involving the sexual exploitation of minors 18 U.S.C. § 2252, 18 U.S. Code § 3283, Sex trafficking of children or by force, fraud, or coercion 18 U.S.C. § 1591, 18 U.S. Code § 3283.



ALABAMA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 25
TRAFFICKING: Age 25
CSAM: Age 25

REVIVAL LAW

Limited window only for
 Boy Scout survivors

DISCOVERY TOLLING

None

SUMMARY: The SOL for CSA, trafficking, and CSAM claims against all defendants is age 25 when the victim is under age 19. There is also a limited revival window only for Boy Scouts of America victims.

LIABILITY LIMITATIONS: The State of Alabama cannot be sued for CSA.³² Alabama courts generally repudiate the doctrine of charitable immunity,³³ although some cases suggest that charities are immune from claims by beneficiaries.³⁴

OTHER TOLLING THEORIES/CAUSES OF ACTION: Theories of fraudulent concealment and equitable estoppel toll an SOL, but neither has been asserted in reported CSA cases.³⁵ Alabama also recognizes a continuous violation doctrine which extends the SOL for claims arising under Title IX.³⁶



CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL (under age 16)

CSAM

No SOL (under age 16)

SUMMARY: There is no SOL for felony and misdemeanor sex offenses.² There is no SOL for trafficking offenses against victims under age 16, and for victims ages 16 and 17 the SOL is age twenty-four. There is no SOL for CSAM offenses against victims under age 16, and for victims ages 16 and 17 the SOL is age twenty-four.

TOLLING: The SOL is tolled while an indictment is lost or destroyed, and a new indictment is issued.³⁷ A defendant's misrepresentation may be a continuous offense, extending the limitations period.³⁸ Courts recognize that the issuance of a state-court arrest warrant will toll the SOL.³⁹

² Rape Ala. Code § 13A-6-61, Ala. Code § 15-3-1 and Ala. Code § 15-3-5, Rape, second degree Ala. Code § 13A-6-62, Ala. Code § 15-3-1 and Ala. Code § 15-3-5, Sodomy, first degree Ala. Code § 13A-6-63, Ala. Code § 15-3-1 and Ala. Code § 15-3-5, Sodomy, second degree Ala. Code § 13A-6-64, Ala. Code § 15-3-1 and Ala. Code § 15-3-5, Sexual misconduct Ala. Code § 13A-6-65, Ala. Code § 15-3-2 and Ala. Code § 15-3-5, Sexual torture Ala. Code § 13A-6-65.1, Ala. Code § 15-3-1 and Ala. Code § 15-3-5, Sexual abuse, first degree Ala. Code § 13A-6-66, Ala. Code § 15-3-1 and Ala. Code § 15-3-5, Sexual abuse, second degree Ala. Code § 13A-6-67, Ala. Code § 15-3-1, Ala. Code § 15-3-2 and Ala. Code § 15-3-5, Enticing child under 16 to enter vehicle, house, etc., for immoral purposes Ala. Code § 13A-6-69, Ala. Code § 15-3-1 and Ala. Code § 15-3-5, Sexual abuse of a child under 12 Ala. Code § 13A-6-69.1, Ala. Code § 15-3-1 and Ala. Code § 15-3-5.



ALASKA

B

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

None

DISCOVERY TOLLING

2-3 Years

SUMMARY: There is no civil SOL for sexual abuse or assault claims against perpetrators. The SOL is age 21 or 3 years from discovery for some other CSA claims against perpetrators, and the SOL is age 20 or 2 years from discovery for the remaining CSA claims against all defendants. There is no SOL for trafficking claims against perpetrators. There is no SOL for unlawful exploitation of a minor claims against perpetrators.

LIABILITY LIMITATIONS: The State of Alaska is generally immune from CSA claims⁴⁰ and punitive damages,⁴¹ with no notice of claim statute.⁴² Charitable immunity is not recognized in Alaska.

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment of a cause of action, or the continuing violations doctrine may toll SOLs, but these theories have not been asserted in CSA cases.⁴³

B

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 5 years from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for most CSA crimes.³ The SOL for remaining felonies and misdemeanors is 5 years from the offense.⁴ There is no SOL for felony sex trafficking violations when the victim is under age 20. There is no SOL for unlawful exploitation of a minor or distribution of child pornography.

TOLLING: If a suspect hides to avoid prosecution, the SOLs may be extended by up to three years.⁴⁴

³ Sexual assault, first degree Alaska Stat. § 11.41.410, Alaska Stat. § 12.10.010, Sexual assault, second degree Alaska Stat. § 11.41.420, Alaska Stat. § 12.10.010, Sexual assault, third degree Alaska Stat. § 11.41.425, Alaska Stat. § 12.10.010, Sexual assault, fourth degree Alaska Stat. § 11.41.427, Alaska Stat. § 12.10.010, Sexual abuse of a minor, first degree Alaska Stat. § 11.41.434, Alaska Stat. § 12.10.010, Sexual abuse of a minor, second degree Alaska Stat. § 11.41.436, Alaska Stat. § 12.10.010, Sexual abuse of a minor, third degree Alaska Stat. § 11.41.438, Alaska Stat. § 12.10.010, Incest Alaska Stat. § 11.41.450, Alaska Stat. § 12.10.010, Online enticement of a minor Alaska Stat. § 11.41.452, Alaska Stat. § 12.10.010, Unlawful exploitation of a minor Alaska Stat. § 11.41.455, Alaska Stat. § 12.10.010, Indecent exposure in the first degree Alaska Stat. § 11.41.458, Alaska Stat. § 12.10.010.

⁴ Sexual abuse of a minor, fourth degree (Alaska Stat. § 11.41.440) (Alaska Stat. § 12.10.010), Indecent exposure in the second degree Alaska Stat. § 11.41.460, Alaska Stat. § 12.10.010.



ARIZONA

B

CURRENT CIVIL SOL

AGE CAP

CSA: Age 30

TRAFFICKING: No SOL

CSAM: Age 20

REVIVAL LAW

Revival up to age 30

DISCOVERY TOLLING

Only for repressed memories of abuse

SUMMARY: The civil SOL for CSA claims against all defendants is age 30 with a common law discovery rule. There is no SOL for claims of sex trafficking against all defendants. The SOL for CSAM claims is age 20.

LIABILITY LIMITATIONS: The State of Arizona is generally immune from CSA claims⁴⁵ and from punitive damages.⁴⁶ In cases where the State is not immune, minors must file a notice of claim against the State within 180 days after an action accrues or 180 days after reaching majority.⁴⁷ Arizona abolished charitable immunity in 1952.⁴⁸

OTHER TOLLING THEORIES/CAUSES OF ACTION: Fraudulent concealment of a cause of action will toll the SOL until plaintiff's discovery, and the theory has been successfully asserted in cases of CSA.⁴⁹ Arizona recognizes duress to toll an SOL, and though limited in application, it has successfully been applied to claims arising under Title IX.⁵⁰

C

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 1 year after discovery

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for some felony CSA crimes.⁵ The SOL for all other felonies is 7 years after the State discovers the offense and 1 year after the State's discovery for misdemeanors.⁶ There is no SOL for child sex trafficking. There is no SOL for sexual exploitation of a minor or commercial sexual exploitation of a minor.

TOLLING: The SOL is tolled while the defendant is absent from the State or has no "reasonably ascertainable place of abode within the state."⁵¹ The SOL for serious offenses, as defined by statute, is also tolled for any period during which the identity of the perpetrator is unknown.

⁵ Sexual conduct with a minor Ariz. Rev. Stat. § 13-1405, Ariz. Rev. Stat. § 13-107(A) and Ariz. Rev. Stat. § 13-107(B)(1), Sexual assault Ariz. Rev. Stat. § 13-1406, Ariz. Rev. Stat. § 13-107(A), Molestation of child under 15 Ariz. Rev. Stat. § 13-1410, Ariz. Rev. Stat. § 13-107(A), Continuous sexual abuse of a child under 14 Ariz. Rev. Stat. § 13-1417, Ariz. Rev. Stat. § 13-107(A), Unlawful sexual conduct; correctional employees Ariz. Rev. Stat. § 13-1419, Ariz. Rev. Stat. § 13-107(A) and Ariz. Rev. Stat. § 13-107(B)(1), Violent sexual assault Ariz. Rev. Stat. § 13-1423, Ariz. Rev. Stat. § 13-107(A), Commercial sexual exploitation of a minor Ariz. Rev. Stat. § 13-3552, Ariz. Rev. Stat. § 13-107(A), Sexual exploitation of a minor Ariz. Rev. Stat. § 13-3553, Ariz. Rev. Stat. § 13-107(A), Aggravated luring of a minor for sexual exploitation Ariz. Rev. Stat. § 13-3560, Ariz. Rev. Stat. § 13-107(A).

⁶ Sexual abuse (Ariz. Rev. Stat. § 13-1404) (Ariz. Rev. Stat. § 13-107(B)(1)), Public sexual indecency (Ariz. Rev. Stat. § 13-1403) (Ariz. Rev. Stat. § 13-107(B)(1) and § 13-107(B)(2)), Sexual misconduct; behavioral health professionals Ariz. Rev. Stat. § 13-1418, Ariz. Rev. Stat. § 13-107(B)(1), Luring a minor for sexual exploitation Ariz. Rev. Stat. § 13-3554, Ariz. Rev. Stat. § 13-107(B)(1), Incest Ariz. Rev. Stat. § 13-3608, Ariz. Rev. Stat. § 13-107(B)(1).



ARKANSAS



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

2-year window extension
(closes 1/31/26)

DISCOVERY TOLLING

3 years

SUMMARY: There is no SOL for CSA civil claims, an open revival window for expired claims, and a 3-year discovery rule. There is no SOL for some trafficking offenses and other trafficking offenses have an SOL of age 21. There is no SOL for some CSAM violations and other CSAM offenses have an SOL of age 21.

LIABILITY LIMITATIONS: The Arkansas State Claims Commission has jurisdiction over all claims barred by Arkansas's sovereign immunity, but a notice of claim must be filed with the Commission within the cause of action's typical SOL.⁵² The State of Arkansas cannot be held liable for punitive damages.⁵³ Charitable immunity is recognized in Arkansas.⁵⁴

OTHER TOLLING THEORIES/CAUSES OF ACTION: Fraudulent concealment can toll the SOL for claims arising from CSA generally, but the theory has not been successfully asserted in such cases.⁵⁵



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: Age 28

TRAFFICKING

6 years from offense

CSAM

No SOL

SUMMARY: There is no SOL for some CSA crimes, including but not limited to felony rape, sex assault, incest, and exploitation.⁷ Other CSA felonies and misdemeanors have an SOL of age 28. Any remaining felonies have an SOL of six years from the offense or one year for misdemeanors.⁸ The SOL for felony trafficking is 6 years from the offense. The SOL for trafficking misdemeanors is 1 year from the offense. There is no SOL for engaging children in sexually explicit conduct for use in a visual or print medium or for computer exploitation of a child in the first degree. The SOL for other computer child pornography violations is age 28.

TOLLING: The SOL may be extended by up to three years if the accused is continually absent from the State or there is pending prosecution for the same conduct within the State.⁵⁶

⁷ Sexual indecency with a child Ark. Code § 5-14-110, Ark. Code § 5-1-109(a)(1)(E) and § 5-1-109(b)(3)(A), Sexual assault, first degree Ark. Code § 5-14-124, Ark. Code § 5-1-109(a)(1)(F), Sexual assault, second degree Ark. Code § 5-14-125, Ark. Code § 5-1-109(a)(1)(G) and § 5-1-109 (b)(2), Sexual assault, third degree Ark. Code § 5-14-126, Ark. Code § 5-1-109(a)(2)(A) and Ark. Code § 5-1-109(b)(2), Sexual assault, fourth degree Ark. Code § 5-14-127, Ark. Code § 5-1-109(a)(2)(B), § 5-1-109(b)(2) and § 5-1-109(b)(3)(A), Incest Ark. Code § 5-26-202, Ark. Code § 5-1-109(a)(1)(H) and § 5-1-109(b)(2), Engaging children in sexually explicit conduct for use in visual or print medium Ark. Code § 5-27-303, Ark. Code § 5-1-109(a)(1)(I), Transportation of minors for prohibited sexual conduct Ark. Code § 5-27-305, Ark. Code § 5-1-109(a)(1)(J), Employing or consenting to the use of a child in a sexual performance Ark. Code § 5-27-402, Ark. Code § 5-1-109(a)(1)(K), Producing, directing or promoting child sexual performance Ark. Code § 5-27-403, Ark. Code § 5-1-109(a)(1)(L), Rape Ark. Code § 5-14-103, Ark. Code § 5-1-109(a)(1)(D) and § 5-1-109(b)(1)(A), Computer exploitation of a child in the second degree Ark. Code § 5-27-605(b), Ark. Code § 5-1-109(b)(2).

⁸ Internet stalking of a child Ark. Code § 5-27-306, Ark. Code § 5-1-109(b)(1)(A) and § 5-1-109(b)(2), Computer exploitation of a child in the first degree Ark. Code § 5-27-605(a), Ark. Code § 5-1-109(a)(1)(M), Sexually grooming a child Ark. Code § 5-27-307, Ark. Code § 5-1-109(b)(2) and (b)(3)(A).



CALIFORNIA

B

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: Age 28

CSAM: No SOL

REVIVAL LAW

Revival up to Age 40

DISCOVERY TOLLING

5 years CSA

10 Years CSAM

SUMMARY: The SOL for civil CSA claims against all defendants is age 40, with a discovery rule of 5 years for CSA offenses and 10 years for CSAM offenses. The SOL for trafficking offenses is age 28. There is no SOL for CSA or CSAM offenses.

LIABILITY LIMITATIONS: The State of California is generally liable for child sexual assault when committed by a public employee in the scope of employment,⁵⁷ but is not liable for punitive damages or trebled damages for covering up CSA.⁵⁸ There is no claim presentment requirement for CSA claims.⁵⁹ Charitable immunity was abolished in 1951.⁶⁰

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment of a cause of action or duress can toll the SOL and though courts have considered these theories in the context of claims arising from CSA they have not been properly pled.⁶¹

C

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 1-3 years

TRAFFICKING

No SOL

CSAM

10 years from offense

SUMMARY: There is no SOL for most felony sex offenses, including rape.⁹ The SOL is age 40 for other felonies, and 1-3 years from the offense for misdemeanors.¹⁰ There is no SOL for trafficking using force, fraud, or coercion. The SOL for other trafficking violations is 6 years from the offense. The SOL for CSAM is 10 years from the offense.

TOLLING: The SOL may be extended for a maximum of three years if a suspect is out of the State when or after the crime is committed.⁶²

⁹ Rape Cal. Penal Code § 261, Cal. Penal Code § 799(b)(1), §800, § 801.1(a)(1), § 801.1(a)(2) and § 803, Rape or penetration of genital or anal openings by foreign object, etc.; acting by force or violence; punishment Cal. Penal Code § 264.1, Cal. Penal Code § 799, § 800, Aggravated sexual assault of child Cal. Penal Code § 269, Cal. Penal Code § 799(a), Sodomy Cal. Penal Code § 286, Cal. Penal Code § SB 813, § 800, § 801 and § 801.1(a), Lewd or lascivious acts involving children Cal. Penal Code § 288, Cal. Penal Code § 799, § 800, § 801 and § 801.1(a), Oral copulation Cal. Penal Code § 287, Cal. Penal Code § 799, § 800, §801 and § 801.1(a), Continuous sexual abuse of child Cal. Penal Code § 288.5, Cal. Penal Code § SB 799 and § 801.1(a), Sexual acts with child 10 or younger Cal. Penal Code § 288.7, Cal. Penal Code § 799, Forcible acts of sexual penetration Cal. Penal Code § 289, Cal. Penal Code § 799, § 800, § 801 and § 801.1(a).

¹⁰ Unlawful sexual intercourse with a minor Cal. Penal Code § 261.5, Cal. Penal Code § 801, Unlawful sexual intercourse, sexual penetration, oral copulation, or sodomy; consent procured by false or fraudulent representation with intent to create fear; punishment Cal. Penal Code § 266c, Cal. Penal Code § 801, Incest Cal. Penal Code § 285, Cal. Penal Code § 801, Harmful matter sent with intent of seduction of minor Cal. Penal Code § 288.2, Cal. Penal Code § 801, Contact of minor with intent to commit sexual offense Cal. Penal Code § 288.3, Cal. Penal Code § 800 and §801, Procurement of a child under 16 years for the purpose of lewd or lascivious acts Cal. Penal Code § 266j, Cal. Penal Code § 800 and § 801, Contact of minor with intent to commit sexual offense Cal. Penal Code § 288.4, Cal. Penal Code § 801.



COLORADO



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

3-year window (closes
12/31/24)

DISCOVERY TOLLING

Yes, no time limit

SUMMARY: Colorado has no civil SOL for CSA, trafficking, and CSAM claims against all defendants. It added a new cause of action which applies retroactively and opened a three-year window on January 1, 2022, for filing some claims for some CSA, trafficking and CSAM offenses that occurred years ago.

LIABILITY LIMITATIONS: The State of Colorado has waived sovereign immunity for claims of child sexual assault,⁶³ but is not liable for punitive damages⁶⁴ and caps all other damages arising from a single occurrence at \$350,000.⁶⁵ The 182-day notice period is tolled for minors.⁶⁶ Charitable immunity is limited by law in Colorado in that a charitable organization may be responsible for paying any judgment entered against it up to the amount of its insurance coverage.⁶⁷

OTHER TOLLING THEORIES/CAUSES OF ACTION: An SOL may be tolled by a defendant's fraudulent concealment of a cause of action.⁶⁸ Colorado courts also recognize claims for breach of fiduciary duty in the context of CSA and have, for example, recognized the fiduciary nature of the clergy-parishioner and church-parishioner relationships.⁶⁹



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL

Misdemeanors: 5 years from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for felony sex offenses against children.¹¹ The SOL is 5 years from the offense for misdemeanors.¹² There is no SOL for felony sex trafficking of a minor. There is no SOL for felony CSAM offenses.

TOLLING: The SOL may be extended up to a maximum of five years if a suspect leaves the State or up to three years for certain offenses concealed by fraud.⁷⁰

¹¹ Sexual assault Colo. rev. Stat. § 18-3-402, Colo. rev. Stat. § 16-5-401(1)(a), § 16-5-401(8)(a), § 16-5-401(8)(a.3), § 18-3-411(2), and 16-5-401(8)(a.7), Unlawful sexual contact Colo. rev. Stat. § 18-3-404, Colo. rev. Stat. § 16-5-401(1)(a), § 16-5-401(6), § 16-5-401(8)(a.3), § 16-5-401(9), § 16-5-401(7) and § 18-3-411(2), Sexual assault on a child Colo. rev. Stat. § 18-3-405, Colo. rev. Stat. § 16-5-401(1)(a), Sexual assault on a child by one in a position of trust Colo. rev. Stat. § 18-3-405.3, Colo. rev. Stat. § 16-5-401(1)(a), Internet sexual exploitation of a child Colo. rev. Stat. § 18-3-405.4, Colo. rev. Stat. § 16-5-401(1)(a), Aggravated incest Colo. rev. Stat. § 18-6-302, Colo. rev. Stat. § 16-5-401(1)(a), Sexual exploitation of a child Colo. rev. Stat. § 18-6-403, Colo. rev. Stat. § 16-5-401(1)(a), Procurement of a child for sexual exploitation Colo. rev. Stat. § 18-6-404, Colo. rev. Stat. § 16-5-401(1)(a).

¹² Sexual assault on a client by a psychotherapist Colo. rev. Stat. § 18-3-405.5, Colo. rev. Stat. § 16-5-401(1)(a), Incest Colo. rev. Stat. § 18-6-301, Colo. rev. Stat. § 16-5-401(1)(a).



CONNECTICUT

A

CURRENT CIVIL SOL

AGE CAP

CSA: Age 51

TRAFFICKING: Age 51

CSAM: Age 51

REVIVAL LAW

Revival up to age 48

DISCOVERY TOLLING

None

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 51, with revival up to age 48. A narrow exception eliminates the SOL for claims against any defendant, either individual perpetrator or other, if the perpetrator of the abuse has been criminally convicted of first-degree sexual assault.

LIABILITY LIMITATIONS: Claims for CSA against the State of Connecticut are submitted to the Office of the Claims Commissioner, who may waive sovereign immunity.⁷¹ The notice of claim must be filed within one year after it accrues,⁷² and damages are limited to \$35,000.⁷³ Charitable immunity was abolished by law in Connecticut in 1967.⁷⁴

OTHER TOLLING THEORIES/CAUSES OF ACTION: Defendant's fraudulent concealment of a cause of action will toll the SOL, and the theory has been asserted successfully in CSA cases.⁷⁵ Connecticut also recognizes a civil action for conspiracy that may toll the SOL on the underlying substantive tort to which the conspiracy must be joined, but in the CSA context, insufficient allegations have precluded its success.⁷⁶

B

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

5 years from offense

SUMMARY: There is no SOL for any felony or misdemeanor CSA offense, including sexual abuse and exploitation.¹³ There is no SOL for trafficking offenses. The SOL for child pornography violations is 5 years from the offense.

TOLLING: The SOL may be extended up to five years if the suspect is absent from the State and up to three years for certain offenses that are either difficult to detect or concealed by fraud.⁷⁷

¹³ Sexual assault, first degree Conn. Gen. Stat. § 53a-70, Conn. Gen. Stat. § 54-193, and § 54-193b, Aggravated sexual assault, first degree Conn. Gen. Stat. § 53a-70a, Conn. Gen. Stat. § 54-193, § 54-193b, Aggravated sexual assault of a minor Conn. Gen. Stat. § 53a-70c, Conn. Gen. Stat. § 54-193, Sexual assault, second degree Conn. Gen. Stat. § 53a-71, Conn. Gen. Stat. § 54-193 and § 54-193b, Sexual assault, third degree Conn. Gen. Stat. § 53a-72a, Conn. Gen. Stat. § 54-193 and § 54-193b, Sexual assault, third degree with a firearm Conn. Gen. Stat. § 53a-72b, Conn. Gen. Stat. § 54-193 and § 54-193b, Sexual assault, fourth degree Conn. Gen. Stat. § 53a-73a, Conn. Gen. Stat. § 54-193, Incest Conn. Gen. Stat. § 53a-191, Conn. Gen. Stat. § 54-193.



DELAWARE

A

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: Age 23

CSAM: No SOL

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no SOL for civil CSA claims against any defendants. The SOL is age 23 for trafficking claims. There is no SOL for civil CSAM claims against any defendants.

LIABILITY LIMITATIONS: The State of Delaware may be liable for CSA if plaintiff can establish gross negligence.⁷⁸ Delaware does not impose notice of claim requirements or limit its liability for damages.⁷⁹ Charitable immunity is also not recognized.⁸⁰

OTHER TOLLING THEORIES/CAUSES OF ACTION: Delaware recognizes that a defendant's fraudulent concealment of a cause of action will toll an SOL, but the theory does not appear to have been addressed in CSA cases.⁸¹ Institutional defendants may also be held vicariously liable for the wrongful conduct of their employees under respondeat superior.⁸²

A

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for all felony and misdemeanor CSA crimes.¹⁴ There is no SOL for felony trafficking violations. There is no SOL for CSAM violations.

TOLLING: The SOL is tolled if the defendant flees the State, fails to receive proper notice of the charges from the prosecution, or for the period during which defendant faces pending charges for the same criminal conduct.⁸³

¹⁴ Incest Del. Code tit. 11, § 766, Del. Code Ann. tit. 11, § 205(b)(2) and (e), Unlawful sexual contact, third degree Del. Code tit. 11, § 767, Del. Code Ann. tit. 11, § 205(b)(2) and (e), Unlawful sexual contact, second degree Del. Code tit. 11, § 768, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Unlawful sexual contact, first degree Del. Code tit. 11, § 769, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Rape, fourth degree Del. Code tit. 11, § 770, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Rape, third degree Del. Code tit. 11, § 771, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Rape, second degree Del. Code tit. 11, § 772, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Rape, first degree Del. Code tit. 11, § 773, Del. Code Ann. tit. 11, § 205(a), Sexual extortion Del. Code tit. 11, § 774, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Continuous sexual abuse of a child Del. Code tit. 11, § 776, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Dangerous crime against a child under 14 Del. Code tit. 11, § 777, Del. Code Ann. tit. 11, § 205(b)(1) and (e), Unlawful sexual conduct against a child, by a sex offender Del. Code Ann. tit. 11, § 777a, Del. Code Ann. tit. 11, § 205(b)(1), Sexual abuse of a child by a person in a position of trust, authority or supervision in the first degree Del. Code Ann. tit. 11, § 778, Del. Code Ann. tit. 11, § 205(b)(1), Sexual abuse of a child by a person in a position of trust, authority or supervision in the second degree Del. Code Ann. tit. 11, § 778a, Del. Code Ann. tit. 11, § 205(b)(1).



FLORIDA

B

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: Age 25

CSAM: Age 25

REVIVAL LAW

None

DISCOVERY TOLLING

4 years

SUMMARY: There is no SOL against any defendants for civil CSA claims involving sexual battery of children under age 16. The SOL is age 25, plus a 4-year discovery rule, for sexual battery claims involving 16- and 17-year-olds and any other CSA claims. The general SOL for trafficking claims is age 25. The SOL for CSAM claims is age 25.

LIABILITY LIMITATIONS: The State of Florida is not protected by sovereign immunity in cases of CSA where a private individual would be liable under similar circumstances.⁸⁴ A plaintiff has three years to file a notice of claim against the State,⁸⁵ but cannot receive punitive damages, and other damages are capped at \$200,000 for a single judgment, or \$300,000 if multiple judgments arise from a single occurrence.⁸⁶ Charitable immunity was abolished in 1953 when the Florida Supreme Court deemed it unconstitutional under the State constitution.⁸⁷

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment of a cause of action will toll the SOL, but insufficient pleadings have precluded courts from doing so for CSA based claims.⁸⁸ Florida courts also recognize a cause of action for breach of fiduciary and have found that such a relationship may exist between a church and a parishioner.⁸⁹ Institutional defendants may also be held vicariously liable for the sexual misconduct of their employee under *respondeat superior*.⁹⁰

CURRENT CRIMINAL SOL

B

CSA

Felonies: No SOL for some crimes

Misdemeanors: No SOL for some crimes;
1-3 years after offense for others

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for some felony and misdemeanor CSA crimes.¹⁵ For the remaining misdemeanors the SOL is 1-3 years. There is no SOL for felony trafficking violations. There is no SOL for CSAM violations.

TOLLING: The SOL may be tolled for a maximum of three years if a suspect leaves the State to avoid prosecution except for crimes involving video voyeurism which may only be tolled for one year.⁹¹

¹⁵ Selling or buying minors Fla. Stat. § 847.0145, Fla. Stat. §§ 775.15(1)–(2), Female genital mutilation Fla. Stat. § 794.08, Fla. Stat. §§ 775.15(1)–(2), Sexual battery Fla. Stat. § 794.011, Fla. Stat. §§ 95.11(9), 775.15, Sexual battery by multiple perpetrators Fla. Stat. § 794.023 and § 794.011, Fla. Stat. § 775.15, Lewd or lascivious offenses committed on or in the presence of persons under 16 Fla. Stat. § 800.04, Fla. Stat. § 775.15(1)–(2), Human trafficking Fla. Stat. § 787.06, Fla. Stat. § 775.15(19), Sexting Fla. Stat. § 847.0141, Fla. Stat. § 775.15(2)(b), (c), and (d), Unlawful sexual activity with certain minors Fla. Stat. § 794.05, as amended or modified by 2022 Bill Text FL S.B. 692, Fla. Stat. § 775.15(2)(b), Incest Fla. Stat. § 826.04, Fla. Stat. §§ 775.15(2)(b) and (13)(a), Computer pornography/prohibited computer usage/traveling to meet minors Fla. Stat. § 847.0135, Fla. Stat. §§ 775.15(2)(a)–(b) and (13)(a).



GEORGIA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 23

TRAFFICKING: Age 23

CSAM: Age 23

REVIVAL LAW

None

DISCOVERY TOLLING

2 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM offenses against all defendants is age 23 with a 2-year discovery rule.

LIABILITY LIMITATIONS: Georgia is generally immune from claims of CSA,⁹² is not liable for punitive damages,⁹³ and limits all other damages arising from a single occurrence to \$1 million.⁹⁴ Charitable immunity is recognized in Georgia.⁹⁵

OTHER TOLLING THEORIES/CAUSES OF ACTION: The SOL is tolled by a defendant's fraudulent conduct that prevents a plaintiff from knowing of the cause of action, but the theory has not been applied in any reported CSA cases.⁹⁶



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 2 years from offense

TRAFFICKING

No SOL

CSAM

7 years from offense

SUMMARY: There is no SOL in Georgia for some felony CSA crimes against children under age sixteen, including rape. The SOL is age 31 for forcible rape of a sixteen-year-old and age 32 for forcible rape of a seventeen-year-old. The SOL is 7 years from the offense for remaining felonies and 2 years from the offense for misdemeanors.¹⁶ There is no SOL for trafficking. The SOL for felony CSAM violation is 7 years from the offense. The SOL for misdemeanor CSAM violations is 2 years from the offense.

TOLLING: The SOL is tolled while the suspect resides out of State or while the crime is unknown.⁹⁷

¹⁶ Female Genital Mutilation Ga. Code § 16-5-27, Ga. Code § 17-3-1, Rape Ga. Code § 16-6-1, Ga. Code § 17-3-1 and Ga. Code § 17-3-2.1, Statutory rape (victim under age of 16 not a spouse of the offender) Ga. Code § 16-6-3, Ga. Code § 17-3-1 and Ga. Code § 17-3-2.1, Child molestation, aggravated child molestation Ga. Code § 16-6-4, Ga. Code §§ 17-3-1, 17-3-2.1, Incest Ga. Code § 16-6-22, Ga. Code §§ 17-3-1, 17-3-2.1, Sexual battery Ga. Code § 16-6-22.1, Ga. Code § 17-3-1, Aggravated sexual battery Ga. Code § 16-6-22.2, Ga. Code § 17-3-1, Trafficking a person for labor or sexual servitude Ga. Code § 16-5-46, Ga. Code §§ 17-3-1, 17-3-2.1, Enticing a child for indecent purposes Ga. Code § 16-6-5, Ga. Code §§ 17-3-1, 17-3-2.1, Sexual Assault (by persons with supervisory or disciplinary authority) Ga. Code § 16-6-5.1, Ga. Code § 17-3-1.



HAWAII



CURRENT CIVIL SOL

AGE CAP

CSA: Age 26

TRAFFICKING: Age 24

CSAM: Age 26

REVIVAL LAW

None

DISCOVERY TOLLING

3 years against perpetrator

2 years against other defendants

SUMMARY: The civil CSA SOL is age 26 or 3 years from discovery as against perpetrators. The SOL is age 20 or 2 years from discovery as against other defendants. The SOL is age 24 for sex trafficking claims. The SOL is age 26 for CSAM claims.

LIABILITY LIMITATIONS: The State of Hawaii is generally immune from claims of assault and battery, but may waive that immunity for CSA claims in certain circumstances.⁹⁸ Minors must file a notice of claim within 2 years of accrual, which is based on the discovery rule.⁹⁹ The State is not liable for punitive damages,¹⁰⁰ and caps damages for pain and suffering at \$375,000.¹⁰¹ Charitable immunity is not recognized.

OTHER TOLLING THEORIES/CAUSES OF ACTION: Hawaii law recognizes a theory of fraudulent concealment that will toll the SOL; however, Hawaii courts have not expressly addressed the theory in the context of CSA.¹⁰²



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 2 years from offense

TRAFFICKING

No SOL

CSAM

Age 24

SUMMARY: There is no SOL for some sexual assault felonies, and an SOL of ages 21 and 24 for other felonies.¹⁷ The SOL for misdemeanors is two years from the offense.¹⁸ There is no SOL for sex trafficking felonies. The SOL for first-degree felony CSAM offenses is age 24, while the SOL for second- and third-degree felony CSAM offenses is age 21.

TOLLING: The SOL can be extended up to four years when a suspect leaves the State or is pending prosecution in the State for the same conduct.¹⁰³

¹⁷ Sex trafficking Haw. Rev. Stat. § 712-1202, Haw. Rev. Stat. § 701-108(1), Sexual assault, first degree Haw. Rev. Stat. § 707-730, Haw. Rev. Stat. § 701-108(1), Sexual assault, second degree Haw. Rev. Stat. § 707-731, Haw. Rev. Stat. § 701-108(1), Continuous sexual assault of a minor under the age of 14 years Haw. Rev. Stat. § 707-733.6, Haw. Rev. Stat. § 701-108(1).

¹⁸ Sexual assault, third degree Haw. Rev. Stat. § 707-732, Haw. Rev. Stat. §§ 701-108(2)(d); 108(6)(c), Sexual assault, fourth degree Haw. Rev. Stat. § 707-733, Rev. Stat. § 701-108(2)(e), Indecent exposure Haw. Rev. Stat. § 707-734, Haw. Rev. Stat. § 701-108(2)(f), Incest Haw. Rev. Stat. § 707-741, Haw. Rev. Stat. §§ 701-108(2)(d); 108(6)(c).



IDAHO



CURRENT CIVIL SOL

AGE CAP

CSA: Age 23

TRAFFICKING: Age 23

CSAM: Age 23

REVIVAL LAW

None

DISCOVERY TOLLING

5 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 23 with a 5-year discovery rule against all defendants.

LIABILITY LIMITATIONS: The State of Idaho is liable for claims of CSA in certain circumstances.¹⁰⁴ Minors are required to present a notice of claim 180 days after reaching majority or six years from the date the claim arose or should have been discovered, whichever is earlier.¹⁰⁵ Idaho is not liable for punitive damages,¹⁰⁶ and caps all other damages arising out of a single occurrence at \$500,000.¹⁰⁷ Charitable immunity was abolished in 1966.¹⁰⁸

OTHER TOLLING THEORIES/CAUSES OF ACTION: While Idaho does have a fraudulent concealment statute, the Supreme Court of Idaho has held that it “applies to professional malpractice claims, not claims of [CSA].”¹⁰⁹ Under Idaho law, institutional defendants may be held vicariously liable for the wrongful conduct of their employees under *respondeat superior*.¹¹⁰



CURRENT CRIMINAL SOL

CSA

Felony: No SOL for some crimes

Misdemeanors: 1 year after offense

TRAFFICKING

5 years from offense

CSAM

5 years from offense

SUMMARY: There is no SOL for rape, sexual abuse, or lewd conduct.¹⁹ For other felonies, the SOL expires 5 years from the offense. For misdemeanors, the SOL is 1 year after the offense. The SOL for trafficking is 5 years from the offense for felonies and 1 year from the offense for misdemeanors.²⁰ The SOL for CSAM is 5 years from the offense for felonies and 1 year from the offense for misdemeanors.

TOLLING: None

¹⁹ Sexual abuse of a child under the age of sixteen (16) years Idaho Code § 18-1506(5), Idaho Code § 19-401(4), Ritualized abuse of a child (i.e., a person under the age of 18) Idaho Code § 18-1506A, Idaho Code § 19-402, Lewd conduct with a minor child under sixteen (16) Idaho Code § 18-1508, Idaho Code § 19-401.

²⁰ Sexual exploitation of a child/Sexual exploitation of a child by electronic means Idaho Code §§ 18-1507, 18-1507A, Idaho Code §§ 19-402, 19-403, Sexual battery of a minor child 16 or 17 years of age Idaho Code § 18-1508A, Idaho Code § 19-402, Enticing of children (i.e., a minor under the age of sixteen (16)) Idaho Code § 18-1509, Idaho Code §§ 19-402, 19-403

Enticing of children (i.e., a minor under the age of 16) using internet or other communication device Idaho Code § 18-1509, Idaho Code § 19-402, Disseminating material harmful to minors Idaho Code § 18-1515, Idaho Code § 19-403, Sexual contact with a prisoner or juvenile offender Idaho Code § 18-6110, Idaho Code § 19-402, Incest Idaho Code § 18-6601; 18-111, Idaho Code § 19-402, Forcible sexual penetration by use of foreign object, Idaho Code § 18-6604, Idaho Code § 19-402, Idaho Code § 19-402, Female Genital Mutilation of a child (i.e., a person under the age of 18) Idaho Code § 18-1506B, Idaho Code § 19-402.



ILLINOIS



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA, trafficking, or CSAM claims against any defendants.

LIABILITY LIMITATIONS: CSA claims against the State are heard by the Court of Claims,¹¹¹ and minors must file a notice of claim within two years of reaching majority.¹¹² Damages against the State sounding in tort may not exceed \$2 million.¹¹³ Charitable immunity was abolished in 1970.¹¹⁴

OTHER TOLLING THEORIES/CAUSES OF ACTION: Fraudulent concealment operates as an exception to the limitations period and the theory has been successfully applied to toll the SOL for claims arising from CSA against non-perpetrator defendants.¹¹⁵ Defendants' civil conspiracy may also toll an SOL, but the theory has not been applied successfully to CSA claims.¹¹⁶



CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

Age 43

CSAM

No SOL

SUMMARY: There is no SOL for felony and misdemeanor sex offenses committed against children.²¹ The SOL for trafficking is age 43. There is no SOL for creating child pornography. Lesser CSAM offenses have an SOL of age 19 or 3 years from the offense, whichever is later.

TOLLING: Illinois law tolls the SOL where the offender is continuously absent from the State, or is pending, currently involved in, or appealing prosecution for the same criminal offense.¹¹⁷

²¹ Criminal sexual assault 720 Ill. Comp. Stat. § 5/11-1.20, 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. §§ 5/3-6(e), (i), (j), Aggravated criminal sexual assault 720 Ill. Comp. Stat. § 5/11-1.30, 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. §§ 5/3-6(e), (i), (j), Predatory criminal sexual assault of a child (i.e., victim under the age of thirteen (13)) 720 Ill. Comp. Stat. § 5/11-1.40, 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. §§ 5/3-6(e), (i), (j), Criminal sexual abuse 720 Ill. Comp. Stat. § 5/11-1.50, 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6
Aggravated criminal sexual abuse 720 Ill. Comp. Stat. § 5/11-1.60, 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. §§ 5/3-6 (e), (i), (j), Indecent solicitation of a child (i.e., a person under seventeen (17)) 720 Ill. Comp. Stat. § 5/11-6, 720 Ill. Comp. Stat. § 5/3-5; 720 Ill. Comp. Stat. § 5/3-6(d), Indecent solicitation of an adult 720 Ill. Comp. Stat. § 5/11-6.5, 720 Ill. Comp. Stat. § 5/3-5, Solicitation to meet a child (i.e., person under the age of seventeen (17)) 720 Ill. Comp. Stat. § 5/11-6.6, 720 Ill. Comp. Stat. § 5/3-5, Sexual exploitation of a child 720 Ill. Comp. Stat. § 5/11-9.1, 720 Ill. Comp. Stat. § 5/3-5 and 720 Ill. Comp. Stat. § 5/3-6(d), Permitting sexual abuse of a child 720 Ill. Comp. Stat. § 5/11-9.1A, 720 Ill. Comp. Stat. § 5/3-5, Custodial sexual misconduct 720 Ill. Comp. Stat. § 5/11-9.2, 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6, Sexual misconduct with a person with a disability 720 Ill. Comp. Stat. § 5/11-9.5, 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6, Sexual relations within families 720 Ill. Comp. Stat. § 5/11-11, 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6, Grooming 720 Ill. Comp. Stat. § 5/11-25, 720 Ill. Comp. Stat. § 5/3-5, Traveling to meet a minor (or luring for the purposes of engaging in any sex offense) 720 Ill. Comp. Stat. § 5/11-26, 720 Ill. Comp. Stat. § 5/3-5, Ritualized abuse of a child (i.e., a person under the age of eighteen (18)) 720 Ill. Comp. Stat. § 5/12-33 (a)(4), 720 Ill. Comp. Stat. §§ 5/3-5; 5/3-6.



INDIANA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 20

TRAFFICKING: Age 20

CSAM: Age 20

REVIVAL LAW

Limited window only for Boy

Scout survivors

DISCOVERY TOLLING

7 years

SUMMARY: The SOL for CSA, trafficking, and CSAM civil claims is age 20 against all defendants, or 7 years from the time of discovery, elimination of dependency status, or criminal conviction. There is a limited revival window only for Boy Scouts of America victims.

LIABILITY LIMITATIONS: In general, the State of Indiana is immune from CSA claims based on negligence.¹¹⁸ A notice of claim against the State must be filed within 270 days,¹¹⁹ and damages for a single person arising from a single occurrence are limited to \$700,000,¹²⁰ without possibility of punitive damages. Charitable immunity was abolished in 1968.¹²¹

OTHER TOLLING THEORIES/CAUSES OF ACTION: Indiana law recognizes a theory of fraudulent concealment that will toll an SOL and the theory has been successfully applied to claims arising from CSA.¹²² Indiana also recognizes a doctrine of continuing wrong that will toll an SOL, but to the extent that courts have considered the doctrine in the context of CSA, they have refused to apply it to toll the SOL because plaintiffs knew of the facts underlying their claims.¹²³



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: Up to Age 31

TRAFFICKING

No SOL

CSAM

10 years from offense

SUMMARY: There is no SOL for Class A felony rape.²² The SOL for other offenses varies from age 31, to 10 years after the offense, or 4 years after the victim ceases to be a dependent of the perpetrator.²³ There is no SOL for felony child sex trafficking. The SOL for CSAM violations is 10 years from the offense or 4 years after the victim ceases to be a dependent of the perpetrator, whichever is later.

TOLLING: The SOL is tolled while the defendant resides outside of the State, conceals themselves to avoid prosecution, or conceals evidence.¹²⁴

²² Rape Ind. Code § 35-42-4-1, Ind. Code § 35-41-4-2.

²³ Child molesting Ind. Code § 35-42-4-3, Ind. Code §§ 35-41-4-2(e), (p), Child Exploitation/Possession of Child Pornography Ind. Code § 35-42-4-4, Ind. Code §§ 35-41-4-2(m), (p), Vicarious sexual gratification; fondling in the presence of a minor Ind. Code § 35-42-4-5, Ind. Code §§ 35-41-4-2(e), (p), Child solicitation Ind. Code § 35-42-4-6, Ind. Code §§ 35-41-4-2(e), (p), Child seduction Ind. Code § 35-42-4-7, Ind. Code §§ 35-41-4-2(e), (p), Sexual battery Ind. Code § 35-42-4-8, Ind. Code § 35-41-4-2, Sexual misconduct with a minor Ind. Code § 35-42-4-9, Ind. Code §§ 35-41-4-2(e), (p), Incest (Applies to offenders age 18 or older) Ind. Code § 35-46-1-3, Ind. Code §§ 35-41-4-2(e), (p).



IOWA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 19

TRAFFICKING: Age 19

CSAM: Age 19

REVIVAL LAW

None

DISCOVERY TOLLING

2-4 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 19 against all defendants, with some limited rules for abuse by a counselor, instructor, or school employee, and a discovery rule of 2 to 4 years.

LIABILITY LIMITATIONS: The State of Iowa is not immune from CSA claims based on negligence.¹²⁵ A plaintiff must file a notice of claim within two years after the claim accrued in accordance with the discovery rule,¹²⁶ and the State cannot be held liable for punitive damages.¹²⁷ Charitable immunity was abolished in 1950.¹²⁸

OTHER TOLLING THEORIES/CAUSES OF ACTION: Fraudulent concealment is a tolling mechanism for SOLs, and Iowa courts have recognized its potential application in CSA cases.¹²⁹



CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for all CSA, trafficking, and CSAM felonies and misdemeanors.²⁴

TOLLING: The SOL is tolled while the defendant resides outside the State, but it may only be tolled up to five years for offenses involving fraud.¹³⁰

²⁴ Sexual abuse, first degree Iowa Code § 709.2, Iowa Code § 802.2, Sexual abuse, second degree Iowa Code § 709.3, Iowa Code § 802.2, Sexual abuse, third degree Iowa Code § 709.4, Iowa Code § 802.2, Lascivious acts with a child Iowa Code § 709.8, Iowa Code § 802.2B, Assault with intent to commit sexual abuse Iowa Code § 709.11, Iowa Code §§ 802.2B, 802.3, Indecent contact with a child Iowa Code § 709.12, Iowa Code § 802.2B, Lascivious conduct with a minor Iowa Code § 709.14, Iowa Code § 802.2B, Sexual exploitation by a counselor, therapist, or school employee Iowa Code § 709.15, Iowa Code §§ 802.2A, 802.3, Sexual misconduct with offenders and juveniles Iowa Code § 709.16, Iowa Code §§ 802.2B; 802.3, Incest Iowa Code § 726.2, Iowa Code §§ 802.2A; 802.3, Sexual exploitation of a minor Iowa Code § 728.12, Iowa Code § 802.2B, Indecent exposure – masturbation Iowa Code § 709.9, Iowa Code § 802.3, Invasion of privacy—nudity Iowa Code § 709.21, Iowa Code § 802.3, Continuous sexual abuse of a child Iowa Code § 709.23, Iowa Code § 802.2, Enticing a minor Iowa Code § 710.10, Iowa Code §§ 802.3.



KANSAS



CURRENT CIVIL SOL

AGE CAP

CSA: Age 31

TRAFFICKING: Age 31

CSAM: Age 31

REVIVAL LAW

Up to Age 31

DISCOVERY TOLLING

None

SUMMARY: The civil SOL for CSA, trafficking, and CSAM civil claims against all defendants is the later of age 31 or 3 years from criminal conviction, with revival up to these age and conviction time limits.

LIABILITY LIMITATIONS: The State of Kansas is not immune from liability for CSA claims. As of 2023, CSA claims against the State are exempted from the Tort Claims Act and not subject to notice of claim requirements, damage caps, or punitive damage restrictions.¹³¹ Charitable immunity was abolished in 1954.¹³²

OTHER TOLLING THEORIES/CAUSES OF ACTION: Kansas courts recognize that defendant's fraudulent concealment will toll an SOL or SOR, however the theory has yet to be sufficiently pled in the context of CSA.¹³³ Kansas law also recognizes a theory of equitable estoppel to toll the SOL, but it is unclear whether the theory can be applied in the context of CSA.¹³⁴



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 5 years from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for some CSA felonies, an SOL of age 28 for other sexually violent felonies, and an SOL of 5 years from the offense for any remaining felonies and misdemeanors, with a limited DNA rule.²⁵ There is no criminal SOL for most trafficking felonies, including aggravated human trafficking. There is no criminal SOL for most CSAM felonies, including internet trading in child pornography.

TOLLING: The SOL is tolled while the defendant is hidden or out of State, the crime is concealed by the active act or conduct of the accused, or the defendant is facing pending prosecution for the same type of crime.¹³⁵

²⁵ Rape Kan. Stat. § 21-5503, Kan. Stat. § 21-5107(a), Criminal sodomy; aggravated criminal sodomy Kan. Stat. § 21-5504, Kan. Stat. §§ 21-5107, 22-3717, Sexual battery; aggravated sexual battery Kan. Stat. § 21-5505, Kan. Stat. §§ 21-5107; 22-3717, Indecent solicitation of a child; aggravated indecent solicitation of a child Kan. Stat. § 21-5508, Kan. Stat. §§ 21-5107, Electronic solicitation Kan. Stat. § 21-5509, Kan. Stat. § 21-5107, Sexual exploitation of a child Kan. Stat. § 21-5510, Kan. Stat. §§ 21-5107 and 22-3717, Unlawful sexual relations Kan. Stat. § 21-5512, Kan. Stat. § 21-5107, Internet trading in child pornography; aggravated internet trading in child pornography Kan. Stat. § 21-5514, Kan. Stat. § 21-5107, Incest; aggravated incest Kan. Stat. § 21-5604, Kan. Stat. § 21-5107, Female genital mutilation Kan. Stat. § 21-5107, Kan. Stat. § 21-5431.



KENTUCKY



CURRENT CIVIL SOL

AGE CAP

CSA: Age 28

TRAFFICKING: Age 28

CSAM: Age 28

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims in Kentucky is age 28 against all defendants.

LIABILITY LIMITATIONS: The State is immune from CSA claims based on negligence in certain instances.¹³⁶ A claim must be filed with the board within one year from its accrual,¹³⁷ and a claim arising from a single occurrence cannot exceed \$250,000.¹³⁸ Charitable immunity was abolished in 1961.¹³⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: Kentucky recognizes that a defendant's fraudulent concealment of a cause of action will toll an SOL, but the theory does not appear to have been successfully asserted in any reported CSA cases.¹⁴⁰ Kentucky courts also recognized claims of vicarious liability and have permitted such claims to proceed against institutional defendants in the context of CSA.¹⁴¹ The SOL will also be tolled when a defendant absconds, conceals himself, or "by any other indirect means obstructs the prosecution of the action," including for CSA claims against non-perpetrator defendants.¹⁴²



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL

Misdemeanors: Age 28

TRAFFICKING

No SOL

CSAM

Felonies: No SOL

Misdemeanors: Age 28

SUMMARY: There is no SOL for CSA felonies,²⁶ and the SOL for misdemeanor sex offenses is age 28.²⁷ There is no SOL for trafficking felonies. There is no SOL for CSAM felonies, and the SOL for misdemeanor CSAM offenses is age 28.

TOLLING: None identified

²⁶ Rape, first degree Ky. Rev. Stat. § 510.040, Ky. Rev. Stat. § 500.050, Rape, second degree Ky. Rev. Stat. § 510.050, Ky. Rev. Stat. § 500.050, Rape, third degree Ky. Rev. Stat. § 510.060, Ky. Rev. Stat. § 500.050, Sodomy, first degree Ky. Rev. Stat. § 510.070, Ky. Rev. Stat. § 500.050, Sodomy, second degree Ky. Rev. Stat. § 510.080, Ky. Rev. Stat. § 500.050, Sexual abuse, first degree Ky. Rev. Stat. § 510.110, Ky. Rev. Stat. § 500.050, Unlawful use of electronic means to induce a minor to engage in sexual or other prohibited activities Ky. Rev. Stat. § 510.155, Ky. Rev. Stat. § 500.050, Incest Ky. Rev. Stat. § 530.020, Ky. Rev. Stat. § 500.050, Distribution of obscene matter to minors Ky. Rev. Stat. § 531.030, Ky. Rev. Stat. § 500.050, Video voyeurism Ky. Rev. Stat. § 531.100, Ky. Rev. Stat. § 500.050, Promoting a sexual performance by a minor Ky. Rev. Stat. § 531.310, Ky. Rev. Stat. § 500.050, Possession or viewing of matter portraying a sexual performance by a minor Ky. Rev. Stat. § 531.335, Ky. Rev. Stat. § 500.050, Distribution of matter portraying a sexual performance by a minor Ky. Rev. Stat. § 531.340, Ky. Rev. Stat. § 500.050, Promoting sale of material portraying a sexual performance by a minor Ky. Rev. Stat. § 531.350, Ky. Rev. Stat. § 500.050.

²⁷ Sodomy, fourth degree Ky. Rev. Stat. § 510.100, Ky. Rev. Stat. § 500.050, Sexual abuse, second degree Ky. Rev. Stat. § 510.120, Ky. Rev. Stat. § 500.050, Sexual abuse, third degree Ky. Rev. Stat. § 510.130, Ky. Rev. Stat. § 500.050, Sexual misconduct Ky. Rev. Stat. § 510.140, Ky. Rev. Stat. § 500.050, Indecent Exposure, first degree Ky. Rev. Stat. § 510.148, Ky. Rev. Stat. § 500.050, Indecent Exposure, second degree Ky. Rev. Stat. § 510.150, Ky. Rev. Stat. § 500.050, Voyeurism Ky. Rev. Stat. § 531.090, Ky. Rev. Stat. § 500.050.



LOUISIANA



CURRENT CIVIL SOL

AGE CAP**CSA:** No SOL**TRAFFICKING:** No SOL**CSAM:** No SOL**REVIVAL LAW**3-Year Window
(closes 6/13/24)**DISCOVERY TOLLING**

Yes, no time limit

SUMMARY: Louisiana has no civil SOL for CSA, trafficking, or CSAM claims against all defendants. A 3-year revival window is open until July 31, 2024 for all previously expired claims against any type of defendant.

LIABILITY LIMITATIONS: In general, the State of Louisiana is not immune from CSA negligence claims,¹⁴³ and such claims must be filed within the typical SOL.¹⁴⁴ General damages in State claims for injury to one person are limited to \$500,000.¹⁴⁵ Charitable immunity was abolished in 1974.¹⁴⁶

OTHER TOLLING THEORIES/CAUSES OF ACTION: Louisiana recognizes the equity-based doctrine of “contra non valentem,” coming from a Latin phrase meaning “a prescription does not run against one who is unable to act,” as an exception to the statutory prescriptive period, which courts have generally found applicable to claims arising from CSA.¹⁴⁷ Institutional defendants may also be held vicariously liable for the sexual misconduct of their employees under *respondeat superior*.¹⁴⁸



CURRENT CRIMINAL SOL

CSA**Felonies:** No SOL for some crimes**Misdemeanors:** 2 years from offense**TRAFFICKING**

Age 48

CSAM

Age 48

SUMMARY: There is no SOL for aggravated and forcible rape,²⁸ an SOL of age 48 for other felonies, and an SOL of 2 years from the offense for certain misdemeanors, with a limited DNA rule.²⁹ The SOL for trafficking is age 48. The SOL for CSAM violations is age 48.

TOLLING: The SOL is tolled for the period during which a defendant is hiding, out of State, flees the State to avoid prosecution, or is deemed mentally incompetent.¹⁴⁹

²⁸ First degree rape La. Rev. Stat. § 14:42, La. Code Crim. Proc. art. 571 and 571.1, Second degree rape La. Rev. Stat. § 14:42.1, La. Code Crim. Proc. art. 571. and 571.1.

²⁹ Third degree rape La. Rev. Stat. § 14:43, La. Code Crim. Proc. art. 572, Sexual battery La. Rev. Stat. § 14:43.1, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Second degree sexual battery La. Rev. Stat. § 14:43.2, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Oral sexual battery La. Rev. Stat. § 14:43.3, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Female genital mutilation La. Rev. Stat. § 14:43.4, La. Code Crim. Proc. art. 572, Crime Against Nature La. Rev. Stat. § 14:89, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Aggravated Crime Against Nature La. Rev. Stat. § 14:89.1, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Felony carnal knowledge of a juvenile La. Rev. Stat. § 14:80, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Misdemeanor carnal knowledge of a juvenile La. Rev. Stat. § 14:80.1, La. Code Crim. Proc. art. 572, Indecent behavior with juveniles La. Rev. Stat. § 14:81, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1; La. Code Crim. Proc. art. 575.

Molestation of a juvenile or a person with a physical or mental disability La. Rev. Stat. § 14:81.2, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1; La. Code Crim. Proc. art. 572, Prohibited sexual conduct between educator and student La. Rev. Stat. § 14:81.4, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 575, Pornography involving juveniles La. Rev. Stat. § 14:81.1, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Sexting La. Rev. Stat. § 14:81.1.1, La. Code Crim. Proc. art. 572, Computer-aided solicitation of a minor La. Rev. Stat. § 14:81.3, La. Code Crim. Proc. art. 572; La. Code Crim. Proc. art. 571.1, Misdemeanor sexual battery La. Rev. Stat. § 14:43.1.1, La. Code Crim. Proc. art. 572.



MAINE

A

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

Permanent window
(never closes)

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA, trafficking, and CSAM claims, and all claims against all defendants are permanently revived.

LIABILITY LIMITATIONS: The State of Maine is immune from CSA claims.¹⁵⁰ Minors must file a notice of claim within 365 days of attaining majority. The State is not liable for punitive damages¹⁵¹ or other damages arising from a single occurrence in excess of \$400,000.¹⁵² Charitable immunity is recognized in Maine,¹⁵³ though a charitable organization is deemed to have waived its tort immunity to the extent of any liability insurance coverage policy limits.¹⁵⁴

OTHER TOLLING THEORIES/CAUSES OF ACTION: In Maine, courts have applied fiduciary fraud and fraudulent concealment theories to toll the SOL on claims arising from CSA.¹⁵⁵

B

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 3 years from offense

TRAFFICKING

No SOL

CSAM

No SOL for some

SUMMARY: There is no SOL for certain CSA crimes,³⁰ an SOL of either 6 or 20 years from the offense for remaining felonies, and an SOL of 3 years from the offense for misdemeanors.³¹ There is no SOL for trafficking. There is no SOL for CSAM violations that include intentionally subjecting the victim to sexual contact. Remaining CSAM offenses have an SOL of either 3 or 6 years, depending on the seriousness of the crime.

TOLLING: The SOL will be tolled up to five years when the defendant leaves the State, and any time there is a prosecution pending against the defendant for the same conduct in the State.¹⁵⁶

³⁰ Gross sexual assault statute was amended by 2017 Me. Legis. Serv. Ch. 300 (S.P. 216) (L.D. 654) (WEST) effective as of November 1, 2017 and 2023 Me. Legis. Serv. Ch. 280 (S.P. 662) (L.D. 1657) (WEST) effective June 23, 2023, Me. Rev. Stat. tit. 17-A, § 8. This statute was amended by 2023 Me. Legis. Serv. Ch. 475 (S.P. 715) (L.D. 1790) (WEST) effective July 27, 2023, Sexual abuse of minors Me. Rev. Stat. tit. 17-A, § 254, Me. Rev. Stat. tit. 17-A, § 8. This statute was amended by 2023 Me. Legis. Serv. Ch. 475 (S.P. 715) (L.D. 1790) (WEST) effective July 27, 2023, Unlawful sexual contact Me. Rev. Stat. tit. 17-A, § 255-A. This statute was amended by 2023 Me. Legis. Serv. Ch. 280 (S.P. 662) (L.D. 1657) (WEST), Me. Rev. Stat. tit. 17-A, § 8. This statute was amended by 2023 Me. Legis. Serv. Ch. 475 (S.P. 715) (L.D. 1790) (WEST) effective July 27, 2023, Unlawful sexual touching Me. Rev. Stat. tit. 17-A, § 260. This statute was amended by 2023 Me. Legis. Serv. Ch. 280 (S.P. 662) (L.D. 1657) (WEST) effective June 23, 2023, Me. Rev. Stat. tit. 17-A, § 8. This statute was amended by 2023 Me. Legis. Serv. Ch. 475 (S.P. 715) (L.D. 1790) (WEST) effective July 27, 2023.

³¹ Sexual misconduct with a child under 14 Me. Rev. Stat. tit. 17-A, § 258, Me. Rev. Stat. tit. 17-A, § 8. This statute was amended by 2023 Me. Legis. Serv. Ch. 475 (S.P. 715) (L.D. 1790) (WEST) effective July 27, 2023, Visual sexual aggression against a child Me. Rev. Stat. tit. 17-A, § 256, Me. Rev. Stat. tit. 17-A, § 8. This statute was amended by 2023 Me. Legis. Serv. Ch. 475 (S.P. 715) (L.D. 1790) (WEST) effective July 27, 2023, Sex trafficking Me. Rev. Stat. tit. 17-A, § 853.



MARYLAND

A

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

Permanent window
(never closes)

DISCOVERY TOLLING

None

SUMMARY: There is no SOL for CSA, trafficking, and CSAM claims, and all claims against all defendants are permanently revived.

LIABILITY LIMITATIONS: The State of Maryland can be held liable for CSA claims, but damages arising from a single occurrence are limited to \$890,000.¹⁵⁷ Charitable immunity is premised on the “trust fund theory,” meaning immunity applies only when assets of the charitable organization are held in trust, either expressly or by implication, and when the corporation has no liability insurance covering act.¹⁵⁸ If an organization carries insurance, recovery is limited to the policy limits.¹⁵⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: Maryland recognizes that a defendant’s fraudulent concealment will toll an SOL, but the doctrine has not been sufficiently pled in CSA related cases.¹⁶⁰

A

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for any felonies or misdemeanors under common law, including all CSA, trafficking, and CSAM crimes.³²

TOLLING: None.

³² Rape, first degree Md. Code, Crim. Law § 3-303, *Massey v. State*, 320 Md. 605, 610, 579 A.2d 265, 267 (Md. 1990); *State v. Renfro*, 223 Md. App. 779 (2015), *cert. denied*, 445 Md. 6, 122 A.3d 976 (2015) (“Maryland has no statute of limitations on felonies.”), Rape, second degree Crim. Law § 3-304, *Massey v. State*, 320 Md. 605, 610, 579 A.2d 265, 267 (Md. 1990); *State v. Renfro*, 223 Md. App. 779 (2015), *cert. denied*, 445 Md. 6, 122 A.3d 976 (2015) (“Maryland has no statute of limitations on felonies.”), Sexual offense, third degree Md. Code, Crim. Law § 3-307, Sexual offense, fourth degree Md. Code, Crim. Law § 3-308, Md. Code, Cts. & Jud. Proc. § 5-106(z); *In re Anthony R.*, 362 Md. 51, 73, 763 A.2d 136, 148 (2000), Attempted rape, first degree Md. Code, Crim. Law § 3-309, *Massey v. State*, 320 Md. 605, 610, 579 A.2d 265, 267 (Md. 1990); *State v. Renfro*, 223 Md. App. 779 (2015), *cert. denied*, 445 Md. 6, 122 A.3d 976 (2015) (“Maryland has no statute of limitations on felonies.”), Sexual conduct between correctional or juvenile justice employee and inmate or confined child Md. Code, Crim. Law § 3-314, Md. Code, Cts. & Jud. Proc. § 5-106(b); *In re Anthony R.*, 362 Md. 51, 73, 763 A.2d 136, 148 (2000), Continuing course of conduct with child Md. Code, Crim. Law § 3-315, *Massey v. State*, 320 Md. 605, 610, 579 A.2d 265, 267 (Md. 1990); *State v. Renfro*, 223 Md. App. 779 (2015), *cert. denied*, 445 Md. 6, 122 A.3d 976 (2015) (“Maryland has no statute of limitations on felonies.”), Incest Md. Code, Crim. Law § 3-323, *Massey v. State*, 320 Md. 605, 610, 579 A.2d 265, 267 (Md. 1990); *State v. Renfro*, 223 Md. App. 779 (2015), *cert. denied*, 445 Md. 6, 122 A.3d 976 (2015) (“Maryland has no statute of limitations on felonies.”)



MASSACHUSETTS



CURRENT CIVIL SOL

AGE CAP

CSA: Age 53

TRAFFICKING: Age 53

CSAM: Age 53

REVIVAL LAW

Up to Age 53

DISCOVERY TOLLING

7 years

SUMMARY: The SOL for civil CSA, trafficking, and CSAM claims against any defendant is age 53, with revival up to age 53 against perpetrators only, and a revival 7-year discovery rule against all defendants.

LIABILITY LIMITATIONS: The State of Massachusetts is generally immune from CSA liability,¹⁶¹ but actions relating to sexual abuse of a minor do not require a notice of claim.¹⁶² Massachusetts cannot be held liable for punitive damages or other damages exceeding \$100,000.¹⁶³ Where charitable immunity is available as a defense to claims alleging negligence against an institution in Massachusetts,¹⁶⁴ a cap on tort damages of \$20,000 applies if the tort was committed in the course of activity carried on to accomplish the purpose of the charitable organization.¹⁶⁵

OTHER TOLLING THEORIES/CAUSES OF ACTION: The theory of fraudulent concealment will toll an SOL where a fiduciary relationship exists, but courts have not directly addressed the doctrine's application to claims arising from CSA.¹⁶⁶



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 6 years from offense

TRAFFICKING

No SOL

CSAM

Age 22

SUMMARY: There is no SOL for some sex abuse felonies³³ and an SOL of 6 years from the offense for all remaining felonies and misdemeanors.³⁴ There is no SOL for trafficking. The SOL for CSAM offenses is age 22.

TOLLING: The SOL is tolled for any period during which the defendant is out-of-state.¹⁶⁷

³³ Wanton or reckless behavior creating a risk of serious bodily injury or sexual abuse to a child Mass. Gen. Laws ch. 265, § 13L, Mass. Gen. Laws ch. 277, § 63, Rape of child (i.e., under 16 years of age) Mass. Gen. Laws ch. 265, § 22A, Mass. Gen. Laws ch. 277, § 63

Rape of child during commission of certain offenses or by use of force Mass. Gen. Laws ch. 265, § 22B, Mass. Gen. Laws ch. 277, § 63, Rape of a child through use of force by certain previously convicted offenders Mass. Gen. Laws ch. 265, § 22C, Mass. Gen. Laws ch. 277, § 63, Rape and abuse of child Mass. Gen. Laws ch. 265, § 23, Mass. Gen. Laws ch. 277, § 63, Rape and abuse of child aggravated by age difference between defendant and victim or when committed by mandated reporters Mass. Gen. Laws ch. 265, § 23A, Mass. Gen. Laws ch. 277, § 63, Rape and abuse of child by certain previously convicted offenders Mass. Gen. Laws ch. 265, § 23B, Mass. Gen. Laws ch. 277, § 63, Assault on child with intent to commit rape Mass. Gen. Laws ch. 265, § 24B, Mass. Gen. Laws ch. 277, § 63, Trafficking persons for sexual servitude Mass. Gen. Laws ch. 265, § 50, Mass. Gen. Laws ch. 277, § 63.

³⁴ Open and gross lewdness and lascivious behavior Mass. Gen. Laws ch. 272, § 16, Mass. Gen. Laws ch. 277, § 63, Enticing away person for prostitution or sexual intercourse Mass. Gen. Laws ch. 272, § 2, Mass. Gen. Laws ch. 277, § 63, Drugging persons for sexual intercourse Mass. Gen. Laws ch. 272, § 3, Mass. Gen. Laws ch. 277, § 63, Inducing person under 18 to have sexual intercourse Mass. Gen. Laws ch. 272, § 4, Mass. Gen. Laws ch. 277, § 63, Owner of place inducing or suffering person to resort in such place for sexual intercourse Mass. Gen. Laws ch. 272, § 6, Mass. Gen. Laws ch. 277, § 63, Incestuous marriage or sexual activities Mass. Gen. Laws ch. 272, § 17, Mass. Gen. Laws ch. 277, § 63, Crime against nature Mass. Gen. Laws ch. 272, § 34, Mass. Gen. Laws ch. 277, § 63, Unnatural and lascivious acts with child under 16 Mass. Gen. Laws ch. 272, § 35A, Mass. Gen. Laws ch. 277, § 63, Inducing minors into prostitution Mass. Gen. Laws ch. 272, § 4A, Mass. Gen. Laws ch. 277, § 63.



MICHIGAN



CURRENT CIVIL SOL

AGE CAP

CSA: Age 28

TRAFFICKING: Age 28

CSAM: Age 19

REVIVAL LAW

None

DISCOVERY TOLLING

3 years

SUMMARY: The civil SOL for CSA claims is age 28 with a 3-year discovery rule. The civil SOL for trafficking claims is age 28. The civil SOL for CSAM claims is age 19.

LIABILITY LIMITATIONS: Michigan is generally immune from CSA liability.¹⁶⁸ A notice of claim must be filed within six months after the injury occurs.¹⁶⁹ Charitable immunity was abolished in 1960.¹⁷⁰

OTHER TOLLING THEORIES/CAUSES OF ACTION: The fraudulent concealment theory tolls the SOL, but it has not been successfully applied to claims arising from CSA.¹⁷¹



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: Age 21-28

TRAFFICKING

No SOL

CSAM

Age 21 or 10 years from offense, whichever is later

SUMMARY: There is no SOL for first degree criminal sexual conduct,³⁵ while the SOL is either age 21, 25, or 28 for other crimes, with a DNA rule.³⁶ There is no SOL for trafficking. The SOL for CSAM is the later of 10 years from the offense or age 21.

TOLLING: The SOL is tolled for the period during which the defendant is out of State.¹⁷²

³⁵ Criminal sexual conduct, first degree Mich. Comp. Laws § 750.520b, Mich. Comp. Laws § 767.24.

³⁶ Criminal sexual conduct, second degree Mich. Comp. Laws § 750.520c, Mich. Comp. Laws § 767.24, Criminal sexual conduct, third degree Mich. Comp. Laws § 750.520d, Mich. Comp. Laws § 767.24, Criminal sexual conduct, fourth degree Mich. Comp. Laws § 750.520e, Mich. Comp. Laws § 767.24, Assault with intent to commit criminal sexual conduct Mich. Comp. Laws § 750.520g, Mich. Comp. Laws § 767.24, Female Genital Mutilation Mich. Comp. Laws § 750.136, Mich. Comp. Laws § 767.24, Indecent exposure Mich. Comp. Laws § 750.335a, Mich. Comp. Laws § 767.24, Gross indecency; between male persons Mich. Comp. Laws § 750.338, Mich. Comp. Laws § 767.24, Gross indecency; between female persons Mich. Comp. Laws § 750.338a, Mich. Comp. Laws § 767.24, Gross indecency; between male and female persons Mich. Comp. Laws § 750.338b, Mich. Comp. Laws § 767.24.



MINNESOTA



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: Age 24

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA claims against any defendant. There is no civil SOL for trafficking claims that fall under the CSA statute. Remaining trafficking claims have an SOL of age 24 under the general personal injury SOL. The civil SOL is age 24 for CSAM claims.

LIABILITY LIMITATIONS: The State of Minnesota is generally immune from CSA claims¹⁷³ and limits its liability for all claims arising out of a single occurrence to \$1.5 million.¹⁷⁴ Plaintiffs must provide notice of their claim within 180 days after discovering their injury.¹⁷⁶ Charitable immunity was abolished in Minnesota in 1928.¹⁷⁶

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment can toll the SOL for claims arising from CSA.¹⁷⁷ Institutional defendants may also be held vicariously liable for the sexual misconduct of its employees under *respondeat superior*.¹⁷⁸



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 3 years from offense

TRAFFICKING

No SOL

CSAM

3 years from offense

SUMMARY: In Minnesota, there is no SOL for criminal sexual conduct and prostitution.³⁷ The SOL for other felonies and misdemeanors is 3 years from the offense.³⁸ There is no SOL for sex trafficking. The SOL for CSAM violations is 3 years from the offense.

TOLLING: The SOL is tolled while the defendant resides outside the State, participates in a pre-trial diversion plan, and for the period during which defendant is imprisoned for another criminal offense.¹⁷⁹

³⁷ Criminal sexual conduct, first degree Minn. Stat. § 609.342, Minn. Stat. § 628.26, Criminal sexual conduct, second degree Minn. Stat. § 609.343, Minn. Stat. § 628.26, Criminal sexual conduct, third degree Minn. Stat. § 609.344, Minn. Stat. § 628.26, Criminal sexual conduct, fourth degree Minn. Stat. § 609.345, Minn. Stat. § 628.26.

³⁸ Criminal sexual conduct, fifth degree Minn. Stat. § 609.3451, Minn. Stat. § 628.26, Criminal sexual predatory conduct Minn. Stat. § 609.3453, Minn. Stat. § 628.26, Solicitation of Children to Engage in Sexual Conduct, Communication of Sexually Explicit Materials to Children Minn. Stat. § 609.352, Minn. Stat. § 628.26, Incest Minn. Stat. § 609.365, Minn. Stat. § 628.26, Female genital mutilation, Minn. Stat. § 609.2245, Minn. Stat. § 628.26, Soliciting, Inducement, and Promotion of Prostitution; Sex Trafficking Minn. Stat. § 609.322, Minn. Stat. § 628.26.



MISSISSIPPI



CURRENT CIVIL SOL

AGE CAP

CSA: Age 24

TRAFFICKING: Age 24

CSAM: Age 24

REVIVAL LAW

None

DISCOVERY TOLLING

3 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 24 against all defendants, with a discovery rule.

LIABILITY LIMITATIONS: In general, the State of Mississippi is immune from liability for CSA claims.¹⁸⁰ A minor must file a notice of claim within ninety days of reaching majority.¹⁸¹ The State is not liable for punitive damages¹⁸² and limits other damages to \$500,000. Charitable immunity was abolished in 1951.¹⁸⁴

OTHER TOLLING THEORIES/CAUSES OF ACTION: The fraudulent concealment theory in Mississippi may be applied to claims arising from CSA, but it has not been successfully asserted in this context.¹⁸⁵ Courts have tolled the SOL for CSA claims where plaintiff has adequately alleged a latent injury.¹⁸⁶



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 2 years from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: In Mississippi, there is no SOL for most CSA felonies³⁹ and an SOL of 5 years for sexual battery or fondling of a vulnerable person.⁴⁰ For the remaining felonies and misdemeanors, the SOL is 2 years after the offense. There is no SOL for trafficking. There is no SOL for CSAM offenses.

TOLLING: The SOL is tolled while the defendant lives out of State.¹⁸⁷

³⁹ Sexual battery Miss. Code § 97-3-95, Miss. Code § 99-1-5, Fondling child Miss. Code § 97-5-23, Miss. Code § 99-1-5, Depicting child engaging in sexual conduct Miss. Code § 97-5-33, Miss. Code § 99-1-5, Statutory rape; forcible sexual intercourse Miss. Code § 97-3-65, Miss. Code § 99-1-5.

⁴⁰ Assault with intent to ravish Miss. Code § 97-3-95, Miss. Code § 99-1-5, Disseminating sexual material to children; computer luring Miss. Code § 97-5-27, Miss. Code § 99-1-5, Publicly displaying sexually oriented materials Miss. Code § 97-5-29, Miss. Code § 99-1-5, Carnal knowledge of certain children (e.g., stepchildren and adopted child) Miss. Code § 97-5-41, Miss. Code § 99-1-5, Sex between teacher and pupil Miss. Code § 97-29-3, Miss. Code § 99-1-5, Incest Miss. Code § 97-29-5, Miss. Code § 99-1-5, Sex between guardian and ward Miss. Code § 97-29-7, Miss. Code § 99-1-5, Incestuous marriages Miss. Code § 97-29-27, Miss. Code § 99-1-5, Indecent exposure Miss. Code § 97-29-31, Miss. Code § 99-1-5.



MISSOURI



CURRENT CIVIL SOL

AGE CAP

CSA: Age 31

TRAFFICKING: Age 31

CSAM: Age 31

REVIVAL LAW

None

DISCOVERY TOLLING

3 years against perpetrator (statutory)

5 years against all defendants
(common law)

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 31 against perpetrators, and age twenty-six against other defendants, with a discovery rule.

LIABILITY LIMITATIONS: Generally, the State of Missouri is immune from CSA claims,¹⁸⁸ which must be presented within two years after the claim accrues.¹⁸⁹ A plaintiff cannot recover punitive damages, and other damages are capped at \$300,000 for any one person in a single occurrence.¹⁹⁰ Charitable immunity was abolished in 1969.¹⁹¹

OTHER TOLLING THEORIES/CAUSES OF ACTION: Fraudulent concealment will toll the SOL for claims arising from CSA generally, but it has not been properly alleged in this context.¹⁹² A theory of fiduciary fraud will also toll an SOL and it has been successfully pled in CSA cases.¹⁹³



CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for felony and misdemeanor CSA offenses. There is no SOL for trafficking. There is no SOL for CSAM violations.⁴¹

TOLLING: SOLs are tolled during absence from the State, during any time when the accused is concealing himself from justice either within or without the State, or during any time when a prosecution against the accused is pending in the State.¹⁹⁴

⁴¹ First degree rape and attempted first degree rape Mo. Rev. Stat. § 566.030, Mo. Rev. Stat. § 556.036, Statutory rape and attempt to commit statutory rape, first degree Mo. Rev. Stat. § 566.032, Mo. Rev. Stat. § 556.037, Statutory rape, second degree Mo. Rev. Stat. § 566.034, Mo. Rev. Stat. § 556.037, First degree sodomy Mo. Rev. Stat. § 566.060, Mo. Rev. Stat. § 556.036, Statutory sodomy, first degree Mo. Rev. Stat. § 566.062, Mo. Rev. Stat. § 556.037, Statutory sodomy, second degree Mo. Rev. Stat. § 566.064, Mo. Rev. Stat. § 556.037

Child molestation, first degree Mo. Rev. Stat. § 566.067, Mo. Rev. Stat. § 556.037, Child molestation, second degree Mo. Rev. Stat. § 566.068, Mo. Rev. Stat. §§ 556.037, 589.400, 568.060, Sexual misconduct involving a child Mo. Rev. Stat. § 566.083, Mo. Rev. Stat. §§ 556.037, 589.400, 568.060, Sexual contact with a student while on public school property Mo. Rev. Stat. § 566.086, Mo. Rev. Stat. §§ 556.036, 556.037, Sexual misconduct, first degree, penalties Mo. Rev. Stat. § 566.093, Mo. Rev. Stat. §§ 556.036, 56.037, Sexual misconduct, second degree, penalties Mo. Rev. Stat. § 566.095, Mo. Rev. Stat. §§ 556.036, 556.037, Enticement of a child, penalties Mo. Rev. Stat. § 566.151, Mo. Rev. Stat. § 556.037, Sexual trafficking of a child—penalty, Mo. Rev. Stat. §§ 566.210 and 566.211, Mo. Rev. Stat. § 556.037, Incest Mo. Rev. Stat. § 568.020, Mo. Rev. Stat. §§ 556.036, 556.037, Genital mutilation of a female child, penalty—affirmative defenses Mo. Rev. Stat. § 573.200, Mo. Rev. Stat. §§ 556.0376, 556.03400(1)(2)7, Child used in sexual performance, penalties Mo. Rev. Stat. § 573.200, Mo. Rev. Stat. §§ 556.037, 556.0400(1)(2), Promoting sexual performance by a child, penalties Mo. Rev. Stat. § 573.205, Mo. Rev. Stat. §§ 556.037, 556.0400(1)(2), Second degree rape Mo. Rev. Stat. § 566.032, Mo. Rev. Stat. § 556.037, Mo. Rev. Stat. § 556.037.



MONTANA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 27

TRAFFICKING: Age 27

CSAM: Age 27

REVIVAL LAW

Revival up to age 27

DISCOVERY TOLLING

3 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 27 against all defendants, with a limited 3-year discovery rule and revival up to age 27.

LIABILITY LIMITATIONS: The State of Montana is generally immune from liability in CSA claims,¹⁹⁵ which must be presented to the Department of Administration prior to filing in district court.¹⁹⁶ The State is not liable for punitive damages¹⁹⁷ or other damages arising from a single occurrence that exceed \$1.5 million.¹⁹⁸ Charitable immunity is not recognized in Montana.¹⁹⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment of a cause of action will toll an SOL, but the theory has not been applied in any reported CSA related cases.²⁰⁰



CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for felony and misdemeanor CSA offenses.⁴² There is no SOL for trafficking. There is no SOL for CSAM offenses.

TOLLING: The SOL is tolled when defendant is absent from the State.²⁰¹

⁴² Sexual assault Mont. Code § 45-5-502, Mont. Code § 45-1-205, Sexual intercourse without consent Mont. Code § 45-5-503, Mont. Code § 45-1-205, Indecent exposure Mont. Code § 45-5-504, Mont. Code § 45-1-205, Deviate sexual conduct Mont. Code § 45-8-218, Mont. Code § 45-1-205, Incest Mont. Code § 45-5-507, Mont. Code § 45-1-205, Sexual abuse of children Mont. Code § 45-5-625, Mont. Code § 45-1-205, Ritual abuse of minors Mont. Code § 45-5-627, Mont. Code § 45-1-205, Aggravated sexual intercourse without consent Mont. Code § 45-5-508, Mont. Code § 45-1-205, Sex Trafficking Mont. Code § 45-5-705, Mont. Code § 45-1-205, Patronizing victim of sex trafficking Mont. Code § 45-5-705, Mont. Code § 45-1-205, Aggravated Sex Trafficking Mont. Code § 45-5-706, Mont. Code § 45-1-205.



NEBRASKA



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: Age 25

CSAM: Age 25

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for child sexual assault claims against perpetrators. The SOL is age 33 for child sexual assault claims against all other defendants and age 25 for all other CSA claims. The civil SOL for trafficking claims is age 25. The civil SOL for CSAM claims is age 25.

LIABILITY LIMITATIONS: The State of Nebraska is immune from CSA liability.²⁰² A notice of claim against the State must be filed within two years after the claim accrues, in accordance with the discovery rule.²⁰³ Plaintiffs' damages are capped at \$50,000, but a higher amount may be received if reviewed and approved by the legislature.²⁰⁴ Charitable immunity was abolished in 1966.²⁰⁵

OTHER TOLLING THEORIES/CAUSES OF ACTION: The doctrine of fraudulent concealment will toll an SOL, but it has not yet been sufficiently pled in CSA cases.²⁰⁶



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 18 months from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for most CSA crimes,⁴³ and the SOL for lesser degrees of those offenses is age 25 or age 23, with an 18-month SOL for misdemeanors.⁴⁴ There is no SOL for felony trafficking crimes. There is no SOL for felony CSAM offenses.

TOLLING: The SOL is extended indefinitely if the defendant is fleeing from justice.²⁰⁷

⁴³ Sexual assault, first degree Neb. Rev. Stat. § 28-319, Neb. Rev. Stat. § 29-110, Sexual assault of a child, first degree Neb. Rev. Stat. § 28-319.01, Neb. Rev. Stat. § 29-110, Sexual assault, second or third degree Neb. Rev. Stat. § 28-320, Neb. Rev. Stat. § 29-110, Sexual assault of a child, second or third degree Neb. Rev. Stat. § 28-320.01, Neb. Rev. Stat. § 29-110, Incest Neb. Rev. Stat. § 28-703, Neb. Rev. Stat. § 29-110, Sex trafficking; sex trafficking of a minor Neb. Rev. Stat. § 28-831, Neb. Rev. Stat. § 29-110, Sexual abuse of a detainee Neb. Rev. Stat. § 28-322.05, Neb. Rev. Stat. § 29-110.

⁴⁴ Sexual assault; use of electronic communication device Neb. Rev. Stat. § 28-320.02, Neb. Rev. Stat. § 29-110, Child Abuse Neb. Rev. Stat. § 28-707, Neb. Rev. Stat. § 29-110, Pandering Neb. Rev. Stat. § 28-802, Neb. Rev. Stat. § 29-110, Debauching a minor Neb. Rev. Stat. § 28-805, Neb. Rev. Stat. § 29-110, Sexually explicit conduct; visual depiction Neb. Rev. Stat. § 28-813.01, Neb. Rev. Stat. § 29-110.



NEVADA

B

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

Permanent window
against perpetrators
(never closes)

DISCOVERY TOLLING

20 years

SUMMARY: There is no SOL for CSA, sex trafficking, and CSAM claims against perpetrators for all past and future offenses. The SOL for claims against other defendants is age 38 with revival up to age 38.

LIABILITY LIMITATIONS: The State of Nevada is generally not immune from CSA claims,²⁰⁸ which must be filed with the Attorney General within two years of accrual.²⁰⁹ The State is not liable for punitive damages or other damages in excess of \$150,000.²¹⁰ Charitable immunity was abolished by law.²¹¹

OTHER TOLLING THEORIES/CAUSES OF ACTION: Nevada common law recognizes a theory of fraudulent concealment that will toll an SOL, but it has not been successfully applied to toll the SOL on claims related to CSA.²¹²

D

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL
if a report is filed
by age 36

TRAFFICKING

No SOL if a report is
filed by age 36

CSAM

3 years from offense

SUMMARY: There is no criminal SOL for sexual assault if a report is filed by age 36.⁴⁵ For other CSA felonies, the SOL is age 36 with a discovery rule.⁴⁶ The SOL for trafficking is the same as the SOL for sexual assault. The SOL for CSAM violations is 3 years from the offense.

TOLLING: No additional methods of tolling.

⁴⁵ Sexual assault Nev. Rev. Stat. § 200.366, Nev. Rev. Stat. § 171.085; Nev. Rev. Stat. § 171.083; Nev. Rev. Stat. § 171.095.

⁴⁶ Statutory sexual seduction Nev. Rev. Stat. § 200.368, Nev. Rev. Stat. § 171.085; Nev. Rev. Stat. § 171.090, Promotion of sexual performance of minor unlawful Nev. Rev. Stat. § 200.720, Nev. Rev. Stat. § 171.085, Preparing, advertising or distributing materials depicting pornography involving minor unlawful Nev. Rev. Stat. § 200.725, Nev. Rev. Stat. § 171.085, Use of Internet to control visual presentation depicting sexual conduct of person under 16 years of age Nev. Rev. Stat. § 200.727, Nev. Rev. Stat. § 171.085, Possession of visual presentation depicting sexual conduct of person under 16 years of age unlawful Nev. Rev. Stat. § 200.730, Nev. Rev. Stat. § 171.085, Incest Nev. Rev. Stat. § 201.180, Nev. Rev. Stat. § 171.085, Commission of certain sexual acts in public Nev. Rev. Stat. § 201.190, Nev. Rev. Stat. § 171.085, Open or gross lewdness Nev. Rev. Stat. § 201.210, Nev. Rev. Stat. § 171.085; Nev. Rev. Stat. § 171.090, Indecent or obscene exposure; penalty Nev. Rev. Stat. § 201.220, Nev. Rev. Stat. § 171.085; Nev. Rev. Stat. § 171.090, Sexual conduct between certain employees of school or volunteers at school and pupil Nev. Rev. Stat. § 201.540, Nev. Rev. Stat. § 171.085, Sexual conduct between certain employees of college or university and student Nev. Rev. Stat. § 201.550, Nev. Rev. Stat. § 171.085, Sexual Penetration of Dead Human Body Nev. Rev. Stat. § 201.450, Nev. Rev. Stat. § 171.085, Luring children or persons with mental illness Nev. Rev. Stat. § 201.560, Nev. Rev. Stat. § 171.085; Nev. Rev. Stat. § 171.090, Lewdness with child under 16 years Nev. Rev. Stat. § 201.230, Nev. Rev. Stat. § 171.085, Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance Nev. Rev. Stat. § 200.710, Nev. Rev. Stat. § 171.085, Sexual conduct with person under arrest or currently detained by law enforcement officer Nev. Rev. Stat. SB 201.465, Nev. Rev. Stat. § 171.085.



NEW HAMPSHIRE



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: Age 28

CSAM: Age 20

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no SOL for incest and sexual assault of minors against any defendants, and the remaining claims have an SOL of age 30. The SOL for trafficking claims is age 28 or 10 years after release from the trafficking situation, whichever is later. The SOL for CSAM claims is age 20.

LIABILITY LIMITATIONS: The State of New Hampshire has waived sovereign immunity for CSA claims.²¹³ Plaintiffs are barred from receiving punitive damages against the State, and all other damages to a single person arising from a single occurrence are limited to \$475,000.²¹⁴ Charitable immunity was abolished in 1939.²¹⁵

OTHER TOLLING THEORIES/CAUSES OF ACTION: New Hampshire recognizes that a defendant's fraudulent concealment of a cause of action will toll an SOL until discovery, but the New Hampshire Supreme Court has declined to decide whether the doctrine applies to CSA cases.²¹⁶



CURRENT CRIMINAL SOL

CSA

Felonies: Age 40

Misdemeanors: Age 19

TRAFFICKING

Age 38

CSAM

6 years from offense

SUMMARY: The SOL is age 40 for sexual assault and incest⁴⁷ and age 19 for misdemeanors.⁴⁸ The SOL is age 38 for trafficking offenses. The SOL for CSAM violations is 6 years from the offense.

TOLLING: The SOL is tolled while the defendant is continuously absent from the State or is already facing prosecution for the same conduct.

⁴⁷ Aggravated felonious sexual assault N.H. Rev. Stat. § 632-A:2, N.H. Rev. Stat. § 625:8, Felonious sexual assault N.H. Rev. Stat. § 632-A:3, N.H. Rev. Stat. § 625:8, Sexual Assault N.H. Rev. Stat. § 632-A:4, N.H. Rev. Stat. § 625:8, Incest N.H. Rev. Stat. § 639:2, N.H. Rev. Stat. § 625:8.

⁴⁸ Indecent Exposure and Lewdness N.H. Rev. Stat. § 645:1, N.H. Rev. Stat. § 625:8.



NEW JERSEY



CURRENT CIVIL SOL

AGE CAP

CSA: Age 55

TRAFFICKING: Age 55

CSAM: Age 55

REVIVAL LAW

Revival up to age 55

DISCOVERY TOLLING

7 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims against all defendants is age 55 or 7 years after discovering an injury caused by the abuse, even for claims that have already expired.

LIABILITY LIMITATIONS: The State of New Jersey is not immune from claims arising from CSA, a notice of claim is not required, and it can be held liable for punitive damages.²¹⁷ In 2019, New Jersey abolished its charitable immunity doctrine for past, present and future CSA claims.²¹⁸

OTHER TOLLING THEORIES/CAUSES OF ACTION: Duress may toll an SOL in addition to a separate tort of fraudulent concealment of evidence that applies only to the "intentional spoliation of evidence," but it is unclear whether courts have applied either the tort of fraudulent concealment or a theory of duress to toll the SOL for claims arising from CSA.²¹⁹ Institutional defendants may also be vicariously liable for the sexual misconduct of their employees under *respondeat superior*.²²⁰



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 1 year from offense

TRAFFICKING

5 years from offense

CSAM

Age 23

SUMMARY: There is no SOL for felony or aggravated sexual assault.⁴⁹ The SOL for criminal sexual conduct and endangering the welfare of a child is age 23.⁵⁰ The SOL for other felonies is 5 years from the offense, and 1 year for misdemeanors, with discovery and DNA rules. The SOL for trafficking offenses is 5 years from the offense.⁵¹ The SOL for CSAM offenses is age 23 or 2 years from the victim's discovery of the offense, whichever is later.

TOLLING: The SOL is tolled while a defendant is fleeing from justice or facing prosecution for the same conduct.²²¹

⁴⁹ Sexual Assault N.J. Stat. § 2C:14-2, N.J. Stat. § 2C:1-6.

⁵⁰ Endangering welfare of children N.J. Stat. § 2C:24-4, N.J. Stat. § 2C:1-6, Criminal Sexual Contact N.J. Stat. § 2C:14-3, N.J. Stat. § 2C:1-6.

⁵¹ Invasion of privacy; observation of sexual contact; reproduction or disclosure of images of sexual contact; dressing rooms; defenses N.J. Stat. § 2C:14-9, N.J. Stat. § 2C:1-6, Genital mutilation of females under 18 years of age N.J. Stat. § 2C:24-10, N.J. Stat. § 2C:1-6, Lewdness N.J. Stat. § 2C:14-4, N.J. Stat. § 2C:1-6.



NEW MEXICO



CURRENT CIVIL SOL

AGE CAP

CSA: Age 24

TRAFFICKING: Age 28

CSAM: Age 24

REVIVAL LAW

None

DISCOVERY TOLLING

3 years

SUMMARY: The civil SOL for CSA claims against all defendants is age 24 with a 3-year discovery rule. The civil SOL for trafficking claims is age 28. The civil SOL for CSAM claims against all defendants is age 24 with a 3-year discovery rule.

LIABILITY LIMITATIONS: In general, New Mexico is not immune from CSA claims.²²² Minors are not subject to the ninety-day notice requirement in filing claims against the State.²²³ New Mexico cannot be held liable for punitive damages and is also not liable for other damages to a single person arising from a single occurrence that exceed \$400,000, unless they are medically related expenses.²²⁴ There is no clear authority that New Mexico recognizes charitable immunity.²²⁵

OTHER TOLLING THEORIES/CAUSES OF ACTION: The doctrine of fraudulent concealment tolls the SOL for claims arising from CSA, but to date, plaintiffs' allegations have been found insufficient.²²⁶



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 6 years from offense

TRAFFICKING

No SOL

CSAM

6 years from offense

SUMMARY: There is no criminal SOL for first-degree felonies, including CSA.⁵² The SOL is age 23 for non-first-degree abandonment or abuse, criminal sexual penetration, or criminal sexual contact.⁵³ The SOL for other felonies is 5 or 6 years from commission, and 2 years for misdemeanors. There is no SOL for trafficking of victims under age 13. The SOL is 6 years from the offense for trafficking victims under age 16. The SOL for CSAM is 6 years from the offense for second-degree felony violations and 5 years from the offense for third- and fourth-degree felony violations.

TOLLING: The SOL is tolled for the period during which the defendant resides outside of the State²²⁷

⁵² Sexual exploitation of children by prostitution N.M. Stat. § 30-6A-4, N.M. Stat. § 30-1-8, Criminal sexual penetration N.M. Stat. § 30-9-11, N.M. Stat. § 30-1-8, Abandonment or abuse of a child N.M. Stat. § 30-6-1, N.M. Stat. § 30-1-8.

⁵³ Indecent Exposure N.M. Stat. § 30-9-14, N.M. Stat. § 30-1-8, Enticement of child N.M. Stat. § 30-9-1, N.M. Stat. § 30-1-8, Criminal sexual contact N.M. Stat. § 30-9-12, N.M. Stat. § 30-1-8, Aggravated indecent exposure N.M. Stat. § 30-9-14.3, N.M. Stat. § 30-1-8, Criminal sexual contact of a minor N.M. Stat. § 30-9-14, N.M. Stat. § 30-1-8, Sexual exploitation of children N.M. Stat. § 30-6A-3, N.M. Stat. § 30-1-8, Incest N.M. Stat. § 30-1-8.



NEW YORK



CURRENT CIVIL SOL

AGE CAP

CSA: Age 55

TRAFFICKING: Age 33

CSAM: Age 55

REVIVAL LAW

2-year window in NYC
(closes 3/1/25)

DISCOVERY TOLLING

15 years for trafficking

SUMMARY: The civil SOL for CSA is age 55 for claims against all defendants. The civil SOL for sex trafficking is age 33 with a 15-year discovery rule. The civil SOL for CSAM is age 55 for claims against all defendants.

LIABILITY LIMITATIONS: The State of New York may be held liable for CSA claims,²²⁸ which are not subject to any notice of claim requirement.²²⁹ However, the State cannot be held liable for punitive damages.²³⁰ Charitable immunity was abolished in 1957.²³¹



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: Age 25

TRAFFICKING

5 years from offense

CSAM

Age 28

OTHER TOLLING THEORIES/CAUSES OF ACTION: Several theories can toll an SOL, including fraudulent concealment, equitable estoppel, and duress, but none of these theories have been properly asserted in the context of CSA. New York also recognizes a claim of breach of fiduciary duty but it does not appear to have been properly pled in the reported CSA cases. Institutional defendants may also be held vicariously liable for the misconduct of their employees under a theory of respondeat superior.²³⁴

SUMMARY: There is no criminal SOL for first-degree CSA offenses.⁵⁴ The SOL is either age 28, 33 or 43 for other felonies, and age 25 for misdemeanors.⁵⁵ The SOL for trafficking is 5 years from the offense. The SOL for CSAM violations is either age 28 or 5 years from when the offense was reported to law enforcement, whichever is earlier.

TOLLING: The SOL is tolled up to five years when a defendant is continuously absent from the State or their whereabouts are unknown.²³⁵

⁵⁴ Rape, first degree N.Y. Penal Law § 130.35, N.Y. Crim. Proc. Law § 30.10, Criminal sexual act, first degree N.Y. Penal Law § 130.50, N.Y. Crim. Proc. Law § 30.10, Sexual abuse, first degree N.Y. Penal Law § 130.65, N.Y. Crim. Proc. Law § 30.10, Course of sexual conduct against a child, first degree N.Y. Penal Law § 130.75, N.Y. Crim. Proc. Law § 30.10, Incest, first degree N.Y. Penal Law § 255.27, N.Y. Crim. Proc. Law § 30.10.

⁵⁵ Sexual misconduct N.Y. Penal Law § 130.20, N.Y. Crim. Proc. Law § 30.10, Rape, third degree N.Y. Penal Law § 130.25, N.Y. Crim. Proc. Law § 30.10, Rape, second degree N.Y. Penal Law § 130.30, N.Y. Crim. Proc. Law § 30.10, Criminal sexual act, second degree N.Y. Penal Law § 130.45, N.Y. Crim. Proc. Law § 30.10, Forcible touching N.Y. Penal Law § 130.52, N.Y. Crim. Proc. Law § 30.10, Persistent sexual abuse N.Y. Penal Law § 130.53, N.Y. Crim. Proc. Law § 30.10, Sexual abuse, second degree N.Y. Penal Law § 130.60, N.Y. Crim. Proc. Law § 30.10, Aggravated sexual abuse, third degree N.Y. Penal Law § 130.66, N.Y. Crim. Proc. Law § 30.10, Aggravated sexual abuse, second degree N.Y. Penal Law § 130.67, N.Y. Crim. Proc. Law § 30.10, Aggravated sexual abuse, first degree N.Y. Penal Law § 130.70, N.Y. Crim. Proc. Law § 30.10, Course of sexual conduct against a child, second degree N.Y. Penal Law § 130.80, N.Y. Crim. Proc. Law § 30.10, Female genital mutilation N.Y. Penal Law § 130.85, N.Y. Crim. Proc. Law § 30.10, Facilitating a sex offense with a controlled substance N.Y. Penal Law § 130.90, N.Y. Crim. Proc. Law § 30.10, Predatory sexual assault against a child N.Y. Penal Law § 130.96, N.Y. Crim. Proc. Law § 30.10, Incest, second degree N.Y. Penal Law § 255.26, N.Y. Crim. Proc. Law § 30.10, Sexually motivated felony N.Y. Penal Law § 130.91, N.Y. Crim. Proc. Law § 30.10, Use of a child in a sexual performance N.Y. Penal Law § 263.05, N.Y. Crim. Proc. Law § 30.10.



NORTH CAROLINA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 28

TRAFFICKING: Age 28

CSAM: Age 28

REVIVAL LAW

None

DISCOVERY TOLLING

Very narrow, tolling SOL

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 28 against all defendants with a very narrow discovery rule.

LIABILITY LIMITATIONS: North Carolina is not usually immune from CSA claims based on negligence,²³⁶ which must be filed with the Industrial Commission within three years of the claim's accrual.²³⁷ The maximum award to any one person arising from a single occurrence is \$1 million.²³⁸ Charitable immunity was abolished by statute in North Carolina in 1967.²³⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment of a cause of action and/or equitable estoppel may toll an SOL, but neither doctrine has been successfully alleged in the context of CSA claims.²⁴⁰



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL

Misdemeanors: 10 years from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for any felonies, including for CSA, trafficking, and CSAM.⁵⁶ There is an SOL of 10 years from the offense for misdemeanor sexual battery, indecent liberties between children, and child abuse, and other misdemeanors have an SOL of 2 years from the offense.⁵⁷

TOLLING: None.

⁵⁶ First degree forcible rape N.C. Gen. Stat. § 14-27.21, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Statutory rape of a child by an adult N.C. Gen. Stat. § 14-27.23, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Second degree forcible rape N.C. Gen. Stat. § 14-27.22, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), First degree forcible sexual offense N.C. Gen. Stat. § 14-27.26, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Statutory sexual offense with a child by an adult N.C. Gen. Stat. § 14-27.28, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Second degree forcible sexual offense N.C. Gen. Stat. § 14-27.27, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Statutory rape of person who is 15 years of age or younger N.C. Gen. Stat. § 14-27.25, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Incest N.C. Gen. Stat. § 14-178, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Taking indecent liberties with children N.C. Gen. Stat. § 14-202.1, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Taking indecent liberties with a student N.C. Gen. Stat. § 14-202.4, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), First degree statutory rape N.C. Gen. Stat. § 14-27.24, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Statutory sexual offense with a person who is 15 years of age or younger N.C. Gen. Stat. § 14-27.30, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), First degree statutory sexual offense N.C. Gen. Stat. § 14-27.29, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Solicitation of child by computer or certain other electronic devices to commit an unlawful sex act N.C. Gen. Stat. § 14-202.3, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), First degree sexual exploitation of a minor N.C. Gen. Stat. § 14-190.16, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Second degree sexual exploitation of a minor N.C. Gen. Stat. § 14-190.17, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Third degree sexual exploitation of a minor N.C. Gen. Stat. § 14-190.17A, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Sexual activity by a substitute parent or custodian N.C. Gen. Stat. § 14-27.31, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Sexual activity with a student N.C. Gen. Stat. § 14-27.32, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973), Indecent Exposure N.C. Gen. Stat. § 14-190.9, *State v. Hardin*, 201 S.E.2d 74 (N.C. Ct. App. 1973) and N.C. Gen. Stat. § 15-1.

⁵⁷ Sexual battery N.C. Gen. Stat. § 14-27.33, N.C. Gen. Stat. § 15-1(b), Indecent liberties between children N.C. Gen. Stat. § 14-202.2, N.C. Gen. Stat. § 15-1, N.C. Gen. Stat. § 15-1.



NORTH DAKOTA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 36-38

TRAFFICKING: Age 28

CSAM: Age 36-38

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: The civil SOL for CSA claims against all defendants is age 36 for minors abused under age 15, and 21 years after the abuse for minors abused at age 15-17. The civil SOL for trafficking claims is age 28. The civil SOL for CSAM claims is age 36 for minors abused under age 15, and 21 years after the abuse for minors abused at age 15-17.

LIABILITY LIMITATIONS: North Dakota is not always immune from CSA claims.²⁴¹ As of 2023, North Dakota exempted CSA claims from its 180-day notice of claim time limit and extended the SOL to age 36 for minors abused under age 15, and 21 years after the abuse for minors abused at age 15-17.²⁴² The State is not liable for punitive damages, and other damages to one person for a number of claims arising from a single occurrence is limited to \$250,000.²⁴³ Charitable immunity was abolished by statute; however, there is a cap on the amount of damages that can be recovered. The liability of a charitable organization is limited to a total of \$250,000 per person and one million dollars for any number of claims arising from a single occurrence.²⁴⁴ The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages.²⁴⁵

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment can toll an SOL, but courts have not expressly addressed the doctrine in the context of CSA.²⁴⁶



CURRENT CRIMINAL SOL

CSA

Felonies: Age 36

Misdemeanors: 2-3 years from offense

TRAFFICKING

Age 22

CSAM

3 years from offense

SUMMARY: The SOL is age 39 for victims under age 15.⁵⁸ The SOL is 2 or 3 years from the offense for other felonies and misdemeanors, with a DNA rule.⁵⁹ The SOL is age 22 for human trafficking of victims under age 15, while the SOL is 7 years for trafficking of victims aged 15 and older. The SOL for CSAM violations is 3 years from the offense.

TOLLING: The SOL is tolled while the defendant resides outside of the State.²⁴⁷

⁵⁸ Gross sexual imposition N.D. Cent. Code § 12.1-20-03, N.D. Cent. Code § 29-04-02 and § 29-04-02.1 and § 29-04-03.1, Continuous sexual abuse of a child N.D. Cent. Code § 12.1-20-03.1, N.D. Cent. Code § 29-04-02.1 and § 29-04-03.1, Sexual imposition N.D. Cent. Code § 12.1-20-04, N.D. Cent. Code § 29-04-02.1 and § 29-04-03.1, Corruption or solicitation of minors N.D. Cent. Code § 12.1-20-05, N.D. Cent. Code § 29-04-02.1 and § 29-04-03 and § 29-04-03.1, Luring minors by computer or other electronic means N.D. Cent. Code § 12.1-20-05.1, N.D. Cent. Code § 29-04-02.1 and § 29-04-03 and § 29-04-03.1, Sexual abuse of wards N.D. Cent. Code § 12.1-20-06, N.D. Cent. Code § 29-04-02.1 and § 29-04-03.1, Sexual exploitation by therapist N.D. Cent. Code § 12.1-20-06.1, N.D. Cent. Code § 29-04-02.1 and § 29-04-03.1, Fornication N.D. Cent. Code § 12.1-20-08, N.D. Cent. Code § 29-04-03 and § 29-04-03.1, Incest N.D. Cent. Code § 12.1-20-11, .D. Cent. Code § 29-04-02 and § 29-04-03.1, Sexual assault N.D. Cent. Code § 12.1-20-07, N.D. Cent. Code § 29-04-02.1 and § 29-04-03 and § 29-04-03.1.

⁵⁹ Deviate sexual act N.D. Cent. Code § 12.1-20-12, N.D. Cent. Code § 29-04-03, Sexual offender presence near schools prohibited N.D. Cent. Code § 12.1-20-24, N.D. Cent. Code § 29-04-03, Indecent Exposure N.D. Cent. Code § 12.1-20-12.1, N.D. Cent. Code § 29-04-02.1 and § 29-04-03.

**OHIO****CURRENT CIVIL SOL****AGE CAP**

CSA: Age 30
TRAFFICKING: Age 19
CSAM: Age 19

REVIVAL LAW

Limited 5-year window only
 for Boy Scout survivors

DISCOVERY TOLLING

Limited to fraudulent concealment

SUMMARY: The civil CSA SOL is age 30 against all defendants with a fraudulent concealment tolling rule. The civil SOL for trafficking is age 19. The civil SOL for CSAM is age 19. There is a limited 5-year revival window only for victims of they Boy Scouts of America.

LIABILITY LIMITATIONS: Ohio is generally not immune from CSA claims,²⁴⁸ which must be filed within two years after the cause of action accrues or after the minor reaches the age of majority.²⁴⁹ Punitive damages are not available against the State.²⁵⁰ Charitable immunity was abolished in 1984.²⁵¹ Damages caps for noneconomic loss do not apply to child sex abuse victims who have suffered permanent and severe psychological injuries.²⁵²

OTHER TOLLING THEORIES/CAUSES OF ACTION: In 2006, Ohio added a statutory provision for claims of fraudulent concealment that will toll an SOL, but the provision has not been successfully applied to CSA related claims nor is it clear whether the provision applies to institutional and government defendants. Ohio also recognizes a theory of equitable estoppel that will toll an SOL, but the theory has not been successfully applied in the context of CSA. Institutional defendants may also be held vicariously liable for the wrongful conduct of their employees under respondeat superior.²⁵⁵

**CURRENT CRIMINAL SOL****CSA**

Felonies: Age 38-43
Misdemeanors: Age 20

TRAFFICKING

Age 38

CSAM

Age 38

SUMMARY: The criminal SOL is age 43 for rape and sexual battery,⁶⁰ age 38 for other felonies,⁶¹ and age 20 for misdemeanors, with a DNA rule.⁶² The SOL is age 38 for trafficking offenses. The SOL is age 38 for CSAM offenses.

TOLLING: The SOL may be extended indefinitely if the defendant is fleeing from justice or facing prosecution for the same conduct.²⁵⁶

⁶⁰ Rape Ohio Rev. Code Ann. § 2907.02, Ohio Rev. Code Ann. § 2901.13, Sexual battery Ohio Rev. Code Ann. § 2907.03, Ohio Rev. Code Ann. § 2901.13.

⁶¹ Unlawful sexual conduct with minor Ohio Rev. Code Ann. § 2907.04, Ohio Rev. Code Ann. § 2901.13, Gross sexual imposition Ohio Rev. Code Ann. § 2907.05, Ohio Rev. Code Ann. § 2901.13.

⁶² Pandering sexually oriented matter involving a minor or impaired person Ohio Rev. Code Ann. § 2907.321, Ohio Rev. Code Ann. § 2901.13, Illegal use of a minor or impaired person in nudity-oriented material or performance Ohio Rev. Code Ann. § 2907.323, Ohio Rev. Code Ann. § 2901.13, Female genital mutilation Ohio Rev. Code Ann. § 2903.32, Ohio Rev. Code Ann. § 2901.13, Sexual imposition Ohio Rev. Code Ann. § 2907.06, Ohio Rev. Code Ann. § 2901.13, Commercial sexual depiction of a minor Ohio Rev. Code Ann. § 2907.19, Ohio Rev. Code Ann. § 2901.13, Pandering obscenity involving a minor or impaired person Ohio Rev. Code Ann. § 2907.19, Ohio Rev. Code Ann. § 2901.13, Importuning Ohio Rev. Code Ann. § 2907.07, Ohio Rev. Code Ann. § 2901.13, Voyeurism Ohio Rev. Code Ann. § 2907.08, Ohio Rev. Code Ann. § 2901.13, Public indecency Ohio Rev. Code Ann. § 2907.09, Ohio Rev. Code Ann. § 2901.13.



OKLAHOMA



CURRENT CIVIL SOL

AGE CAP**CSA:** Age 45**TRAFFICKING:** Age 45**CSAM:** Age 45**REVIVAL LAW**

None

DISCOVERY TOLLING

None

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims is age 45 against perpetrators and age 20 against all other defendants.

LIABILITY LIMITATIONS: The State of Oklahoma is generally not immune from CSA claims,²⁵⁷ which must be filed 1 year after the injury.²⁵⁸ Charitable immunity was abolished in 1940.²⁵⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: Oklahoma recognizes fraudulent concealment as an exception to the SOL, but Oklahoma courts have not expressly addressed the theory in the context of CSA.²⁶⁰ The State is not liable for punitive damages, and other damages to a single person arising from a single occurrence are capped at \$125,000.²⁶¹



CURRENT CRIMINAL SOL

CSA**Felonies:** Age 45**Misdemeanors:** 3 years from offense**TRAFFICKING**

Age 45

CSAM

Age 45

SUMMARY: The criminal SOL for CSA is age 45 with a DNA rule,⁶³ and 3 years from the offense for other felonies and misdemeanors.⁶⁴ The SOL for trafficking is age 45. The SOL for CSAM offenses is age 45.

TOLLING: The SOL is tolled while the defendant resides out of State or is absent from the State.²⁶²

⁶³ Rape Okla. Stat. tit. 21, § 1040.13b, Okla. Stat. tit. 22, § 152, Abduction of person under fifteen (for marriage, concubinage, or any crime involving moral turpitude) Okla. Stat. tit. 21, § 1119, Okla. Stat. tit. 22, § 152, Lewd or indecent proposals or acts as to child under 16 or person believed to be under 16; sexual battery Okla. Stat. tit. 21, § 1123, Okla. Stat. tit. 22, § 152, Child abuse--Child neglect--Child sexual abuse--Child sexual exploitation Okla. Stat. tit. 21, § 843.5, Okla. Stat. tit. 22, § 152, Crime Against Nature Okla. Stat. tit. 21, § 886, Okla. Stat. tit. 22, § 152, Minors--Procuring for participation in pornography Okla. Stat. tit. 21, § 1021.2, Okla. Stat. tit. 22, § 152, Guardians--Parents--Custodians--Consent to participation of minors in child pornography Okla. Stat. tit. 21, § 1021.3, Okla. Stat. tit. 22, § 152, Aggravated possession of child pornography Okla. Stat. tit. 21, § 1040.12a, Okla. Stat. tit. 22, § 152, Forcible sodomy Okla. Stat. tit. 21, § 888, Okla. Stat. tit. 22, § 152.

⁶⁴ Incest Okla. Stat. tit. 21, § 885, Okla. Stat. tit. 22, § 152, Disclosure of obscene materials containing minors Okla. Stat. tit. 21, § 1021.4, Okla. Stat. tit. 22, § 152, Facilitating, encouraging, offering or soliciting sexual conduct or engaging in sexual communication with a minor or person believed to be a minor Okla. Stat. tit. 21, § 1040.13a, Okla. Stat. tit. 22, § 152, Nonconsensual dissemination of private sexual images Okla. Stat. tit. 21, § 1040.13b, Okla. Stat. tit. 22, § 152, Indecent Exposure-Indecent Exhibitions-Obscene Material or Child Pornography-Solicitation of Minors Okla. Stat. tit. 21, § 1021, Okla. Stat. tit. 22, § 152.



OREGON



CURRENT CIVIL SOL

AGE CAP

CSA: Age 40

TRAFFICKING: Age 28

CSAM: Age 40

REVIVAL LAW

Revival up to age 40

DISCOVERY TOLLING

5 years

SUMMARY: The civil SOL for CSA claims against all defendants is age 40 with a 5-year discovery rule and revival up to age 40. The SOL for trafficking claims is the later of age 28 or 10 years after the trafficking ends. The SOL for CSAM claims against all defendants is age 40 with a 5-year discovery rule.

LIABILITY LIMITATIONS: In general, the State of Oregon is not immune from CSA claims.²⁶³ Minors must provide a notice of claim within 180 days of discovering their injury. The State is not liable for punitive damages,²⁶⁴ and all other damages are capped pursuant to the applicable year in the Consumer Price Index.²⁶⁵ Charitable immunity was abolished in 1963.²⁶⁶

OTHER TOLLING THEORIES/CAUSES OF ACTION: Oregon recognizes that a defendant's fraudulent concealment of a cause of action may toll an SOL, but the theory has not been asserted in reported CSA cases.²⁶⁷ Institutional defendants can be held vicariously liable for the wrongful conduct of their employees under respondeat superior.²⁶⁸



CURRENT CRIMINAL SOL

CSA

Felonies: Age 30 or 20 years from offense

Misdemeanors: 3 years from offense

TRAFFICKING

3 years from offense

CSAM

Age 30

SUMMARY: The criminal SOL is age 30 for many CSA felonies⁶⁵ and age 22 for third-degree sexual abuse, with a DNA elimination rule.⁶⁶ The SOL is 3 years from the offense for any remaining felonies and 2 years from the offense for misdemeanors.⁶⁷ The SOL for trafficking is 3 years from the offense. The SOL for creation or possession of CSAM is either age 30 or 12 years after a report to law enforcement, whichever is earlier. The SOL is 3 years from the offense for other CSAM felonies.

TOLLING: The SOL is tolled for up to three years while the defendant is absent from the State, concealed within the State, or is not a resident of the State.²⁶⁹

⁶⁵ Rape, third degree Or. Rev. Stat. § 163.355, Or. Rev. Stat. § 131.125, Rape, second degree Or. Rev. Stat. § 163.365, Or. Rev. Stat. § 131.125, Rape, first degree Or. Rev. Stat. § 163.375, Or. Rev. Stat. § 131.125, Sodomy, second degree Or. Rev. Stat. § 163.395, Or. Rev. Stat. § 131.125, Sodomy, first degree Or. Rev. Stat. § 163.405, Or. Rev. Stat. § 131.125, Unlawful sexual penetration, second degree Or. Rev. Stat. § 163.408, Or. Rev. Stat. § 131.125, Unlawful sexual penetration, first degree Or. Rev. Stat. § 163.411, Or. Rev. Stat. § 131.125, Sexual abuse, second degree Or. Rev. Stat. § 163.425, Or. Rev. Stat. § 131.125, Sexual abuse, first degree Or. Rev. Stat. § 163.427, Or. Rev. Stat. § 131.125, Incest Or. Rev. Stat. § 163.525, Or. Rev. Stat. § 131.125, Sodomy, third degree Or. Rev. Stat. § 163.385, Or. Rev. Stat. § 131.125, Using child in display of sexually explicit conduct Or. Rev. Stat. § 163.670, Or. Rev. Stat. § 131.125, Encouraging child sexual abuse, first degree Or. Rev. Stat. § 163.684, Or. Rev. Stat. § 131.125.

⁶⁶ Sexual abuse, third degree Or. Rev. Stat. § 163.415, Or. Rev. Stat. § 131.125.

⁶⁷ Contributing to the sexual delinquency of a minor Or. Rev. Stat. § 163.435, Or. Rev. Stat. § 131.125, Sexual misconduct Or. Rev. Stat. § 163.445, Or. Rev. Stat. § 131.125, Custodial sexual misconduct, first degree Or. Rev. Stat. § 163.452, Or. Rev. Stat. § 131.125, Custodial sexual misconduct, second degree Or. Rev. Stat. § 163.454, Or. Rev. Stat. § 131.125, Unlawful contact with a child Or. Rev. Stat. § 163.479, Or. Rev. Stat. § 131.125, Purchasing sex with a minor Or. Rev. Stat. § 163.413, Or. Rev. Stat. § 131.125, Online sexual corruption of a child, second degree Or. Rev. Stat. § 163.432, Or. Rev. Stat. § 131.125, Online sexual corruption of a child, first degree Or. Rev. Stat. § 163.433, Or. Rev. Stat. § 131.125, Public indecency Or. Rev. Stat. § 163.465, Or. Rev. Stat. § 131.125, Private indecency Or. Rev. Stat. § 163.467, Or. Rev. Stat. § 131.125, Unlawful dissemination of an intimate image Or. Rev. Stat. § 163.472, Or. Rev. Stat. § 131.125, Unlawfully being in a location where children regularly congregate Or. Rev. Stat. § 163.476, Or. Rev. Stat. § 131.125, Encouraging child sexual abuse, second degree Or. Rev. Stat. § 163.686, Or. Rev. Stat. § 131.125, Encouraging child sexual abuse, third degree Or. Rev. Stat. § 163.687, Or. Rev. Stat. § 131.125.



PENNSYLVANIA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 55

TRAFFICKING: Age 55

CSAM: Age 55

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims against all defendants is age 55.

LIABILITY LIMITATIONS: Pennsylvania is liable for CSA claims based in negligence,²⁷⁰ which are not subject to any time limit.²⁷¹ Additionally, Pennsylvania does not impose any damage caps on CSA claims against the State.²⁷² Charitable immunity was abolished in 1965.²⁷³

OTHER TOLLING THEORIES/CAUSES OF ACTION: Pennsylvania courts recognize the doctrines of fraudulent concealment and civil conspiracy that can toll an SOL, but neither doctrine has been successfully alleged in the context of CSA.²⁷⁴



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: Age 55

TRAFFICKING

No SOL

CSAM

Age 55

SUMMARY: There is no criminal SOL for some CSA offenses⁶⁸ and the SOL is age 55 for all other CSA felonies and misdemeanors.⁶⁹ There is no SOL for trafficking offenses. The SOL is age 55 for CSAM offenses.

TOLLING: The SOL may be tolled indefinitely if the defendant is fleeing from justice, is not a resident of the State or is absent from the State, or if the defendant is facing prosecution for the same conduct.²⁷⁵

⁶⁸ Rape 18 Pa. Cons. Stat. § 3121, 42 Pa. Cons. Stat. §§ 5551, 5552, Statutory sexual assault 18 Pa. Cons. Stat. § 3122.1, 42 Pa. Cons. Stat. §§ 5551, 5552, Involuntary deviate sexual intercourse 18 Pa. Cons. Stat. § 3123, 42 Pa. Cons. Stat. §§ 5551, 5552, Sexual assault 18 Pa. Cons. Stat. § 3124.1, 42 Pa. Cons. Stat. §§ 5551, 5552, Institutional sexual assault 18 Pa. Cons. Stat. § 3124.2, 42 Pa. Cons. Stat. §§ 5551, 5552, Aggravated indecent assault 18 Pa. Cons. Stat. § 3125, 42 Pa. Cons. Stat. §§ 5551, 5552, Incest 18 Pa. Cons. Stat. § 4302, 42 Pa. Cons. Stat. §§ 5551, 5552.

⁶⁹ Sexual Extortion 18 Pa. Cons. Stat. § 3133, 42 Pa. Cons. Stat. § 5552, Indecent assault 18 Pa. Cons. Stat. § 3126, 42 Pa. Cons. Stat. § 5552, Sexual abuse of children 18 Pa. Cons. Stat. § 6312, 42 Pa. Cons. Stat. § 5552, Sexual exploitation of children 8 Pa. Cons. Stat. § 6320, 42 Pa. Cons. Stat. § 5552, Unlawful contact with a minor 18 Pa. Cons. Stat. § 6318, 42 Pa. Cons. Stat. § 5552, Sexual assault by sports official, volunteer, or employee of nonprofit association 18 Pa. Cons. Stat. § 3124.3, 42 Pa. Cons. Stat. § 5552, Indecent exposure 18 Pa. Cons. Stat. § 3127, 42 Pa. Cons. Stat. § 5552, Conduct relating to sex offenders 18 Pa. Cons. Stat. § 3130, 42 Pa. Cons. Stat. § 5552, Unlawful dissemination of intimate image 18 Pa. Cons. Stat. § 3131, 42 Pa. Cons. Stat. § 5552, Trafficking in individuals as it relates to sexual servitude 18 Pa. Cons. Stat. § 3011, 42 Pa. Cons. Stat. § 5552, Involuntary sexual servitude 18 Pa. Cons. Stat. § 3012, 42 Pa. Cons. Stat. § 5552.



RHODE ISLAND



CURRENT CIVIL SOL

AGE CAP

CSA: Age 53
TRAFFICKING: Age 28
CSAM: Age 53

REVIVAL LAW

Revival up to age 53

DISCOVERY TOLLING

7 years

SUMMARY: The civil SOL for all CSA claims against all defendants is age 53 with a 7-year discovery rule and revival up to age 53 against perpetrators only. The civil SOL for trafficking claims against perpetrators is age 28. The civil SOL for CSAM claims against all defendants is age 53.

LIABILITY LIMITATIONS: Rhode Island is usually not immune from CSA claims,²⁷⁶ which must be brought against the State within Rhode Island's SOL for CSA claims.²⁷⁷ The State's liability for damages is generally capped at \$100,000.²⁷⁸ Charitable immunity is not recognized in Rhode Island.²⁷⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: Rhode Island recognizes that a defendant's fraudulent concealment of a CSA cause of action can toll the SOL, but it has not been successfully asserted.²⁸⁰ It also recognizes that equitable estoppel can bar the offending party from asserting an SOL defense when it affirmatively deceived the plaintiff to their detriment.²⁸¹



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes
Misdemeanors: 3 years from offense

TRAFFICKING

10 years from offense

CSAM

3 years from offense

SUMMARY: There is no criminal SOL for certain CSA felonies.⁷⁰ For any remaining felonies and misdemeanors, the SOL is 3 years from the offense.⁷¹ The SOL for trafficking is 10 years from the offense. The SOL for CSAM violations is 3 years from the offense.

TOLLING: If an indictment has been stolen or destroyed a new indictment may be filed within one year regardless of the SOL.²⁸²

⁷⁰ Sexual assault, first degree R.I. Gen. Laws § 11-37-2, R.I. Gen. Laws § 12-12-17, Child molestation sexual assault, first degree R.I. Gen. Laws § 11-37-8.1, R.I. Gen. Laws § 12-12-17, Child molestation sexual assault, second degree R.I. Gen. Laws § 11-37-8.3, R.I. Gen. Laws § 12-12-17.

⁷¹ Sexual assault, second degree R.I. Gen. Laws § 11-37-4, R.I. Gen. Laws § 12-12-17, Sexual assault, third degree R.I. Gen. Laws § 11-37-6, R.I. Gen. Laws § 12-12-17.



SOUTH CAROLINA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 27

TRAFFICKING: Age 27

CSAM: Age 27

REVIVAL LAW

None

DISCOVERY TOLLING

3 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims against all defendants is age 27 with a discovery rule.

LIABILITY LIMITATIONS: South Carolina is generally not liable for CSA claims unless gross negligence can be established.²⁸³ The two-year time limit for bringing claims against the State does not begin to run until a minor reaches the age of majority.²⁸⁴ The State is not liable for punitive damages, and other damages arising from a single occurrence cannot exceed \$600,000.²⁸⁵ Charitable immunity was abolished in South Carolina 1986.²⁸⁶ However, awards against charitable organizations are restricted to the limitations imposed in the South Carolina Tort Claims Act in Chapter 78 of Title 15 of the South Carolina Code,²⁸⁷ which states that a person's recovery cannot exceed \$300,000 arising from a single occurrence and the total sum arising from a single occurrence cannot exceed \$600,000.²⁸⁸

OTHER TOLLING THEORIES/CAUSES OF ACTION: The SOL is tolled when the defendant engages in deliberate acts of deception, calculated to conceal from the plaintiff that he has a cause of action.²⁸⁹ South Carolina courts have tolled the SOL on claims against non-perpetrator defendants who concealed knowledge of CSA by their employees.²⁹⁰



CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for any felonies or misdemeanors, including for CSA, trafficking, and CSAM offense.⁷² The SOL for trafficking is 10 years from the offense. The SOL for CSAM violations is 3 years from the offense.

TOLLING: None.

⁷² Criminal sexual conduct, first degree S.C. Code Ann. § 16-3-652, Criminal sexual conduct, second degree S.C. Code Ann. § 16-3-653, Criminal sexual conduct, third degree S.C. Code Ann. § 16-3-654, Criminal sexual conduct with a minor; aggravating and mitigating circumstances; penalties; repeat offenders S.C. Code Ann. § 16-3-655, Sexual battery with a student S.C. Code Ann. § 16-3-755, Incest S.C. Code Ann. § 16-15-20.



SOUTH DAKOTA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 19
TRAFFICKING: Age 24
CSAM: Age 24

REVIVAL LAW

None

DISCOVERY TOLLING

3 years against perpetrator
 3 years up to age 40 against other
 Defendants

SUMMARY: The civil SOL for CSA claims against all defendants is age 19 with a 3-year discovery rule that has an upper age limit of 40 years for claims against non-perpetrator defendants. The civil SOL for trafficking claims is age 24. The civil SOL for CSAM claims is age 24.

LIABILITY LIMITATIONS: If State entity has purchased liability insurance, the State may be liable for CSA claims.²⁹¹ Minors must apply for an extended notice of claim period within two years of their injury.²⁹² There are no applicable damage caps. Further, there is no clear authority that South Dakota recognizes charitable immunity.

OTHER TOLLING THEORIES/CAUSES OF ACTION: South Dakota law recognizes fraudulent concealment as an implied exception to the SOL, and the exception has been successfully applied to toll the SOL in CSA cases.²⁹³ South Dakota also recognizes the doctrine of estoppel by duress that can toll an SOL, but the doctrine has not been successfully applied in the context of CSA.²⁹⁴



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes
Misdemeanors: Age 25

TRAFFICKING

7 years from offense

CSAM

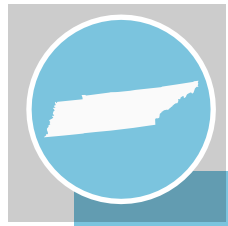
7 years from offense

SUMMARY: There is no criminal SOL for first- and second-degree rape.⁷³ The SOL is either age 25 or 7 years from the offense for other felonies and misdemeanors.⁷⁴ The SOL is 7 years from the offense for trafficking. The SOL for CSAM is 7 years from the offense.

TOLLING: The SOL is tolled while the defendant is absent from the State.²⁹⁵

⁷³ Rape S.D. Codified Laws § 22-22-1, S.D. Codified Laws § 22-22-1; S.D. Codified Laws § 23A-42-2.

⁷⁴ Sexual contact with person under 16 S.D. Codified Laws § 22-22-7, S.D. Codified Laws § 22-22-7, Sexual contact with person incapable of consent S.D. Codified Laws § 22-22-7.2, S.D. Codified Laws § 23A-42-2, Sexual contact with person under 16 by person under 16 S.D. Codified Laws § 22-22-7.3, S.D. Codified Laws § 23A-42-2, Sexual contact without consent S.D. Codified Laws § 22-22-7.4, S.D. Codified Laws § 23A-42-2, Subsequent conviction of rape of or sexual contact with a child under 16 S.D. Codified Laws § 22-22-7.7, S.D. Codified Laws § 23A-42-2, Sexual exploitation of a minor S.D. Codified Laws § 22-22-24.3, S.D. Codified Laws § 23A-42-2, Incest S.D. Codified Laws § 22-22A-2, S.D. Codified Laws § 23A-42-2, Aggravated Incest- Related Child S.D. Codified Laws § 22-22A-3, S.D. Codified Laws § 23A-42-2, Aggravated Incest – Foster Child S.D. Codified Laws § 22-22A-3.1, S.D. Codified Laws § 23A-42-2.



TENNESSEE



CURRENT CIVIL SOL

AGE CAP

CSA: Age 33

TRAFFICKING: Age 33

CSAM: Age 33

REVIVAL LAW

None

DISCOVERY TOLLING

3 years

SUMMARY: The civil SOL for CSA claims against all defendants is age 19 with a 3-year discovery rule that has an upper age limit of 40 years for claims against non-perpetrator defendants. The civil SOL for trafficking claims is age 24. The civil SOL for CSAM claims is age 24.

LIABILITY LIMITATIONS: In general, Tennessee may be held liable for CSA claims based in negligence.²⁹⁶ Charitable immunity in Tennessee is limited to charity-owned property, in that property used solely for charitable purposes and not “derived from the operation of a business or concession incidental to [the organization’s] main object” is exempt from execution under a tort judgment.²⁹⁷

OTHER TOLLING THEORIES/CAUSES OF ACTION: Tennessee recognizes the doctrines of fraudulent concealment and equitable estoppel that may toll the SOL on claims arising from CSA.²⁹⁸



CURRENT CRIMINAL SOL

CSA

No SOL with evidence

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for all CSA felonies and many misdemeanors, including trafficking and CSAM, but admissible and credible evidence corroborating the charges is required where a victim is now over age 43, was abused between ages 13 and 17, and did not report the abuse.⁷⁵

TOLLING: The SOL is tolled while the defendant resides outside the State or while the crime is being concealed.²⁹⁹

⁷⁵ Aggravated rape Tenn. Code § 39-13-502, Tenn. Code § 40-2-101, Rape Tenn. Code § 39-13-503, Tenn. Code § 40-2-101, Aggravated sexual battery Tenn. Code § 39-13-504, Tenn. Code § 40-2-101, Sexual battery Tenn. Code § 39-13-505, Tenn. Code § 40-2-101, Statutory rape Tenn. Code § 39-13-506, Tenn. Code § 40-2-101, Rape of a child more than eight but under 13 Tenn. Code § 39-13-522, Tenn. Code § 40-2-101, Sexual battery by an authority figure Tenn. Code § 39-13-527, Tenn. Code § 40-2-101, Aggravated rape of a child eight years or less Tenn. Code § 39-13-531, Tenn. Code § 40-2-101, Statutory rape by an authority figure Tenn. Code § 39-13-532, Tenn. Code § 40-2-101, Incest Tenn. Code § 39-15-302, Tenn. Code § 40-2-101.



TEXAS



CURRENT CIVIL SOL

AGE CAP

CSA: Age 48

TRAFFICKING: Age 48

CSAM: Age 20

REVIVAL LAW

None

DISCOVERY TOLLING

30 days

SUMMARY: The civil SOL for CSA claims against all defendants is age 48 with a very narrow discovery rule. The civil SOL for trafficking claims against all defendants is age 48. The civil SOL for CSAM claims is age 20.

LIABILITY LIMITATIONS: Generally, the State of Texas may be liable for CSA claims based in negligence.³⁰⁰ The State must be given notice or receive actual notice of the claim within six months after the injury occurs.³⁰¹ Texas cannot be held liable for punitive damages, and damages to a single person arising from a single occurrence cannot exceed \$250,000.³⁰² Charitable immunity was abolished by common law in 1971.³⁰³ However, the State legislature enacted the Charitable Immunity and Liability Act in 1987, reducing the liability exposure and insurance costs of charitable organizations and their employees and volunteers in order to encourage volunteer services and maximize the resources devoted to delivering these services.³⁰⁴

OTHER TOLLING THEORIES/CAUSES OF ACTION: Fraudulent concealment, equitable estoppel, and conspiracy can toll an SOL, but none have successfully tolled the SOL for CSA cases.³⁰⁵ The Court of Appeals recently reversed a lower court ruling dismissing a CSA case on SOL grounds, recognizing PTSD and repressed memories could result in plaintiff being of unsound mind, which would toll the SOL.³⁰⁶



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 3 years from offense

TRAFFICKING

No SOL

CSAM

7 years from offense

SUMMARY: There is no SOL for some CSA offenses.⁷⁶ The SOL is age 38 for sexual performance, and the SOL is 3 years from the offense for any remaining felonies and two years from the offense for misdemeanors.⁷⁷ There is no SOL for trafficking offenses. The SOL for CSAM violations is 7 years from the offense.

TOLLING: The SOL is tolled while the defendant is out of State or pending charges for the same conduct in the State.³⁰⁷

⁷⁶ Continuous sexual abuse of a young child or children Tex. Penal Code § 21.02, Tex. Code Crim. Proc. art. 12.01, Sexual assault Tex. Penal Code § 22.011, Tex. Code Crim. Proc. art. 12.01, Aggravated sexual assault Tex. Penal Code § 22.021, Tex. Code Crim. Proc. art. 12.01 and art. 12.01, Indecency with a child Tex. Penal Code § 21.11, Tex. Code Crim. Proc. art. 12.01 and art. 12.01.

⁷⁷ Improper relationship between educator and student Tex. Penal Code § 21.12, Tex. Code Crim. Proc. art. 12.01, Indecent assault Tex. Penal Code § 22.012, Tex. Code Crim. Proc. art. 12.01 and art. 12.02, Prohibited sexual conduct Tex. Penal Code § 25.02, Tex. Code Crim. Proc. art. 12.01 and art. 12.01.



UTAH

B

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL
TRAFFICKING: No SOL
CSAM: No SOL

REVIVAL LAW

None

DISCOVERY TOLLING

4 years against other defendants
 2 years against government

SUMMARY: There is no civil SOL for CSA, trafficking, and CSAM claims against perpetrators. The SOL is age 22 against other defendants with a 4-year discovery rule.

LIABILITY LIMITATIONS: The State of Utah is not immune from CSA liability, pursuant to the exceptions specifically set out in Utah Code Annotated section 63G-7-301. A notice of claim must be filed within two years after the claim arises, but the claim does not arise until the claimant discovers their claim against the governmental entity/employee as well as the identity of the government entity/employee. Utah is not liable for punitive damages, and other damages to a single person arising from a single occurrence are limited to \$583,900.³⁰⁹ Charitable immunity is recognized by statute in Utah. A nonprofit organization is not liable for damage or injury that was caused by an intentional or knowing act of a volunteer which constituted illegal, or wanton misconduct, unless the organization should have had reasonable notice of the volunteer's unfitness to provide services under circumstances that make the organization's use of the volunteer reckless or wanton.³¹⁰

OTHER TOLLING THEORIES/CAUSES OF ACTION: Utah recognizes that defendant's fraudulent concealment of a cause of action may toll an SOL, but the theory has not been applied to toll the SOL on claims arising from CSA.³¹¹ Utah law also recognizes that an SOL may be tolled under "exceptional circumstances" where application of the general rule would be irrational or unjust, but the doctrine has not been applied in the context of CSA.³¹²

C

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes
Misdemeanors: 2 years from offense

TRAFFICKING

No SOL

CSAM

4 years from offense

SUMMARY: There is no SOL for some CSA felonies.⁷⁸ The SOL is age 28 for claims involving unlawful sexual activity, and 4 to 8 eight years after the crime is reported for other felonies and 2 years from the offense for misdemeanors.⁷⁹ There is no SOL for trafficking felonies. The SOL for CSAM violations is 4 years from the offense.

TOLLING: The SOL is tolled while the defendant is out of State.³¹³

⁷⁸ Rape Utah Code Ann. § 76-5-402, Utah Code Ann. § 76-1-301, Rape of a child under 14 Utah Code Ann. § 76-5-402.1, Utah Code Ann. § 76-1-301, Object rape of a person 14 and older Utah Code Ann. § 76-5-402.2, Utah Code Ann. § 76-1-301, Object rape of a person 14 and older Utah Code Ann. § 76-5-402.2, Utah Code Ann. § 76-1-301, Object rape of a child Utah Code Ann. § 76-5-402.3, Utah Code Ann. § 76-1-301, Forcible sodomy Utah Code Ann. § 76-5-403, Utah Code Ann. § 76-1-301, Sodomy on a child Utah Code Ann. § 76-5-403.1, Utah Code Ann. § 76-1-301, Sexual abuse of a child; aggravated sexual abuse of a child Utah Code Ann. § 76-5-404.1, Utah Code Ann. § 76-1-301, Aggravated sexual assault Utah Code Ann. § 76-5-405, Utah Code Ann. § 76-1-301.

⁷⁹ Unlawful sexual activity with a minor Utah Code Ann. § 76-5-401, Utah Code Ann. § 76-1-302, § 76-1-301.1, Sexual abuse of a minor Utah Code Ann. § 76-5-401.1, Utah Code Ann. § 76-1-302, § 76-3-203.13, Unlawful sexual conduct with a 16 or 17 year old Utah Code Ann. § 76-5-401.2, Utah Code Ann. § 76-1-302, § 76-1-301.1, § 76-3-203.13, Forcible sexual abuse Utah Code Ann. § 76-5-404, Utah Code Ann. § 76-1-302, Custodial sexual relations Utah Code Ann. § 76-5-412, Utah Code Ann. § 76-1-302, Custodial sexual misconduct Utah Code Ann. § 76-5-412.2, Utah Code Ann. § 76-1-302, Incest Utah Code Ann. § 76-7-102, Utah Code Ann. § 76-1-302, Custodial sexual relations or misconduct with youth receiving state services Utah Code Ann. § 76-5-413, § 76-5-413.2, Utah Code Ann. § 76-1-302, Unlawful adolescent sexual activity Utah Code Ann. § 76-5-401.3, Utah Code Ann. § 76-1-302.



VERMONT



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: Age 21

CSAM: Age 21

REVIVAL LAW

Permanent Window
(never closes)

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA and claims against all defendants are permanently revived. The civil SOL for trafficking is age 21. The civil SOL for CSAM is age 21.

LIABILITY LIMITATIONS: In general, Vermont is not immune from CSA claims based in negligence, unless the discretionary function exception applies.³¹⁴ A cause of action against the State must be filed within the typical SOL for child abuse claims³¹⁵ and a single plaintiff may only recover a maximum of \$500,000 in damages.³¹⁶ Charitable immunity was abolished in 1950.³¹⁷

OTHER TOLLING THEORIES/CAUSES OF ACTION: A defendant's fraudulent concealment of a cause of action may toll an SOL, but it does not appear that Vermont courts have considered its application in the context of CSA cases.³¹⁸ Vermont also recognizes a breach of fiduciary duty claim, but it has not yet been sufficiently pled in reported CSA cases.³¹⁹



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for some crimes

Misdemeanors: 3 years from offense

TRAFFICKING

No SOL

CSAM

40 years from offense

SUMMARY: There is no criminal SOL for aggravated sexual assault or exploitation.⁸⁰ The SOL is 40 years from the offense for some CSA crimes, and 3 years from the offense for all other felonies and misdemeanors.⁸¹ There is no SOL for trafficking. The SOL for CSAM violations is 40 years from the offense.

TOLLING: None.

⁸⁰ Sexual assault Vt. Stat. Ann. tit.13, § 3252, Vt. Stat. Ann. tit.13, § 450, Aggravated sexual assault Vt. Stat. Ann. tit.13, § 3253, Vt. Stat. Ann. tit.13, § 4501, Aggravated sexual assault of a child Vt. Stat. Ann. tit.13, § 3253a, Vt. Stat. Ann. tit.13, § 4501.

⁸¹ Sexual exploitation of a person under the supervision of the Department of Corrections Vt. Stat. Ann. tit.13, § 3259, Vt. Stat. Ann. tit.13, § 4501, Sexual exploitation of a minor Vt. Stat. Ann. tit.13, § 3258, Vt. Stat. Ann. tit.13, § 4501, Lewd and lascivious conduct with a child under 16 Vt. Stat. Ann. tit.13, § 2602, Vt. Stat. Ann. tit.13, § 4501.



VIRGINIA



CURRENT CIVIL SOL

AGE CAP

CSA: Age 38

TRAFFICKING: Age 38

CSAM: Age 38

REVIVAL LAW

None

DISCOVERY TOLLING

20 years

SUMMARY: The civil SOL for CSA, trafficking, and some CSAM claims is age 38 with a 20-year discovery rule against all defendants.

LIABILITY LIMITATIONS: Virginia can be held liable for CSA claims if the act was grossly negligent or intentional,³²⁰ and minors have until one year after reaching the age of majority to file a notice of claim.³²¹ Damages are limited to \$100,000 or the limits of any applicable liability policy.³²² Charitable immunity is recognized in Virginia. A charitable organization is immune from liability for negligence arising out of acts of its employees or agents.³²³ However, immunity does not apply if due care has not been exercised in the selection and retention of the responsible employee,³²⁴ and only extends to claims by beneficiaries,³²⁵ as well as simple negligence claims, not acts of gross negligence.³²⁶

OTHER TOLLING THEORIES/CAUSES OF ACTION: Fraudulent concealment has been considered, but not yet adopted as a theory in Virginia.³²⁷ Under Virginia law institutional defendants may be held vicariously liable for the wrongful conduct of their employees under *respondeat superior*.³²⁸



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL

Misdemeanors: Age 19-23

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for any felonies, including CSA.⁸² The SOL for misdemeanors is age 23 or age 19, depending on the age difference between the victim and the offender.⁸³ There is no SOL for trafficking felonies. There is no SOL for CSAM felonies.

TOLLING: The SOL is tolled for the period that a defendant is fleeing State justice or concealing himself in the State to avoid prosecution.³²⁹

⁸² Rape Va. Code § 18.2-61, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Carnal knowledge of child between 13 and 15 Va. Code § 18.2-63, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Carnal knowledge of certain minors Va. Code § 18.2-64.1, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, detainee, or pre-trial or post-trial offender Va. Code § 18.2-64.2, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Forcible sodomy Va. Code § 18.2-67.1, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Object sexual penetration Va. Code § 18.2-67.2, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Aggravated sexual battery Va. Code § 18.2-67.3, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Infected sexual battery Va. Code § 18.2-67.4:1, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Sexual abuse of a child under 15 Va. Code § 18.2-67.5, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery Va. Code § 18.2-67.5, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Adultery and fornication by persons forbidden to marry; incest Va. Code § 18.2-370, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Taking indecent liberties with children; penalties Va. Code § 18.2-370.1, Va. Code § 19.2-8; *Foster v. Virginia*, 606 S.E. 2d 518, (Va. Ct. App. 2004), Taking indecent liberties with child by person in custodial or supervisory relationship, Penetration of mouth of child with lascivious intent Va. Code § 18.2-370.6, Va. Code § 19.2-8.

⁸³ Sexual battery Va. Code § 18.2-67.4, Va. Code § 19.2-8.



WASHINGTON

A

CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

None

DISCOVERY TOLLING

3 years

SUMMARY: There is no civil SOL for CSA, trafficking, and CSAM claims with a 3-year discovery rule against all defendants.

LIABILITY LIMITATIONS: In general, Washington is liable for CSA claims,³³⁰ and such claims must be presented within the same time frame as the typical SOL for CSA causes of action.³³¹ Washington does not impose damage caps on claims against the State.³³² Charitable immunity was abolished in 1964.³³³

OTHER TOLLING THEORIES/CAUSES OF ACTION: Washington law recognizes that an SOL will be tolled if a “defendant has fraudulently or inequitably invited a plaintiff to forebear from commencing suit until the applicable SOL has run,” and Washington courts have permitted plaintiffs to proceed on their claims arising from CSA under this theory.³³⁴

B

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: Age 20

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for most CSA crimes.⁸⁴ The SOL is age 30 for other felonies and age 20 for misdemeanors.⁸⁵ There is no criminal SOL for trafficking offenses. There is no SOL for some CSAM crimes. Other CSAM offenses have an SOL of 3 years from the offense.

TOLLING: The SOL is tolled while the defendant resides outside the State or is not usually in the State.³³⁵

⁸⁴ Rape, first degree Wash. Rev. Code § 9A.44.040, Wash. Rev. Code § 9A.04.080, Rape, second degree Wash. Rev. Code § 9A.44.050, Wash. Rev. Code § 9A.04.080, Rape of a child, first degree Wash. Rev. Code § 9A.44.073, Wash. Rev. Code § 9A.04.080, Rape of a child, second degree Wash. Rev. Code § 9A.44.076, Wash. Rev. Code § 9A.04.080, Rape of a child, third degree Wash. Rev. Code § 9A.44.079, Wash. Rev. Code § 9A.04.080, Child molestation, first degree Wash. Rev. Code § 9A.44.083, Wash. Rev. Code § 9A.04.080, Child molestation, second degree Wash. Rev. Code § 9A.44.086, Wash. Rev. Code § 9A.04.080, Child molestation, third degree Wash. Rev. Code § 9A.44.089, Wash. Rev. Code § 9A.04.080, Sexual misconduct with a minor, first degree Wash. Rev. Code § 9A.44.093, Wash. Rev. Code § 9A.04.080, Custodial sexual misconduct, first degree Wash. Rev. Code § 9A.44.160, Wash. Rev. Code § 9A.04.080.

⁸⁵ Rape, third degree Wash. Rev. Code § 9A.44.060, Wash. Rev. Code § 9A.04.080, Sexual misconduct with a minor, second degree Wash. Rev. Code § 9A.44.096, Wash. Rev. Code § 9A.04.080, Custodial sexual misconduct, second degree Wash. Rev. Code § 9A.44.170, Wash. Rev. Code § 9A.04.080, Incest Rev. Code § 9A.64.020, Wash. Rev. Code § 9A.04.080, Indecent liberties Wash. Rev. Code § 9A.44.100, Wash. Rev. Code § 9A.04.080.



WEST VIRGINIA

D

CURRENT CIVIL SOL

AGE CAP

CSA: Age 36

TRAFFICKING: Age 36

CSAM: Age 36

REVIVAL LAW

Revival up to Age 36

DISCOVERY TOLLING

4 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims against all defendants is age 36 with a 4-year discovery rule and a revival law, reviving claims up to age 36.

LIABILITY LIMITATIONS: In general, West Virginia may be held liable for CSA claims based on negligence.³³⁶ A minor under the age of ten may bring a notice of claim within two years after the injury occurred, was discovered, or prior to their twelfth birthday.³³⁷ West Virginia cannot be held liable for punitive damages, and all noneconomic damages to a single person may not exceed \$500,000.³³⁸ Charitable immunity was abolished in 1965.³³⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: West Virginia recognizes an SOL may be tolled by a defendant's fraudulent concealment of a cause of action, but such tolling does not appear to have been asserted in reported CSA cases.³⁴⁰ West Virginia also recognizes a conspiracy doctrine that has been applied by courts to impose institutional liability for plaintiffs' claims arising from CSA.³⁴¹

C

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL

Misdemeanors: 1 year from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for any felonies, including CSA.⁸⁶ The SOL for misdemeanors is 1 year from the offense.⁸⁷ There is no SOL for trafficking felonies. There is no SOL for CSAM felonies.

TOLLING: If an indictment is lost, stolen, or destroyed, the SOL is tolled until the processing of a second indictment.³⁴²

⁸⁶ Sexual assault, first degree W. Va. Code § 61-8B-3, *State v. Carrico*, 427 S.E. 2d 474, 477 (W. Va. 1993), Sexual assault, second degree W. Va. Code § 61-8B-4, *State v. Carrico*, 427 S.E. 2d 474, 477 (W. Va. 1993), Sexual assault, third degree W. Va. Code § 61-8B-5, *State v. Carrico*, 427 S.E. 2d 474, 477 (W. Va. 1993), Sexual abuse, first degree W. Va. Code § 61-8B-7, *State v. Carrico*, 427 S.E. 2d 474, 477 (W. Va. 1993), Imposition of sexual acts on persons incarcerated or under supervision W. Va. Code § 61-8B-10, *State v. Carrico*, 427 S.E. 2d 474, 477 (W. Va. 1993), Sexual abuse by parent, guardian, custodian, or person in a position of trust to child W. Va. Code § 61-8D-5, *State v. Carrico*, 427 S.E. 2d 474, 477 (W. Va. 1993), Incest W. Va. Code § 61-8-12, *State v. Carrico*, 427 S.E. 2d 474, 477 (W. Va. 1993).

⁸⁷ Sexual abuse, second degree W. Va. Code § 61-8B-8, W. Va. Code § 61-11-9, Sexual abuse, third degree W. Va. Code § 61-8B-9, W. Va. Code § 61-11-9.



WISCONSIN



CURRENT CIVIL SOL

AGE CAP

CSA: Age 35

TRAFFICKING: Age 20

CSAM: Age 20

REVIVAL LAW

None

DISCOVERY TOLLING

Narrow common-law discovery rule for incest

SUMMARY: The civil SOL for CSA claims against perpetrators is age 35. The SOL against other types of defendants is age 20, with a narrow exception for negligent supervision claims against religious organizations for clergy abuse, which have an SOL of age 35. The SOL for trafficking claims is age 20. The SOL for CSAM claims is age 20.

LIABILITY LIMITATIONS: In Wisconsin, a State entity or employee may be held liable for CSA if the known danger and/or ministerial duty exceptions apply,³⁴³ or if the act was malicious, willful, wanton, and intentional.³⁴⁴ A notice of claim must be filed against the State within 120 days of the event causing the injury.³⁴⁵ The State cannot be held liable for punitive damages, and all other damages are limited to \$250,000.³⁴⁶ Charitable immunity was abolished in 1963.³⁴⁷

OTHER TOLLING THEORIES/CAUSES OF ACTION: Under Wisconsin law, the discovery rule is applied more broadly to fraud-based claims based on abuse occurring in the 1970's and forward, permitting them to be brought within three years of a party's discovery of "the facts constituting the fraud."³⁴⁸ Wisconsin also recognizes the doctrine of equitable tolling, but it does not appear to have been considered in the context of CSA.³⁴⁹ Civil conspiracy has also been considered, but not yet applied as a theory in the context of CSA.³⁵⁰



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for 1st degree crimes

Misdemeanors: 3 years from offense

TRAFFICKING

Age 45

CSAM

Age 45

SUMMARY: There is no SOL for some first-degree CSA felonies, an SOL of age 45 for other CSA felonies, and 3 years from the offense for misdemeanors.⁸⁸ The SOL for trafficking is age 45. The SOL for CSAM violations is age 45.

TOLLING: The SOL is tolled while the defendant remains hidden or resides outside the State.³⁵¹ The SOL is also tolled for the period during which a victim is unable to seek the issuance of a complaint due to the effects of the sexual contact or due to any threats, instructions, or statements from the therapist.³⁵²

⁸⁸ Incest Wis. Stat. § 944.06, Wis. Stat. § 939.74, Sexual assault of a child Wis. Stat. § 948.02, Wis. Stat. § 939.74, Engaging in repeated acts of sexual assault of the same child Wis. Stat. § 948.025, Wis. Stat. § 939.74, Sexual exploitation of a child Wis. Stat. § 948.05, Wis. Stat. § 939.74, Incest with a child Wis. Stat. § 948.06, Wis. Stat. § 939.74, Sexual assault of a child placed in substitute care Wis. Stat. § 948.085, Wis. Stat. § 939.74, Sexual intercourse with a child 16 or over Wis. Stat. § 948.09, Wis. Stat. § 939.74, Sexual assault of a child by a school staff person or a person who works or volunteers with children Wis. Stat. § 948.095, Wis. Stat. § 939.74, Sexual Assault Wis. Stat. § 940.225, Wis. Stat. § 939.74.



WYOMING



CURRENT CIVIL SOL

AGE CAP

CSA: Age 26

TRAFFICKING: Age 26

CSAM: Age 26

REVIVAL LAW

None

DISCOVERY TOLLING

3 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims against all defendants is age 26 with a 3-year discovery rule.

LIABILITY LIMITATIONS: In general, Wyoming may be held liable for CSA if committed outside the scope of duty.³⁵³ Adults must file a notice of claim within two years of their injury or discovery of their injury,³⁵⁴ while minors are given two years from the time their parent or guardian has a reasonable opportunity to know of the injury.³⁵⁵ Wyoming cannot be held liable for punitive damages, and all other damages awarded to a single claimant may not exceed \$250,000.³⁵⁶ Charitable immunity was previously identified by the Wyoming Supreme Court in 1916,³⁵⁷ but it is no longer recognized.³⁵⁸ However, immunity does apply to nonprofit health care facilities for the negligent acts of a volunteer.³⁵⁹

OTHER TOLLING THEORIES/CAUSES OF ACTION: None identified.



CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for any felonies or misdemeanors, including CSA, trafficking, and CSAM offenses.⁸⁹

TOLLING: None.

⁸⁹ Sexual assault, first degree Wyo. Stat. § 6-2-302, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Sexual assault, second degree Wyo. Stat. § 6-2-303, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Sexual assault, third degree Wyo. Stat. § 6-2-304, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Sexual battery Wyo. Stat. § 6-2-313, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Sexual abuse of a minor, first degree Wyo. Stat. § 6-2-314, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Sexual abuse of a minor, second degree Wyo. Stat. § 6-2-315, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Sexual abuse of a minor, third degree Wyo. Stat. § 6-2-316, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Sexual abuse of a minor, fourth degree Wyo. Stat. § 6-2-317, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012), Incest Wyo. Stat. § 6-4-402, *Remmick v. State*, 275 P. 3d 467, 470 (Wyo. 2012).



WASHINGTON, D.C.



CURRENT CIVIL SOL

AGE CAP

CSA: Age 40

TRAFFICKING: Age 40

CSAM: Age 40

REVIVAL LAW

None

DISCOVERY TOLLING

5 years

SUMMARY: The civil SOL for CSA, trafficking, and CSAM claims against all defendants is age 40, with a 5-year discovery rule.

LIABILITY LIMITATIONS: Generally, Washington, D.C. may be held liable for CSA if committed in the scope of employment,³⁶⁰ and notice of claim must be filed within six months of the injury.³⁶¹ Washington, D.C. cannot be held liable for punitive damages.³⁶² Charitable immunity was abolished in 1942.³⁶³

OTHER TOLLING THEORIES/CAUSES OF ACTION: D.C. law recognizes fraudulent concealment and the lulling doctrine as exceptions to the limitations period, but neither has been successfully asserted in the context of CSA.³⁶⁴



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 3 yrs from offense

TRAFFICKING

Age 31

CSAM

Age 31

SUMMARY: There is no SOL for most CSA and incest offenses.⁹⁰ The SOL is age 27 for other felonies and 3 years from the offense for misdemeanors.⁹¹ The SOL is age 31 for trafficking-related felonies. The SOL is age 31 for CSAM offenses.

TOLLING: The SOL is tolled for the period during which a defendant has fled the district to avoid prosecution or has pending charges in the district for the same offense.³⁶⁵

⁹⁰ Incest D.C. Code § 22-1901, D.C. Code § 23-113(a)(1)(U), Sexual abuse, first degree D.C. Code § 22-3002, D.C. Code § 23-113(a)(1)(G), Sexual abuse, second degree D.C. Code § 22-3003, D.C. Code § 23-113(a)(1)(H), Sexual abuse, third degree D.C. Code § 22-3004, D.C. Code § 23-113(a)(1)(I), Sexual abuse, fourth degree D.C. Code § 22-3005, D.C. Code § 23-113(a)(1)(J), Child sexual abuse, first degree D.C. Code § 22-3008, D.C. Code § 23-113(a)(1)(K), Child sexual abuse, second degree D.C. Code § 22-3009, D.C. Code § 23-113(a)(1)(L), Sexual abuse of a minor, first degree D.C. Code § 22-3009.01, D.C. Code § 23-113(a)(1)(M), Sexual abuse of a minor, second degree D.C. Code § 22-3009.02, D.C. Code § 23-113(a)(1)(N), Sexual abuse of a ward, patient, client, or prisoner, first degree D.C. Code § 22-3013, D.C. Code § 23-113(a)(1)(Q), Sexual abuse of a patient or client, first degree D.C. Code § 22-3016, D.C. Code § 23-113(a)(1)(T), Sexual abuse of a secondary education student, first degree D.C. Code § 22-3009.03, D.C. Code § 23-113(a)(1)(O).

⁹¹ Misdemeanor sexual abuse D.C. Code § 22-3006, D.C. Code § 23-113(a)(5), Misdemeanor sexual abuse of a child or minor D.C. Code § 22-3010.01, D.C. Code § 23-113(a)(5), Arranging for sexual contact with a real or fictitious child D.C. Code § 22-3010.02, D.C. Code § 23-113(a)(4), Abducting or enticing a child from the home for purposes of prostitution D.C. Code § 22-2704, D.C. Code § 23-113(a)(3)(K) and (d)(2)(G), Pandering, or inducing, or compelling individual to engage in prostitution D.C. Code § 22-2705, D.C. Code § 23-113(a)(3)(L) and (d)(2)(H), Enticing a child for the purpose of committing felony sexual abuse D.C. Code § 22-3010, D.C. Code § 23-113(a)(3)(C) and (d)(2)(C), Using a minor in a sexual performance or promoting sexual performance by a minor D.C. Code § 22-3102, D.C. Code §§ 23-113(a)(3)(H), (d)(2)(D).



AMERICAN SAMOA

CURRENT CIVIL SOL

F

AGE CAP**CSA:** Age 22**TRAFFICKING:** Age 22**CSAM:** Age 22**REVIVAL LAW**

None

DISCOVERY TOLLING

None

SUMMARY: The SOL for CSA, trafficking, and CSAM claims against all defendants is age 22.

LIABILITY LIMITATIONS: Generally, American Samoa may be held liable for CSA claims based in negligence,³⁶⁶ and minors have until one year after reaching the age of majority to commence their action.³⁶⁷ Personal injury actions against American Samoa are limited to \$25,000 in damages, unless a higher award is appropriated through legislation.³⁶⁸ There is no clear authority recognizing charitable immunity in American Samoa.

OTHER TOLLING THEORIES/CAUSES OF ACTION: Under American Samoa law, fraud or mistake will toll an SOL until discovery, but relief has not been sought on such grounds in the context of CSA.³⁶⁹

CURRENT CRIMINAL SOL

C

CSA**Felonies:** No SOL for Class A crimes**Misdemeanors:** 1 year from offense**TRAFFICKING**

No SOL

CSAM

3 years from offense

SUMMARY: There is no SOL for Class A felonies, including CSA. The SOL is 3 years from the offense for other felonies and 1 year from the offense for misdemeanors.⁹² There is no SOL for trafficking felonies. The SOL for CSAM violations is 3 years from the offense.

TOLLING: The SOL may be tolled up to three years for any period during which the defendant is absent from the territory, and for any period of time when the defendant is concealing himself from justice either within or outside the territory, or when prosecution is pending against the defendant for the same conduct.³⁷⁰

⁹² Rape A.M.C.A. §46.3604, A.M.C.A. §46.3106, Sexual assault A.M.C.A. §46.3610, A.M.C.A. §46.3106, Sodomy A.M.C.A. §46.3611, A.M.C.A. §46.3106, Indecent exposure A.M.C.A. §46.3617, A.M.C.A. §46.3106, Child molesting A.M.C.A. §46.3618, A.M.C.A. §46.3106.



GUAM



CURRENT CIVIL SOL

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

Permanent Window
(never closes)

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA, trafficking, or CSAM and all claims against all defendants are permanently revived.

LIABILITY LIMITATIONS: Guam may be held liable for CSA claims based in negligence,³⁷¹ and all such claims must be filed within eighteen months of when the injury occurred.³⁷² The damages in tort actions against Guam are capped at \$500,000.³⁷³ There is no clear authority recognizing charitable immunity in Guam.

OTHER TOLLING THEORIES/CAUSES OF ACTION: Guam recognizes tolling for fraudulent concealment/equitable estoppel and defendant's absence from Guam, but these doctrines are irrelevant since Guam eliminated the SOL and revived all expired claims.³⁷⁴



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 1 year from offense

TRAFFICKING

Age 21

CSAM

Age 21

SUMMARY: There is no SOL for criminal sexual conduct.⁹³ The SOL is age 21 for other CSA crimes, 3 years from the offense for any remaining felonies, and 1 year from the offense for misdemeanors.⁹⁴ The SOL for trafficking is age 21. The SOL for CSAM violations is age 21.

TOLLING: A defective indictment will toll the SOL until the indictment is refiled.³⁷⁵ The SOL is also tolled when charges are pending against the defendant for the same conduct.³⁷⁶

⁹³ First Degree Criminal Sexual Conduct 9 Guam Code Ann. § 25.15, 8 Guam Code Ann. § 10.17, Second Degree Criminal Sexual Conduct 9 Guam Code Ann. § 25.20, 8 Guam Code Ann. § 10.17.

⁹⁴ Third Degree Criminal Sexual Conduct 9 Guam Code Ann. § 25.25, 8 Guam Code Ann. §§ 10.15, 10.16, 10.20, Fourth Degree Criminal Sexual Conduct 9 Guam Code Ann. § 25.30, 8 Guam Code Ann. §§ 10.15, 10.16, 10.20, 10.30, Assault with Intent to Commit Criminal Sexual Conduct 9 Guam Code Ann. § 25.35, 8 Guam Code Ann. §§ 10.15, 10.16, 10.20, Indecent electronic display to a child 9 Guam Code Ann. § 25A102, 8 Guam Code Ann. §§ 10.15, 10.16, 10.20, Electronic enticement of a child 9 Guam Code Ann. §§ 25A103-25A105, 8 Guam Code Ann. §§ 10.15, 10.16, 10.20.

NORTHERN MARIANA ISLANDS

CURRENT CIVIL SOL

A

AGE CAP

CSA: No SOL

TRAFFICKING: No SOL

CSAM: No SOL

REVIVAL LAW

Permanent Window
(never closes)

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA, trafficking, or CSAM and all claims against all defendants are permanently revived.

LIABILITY LIMITATIONS: All personal injury actions are subject to damage caps of \$300,000 for non-economic losses.³⁷⁷ The Commonwealth of the Northern Mariana Islands may be sued for CSA claims based in negligence,³⁷⁸ and the claim presentation deadline is the same as the SOL for a typical civil CSA claim.³⁷⁹ The Commonwealth cannot be held liable for punitive damages, and all other damages are limited to \$100,000 per person or \$200,000 per occurrence.³⁸⁰ There is no clear authority recognizing charitable immunity in the Northern Mariana Islands.

OTHER TOLLING THEORIES/CAUSES OF ACTION: The Commonwealth recognizes a theory of fraudulent concealment, that may be based on an unintentional deception, that will toll an SOL, but the Islands opened a permanent civil revival window in 2021.³⁸¹

CURRENT CRIMINAL SOL

A

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for felony and misdemeanor CSA crimes.⁹⁵ There is no SOL for trafficking. There is no SOL for CSAM violations.

TOLLING: The SOL is tolled indefinitely against any person fleeing from justice and thus deemed a fugitive of the Commonwealth.³⁸²

⁹⁵ Sexual Assault in the First Degree 6 CMC § 1301, Sexual Assault in the Second Degree 6 CMC § 1302, Sexual Assault in the Third Degree 6 CMC § 1303, Sexual Assault in the Fourth Degree 6 CMC § 1304, Sexual Abuse of a Minor in the First Degree 6 CMC § 1306, Sexual Abuse of a Minor in the Second Degree 6 CMC § 1307, Sexual Abuse of a Minor in the Third Degree 6 CMC § 1308, Sexual Abuse of a Minor in the Fourth Degree 6 CMC § 1309, Unlawful Exploitation of a Minor 6 CMC § 1314, Indecent Exposure in the First Degree 6 CMC § 1315, Indecent Exposure in the Second Degree 6 CMC § 1316.



PUERTO RICO

F

CURRENT CIVIL SOL

AGE CAP

CSA: Age 22

TRAFFICKING: Age 22

CSAM: Age 22

REVIVAL LAW

None

DISCOVERY TOLLING

1 year

SUMMARY: The SOL for CSA, trafficking, and CSAM claims against all defendants is age 22, with a 1-year discovery rule.

LIABILITY LIMITATIONS: In general, Puerto Rico may be liable for CSA claims based in negligence, unless such negligence is “inexcusable” or constitutes a crime.³⁸³ A minor has ninety days after reaching minority to file a notice of claim.³⁸⁴ A single claimant with damages arising from a single cause of action is limited to \$75,000 in recovery.³⁸⁵ Puerto Rico rejected the doctrine of charitable immunity in 1948.³⁸⁶

OTHER TOLLING THEORIES/CAUSES OF ACTION: Puerto Rico common law recognizes that a defendant’s fraudulent concealment of a cause of action will toll an SOL, but it does not appear to have been applied in the context of CSA.³⁸⁷

B

CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: Age 19

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no criminal SOL for most CSA crimes.⁹⁶ The SOL is age 23 for any remaining felonies and age 19 for misdemeanors.⁹⁷ There is no SOL for trafficking. There is no SOL for CSAM offenses.

TOLLING: None applicable.

⁹⁶ Sexual Assault Puerto Rico Penal Code 2012-Article 130 (33 L.P.R.A. § 5191), Puerto Rico Penal Code 2012 - Articles 87, 88 and 89 (33 L.P.R.A. § 5132, § 5133 and § 5134), Incest Puerto Rico Penal Code 2012-Article 131 (33 L.P.R.A. § 5192), Puerto Rico Penal Code 2012 - Articles 87, 88 and 89 (33 L.P.R.A. § 5132, § 5133 and § 5134), Lewd Acts Puerto Rico Penal Code 2012-Article 133 (33 L.P.R.A. § 5194), Puerto Rico Penal Code 2012 - Articles 87, 88 and 89 (33 L.P.R.A. § 5132, § 5133 and § 5134).

⁹⁷ Sexual Harassment Puerto Rico Penal Code 2012-Article 135 (33 L.P.R.A. § 5196), Puerto Rico Penal Code 2012 - Articles 87 and 89 (33 L.P.R.A. § 5132 and § 5134), Seduction of Minors Through the Internet or Electronic Means Puerto Rico Penal Code 2012-Article 124 (33 L.P.R.A. § 5183), Puerto Rico Penal Code 2012 - Articles 87 and 89 (33 L.P.R.A. § 5132 and § 5134), Use of a minor for child pornography Puerto Rico Penal Code 2012-Article 148 (33 L.P.R.A. § 5209), Puerto Rico Penal Code 2012 - Articles 87, 88 and 89 (33 L.P.R.A. § 5132, § 5133, § 5134).



U.S. VIRGIN ISLANDS



CURRENT CIVIL SOL

AGE CAP

CSA: Age 23

TRAFFICKING: Age 28

CSAM: Age 23

REVIVAL LAW

None

DISCOVERY TOLLING

2 years

SUMMARY: The SOL for CSA claims against all defendants is age 23 with a 2-year discovery rule. The SOL for trafficking claims is age 28 or 10 years after the victim is no longer subject to human trafficking, whichever is later. The SOL for CSAM claims against all defendants is age 23.

LIABILITY LIMITATIONS: In general, the U.S. Virgin Islands may be held liable for CSA claims, unless the CSA is a result of gross negligence.³⁸⁸ Minors must present their claims within two years after reaching the age of majority,³⁸⁹ and all damages are capped at \$25,000.³⁹⁰ Charitable immunity is not recognized in the USVI.³⁹¹

OTHER TOLLING THEORIES/CAUSES OF ACTION: USVI law has a fraudulent concealment statute that applies to healthcare providers, but the law has not been applied to toll an SOL in a CSA case.³⁹²



CURRENT CRIMINAL SOL

CSA

Felonies: No SOL for most crimes

Misdemeanors: 1 year from offense

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There is no SOL for most felony sexual offenses⁹⁸ and 1 year from the offense for misdemeanors.⁹⁹ There is no SOL for sex trafficking. There is no SOL for CSAM violations.

TOLLING: The SOL is tolled for the period during which the defendant is not an inhabitant of or usually a resident within the Virgin Islands, or while the defendant is fleeing from justice.³⁹³

⁹⁸ Aggravated rape, first degree V.I. Code Ann. tit. 14, § 1700, V.I. Code Ann. tit. 5, § 3541, Aggravated rape, second degree V.I. Code Ann. tit. 14, § 1700a, V.I. Code Ann. tit. 5, § 3541, Rape, first degree V.I. Code Ann. tit. 14, § 1701, V.I. Code Ann. tit. 5, § 3541, Rape, second degree V.I. Code Ann. tit. 14, § 1702, V.I. Code Ann. tit. 5, § 3541, Unlawful sexual contact, first degree V.I. Code Ann. tit. 14, § 1708, V.I. Code Ann. tit. 5, § 3541, Incest V.I. Code Ann. tit. 14, § 961, V.I. Code Ann. tit. 5, § 3541.

⁹⁹ Rape, third degree V.I. Code Ann. tit. 14, § 1703, V.I. Code Ann. tit. 5, § 3541; V.I. Code Ann. tit. 14, § 3, Unlawful sexual contact, second degree V.I. Code Ann. tit. 14, § 1709, V.I. Code Ann. tit. 5, § 3541.

B. CANADIAN PROVINCES AND TERRITORIES



ALBERTA

A

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There are no civil SOLs for CSA. Under section 3.1(1) of the *Limitations Act*,³⁹⁹ there is no SOL for civil claims that relate to sexual misconduct against any person who was a minor when the misconduct occurred,⁴⁰⁰ nor is there an SOL for civil claims related to sexual assault or battery, irrespective of the age of the claimant when the assault or battery occurred.⁴⁰¹ Section 3.1 was added to the *Limitations Act* in 2017,⁴⁰² and, as noted in *AF v Alberta*⁴⁰³ in 2020, "[t]here is little case law under section[] 3.1 ... of the *Limitations Act*."⁴⁰⁴ Given the clear statutory language and its consistency with similar sections in other provinces, section 3.1 can reasonably be interpreted to eliminate the SOL for civil claims related to child sexual abuse.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



BRITISH COLUMBIA



CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There are no civil SOLs for CSA. Under section 3(1)(i) of the *Limitation Act*,⁴⁰⁵ there are no limitations on civil claims that relate to sexual misconduct (including sexual assault) committed against any person who was a minor when the misconduct occurred.⁴⁰⁶ This absence of limitations for such claims was reaffirmed as recently as May 2022, by the British Columbia Supreme Court in *CLHv. KAG*⁴⁰⁷, 9 in which the plaintiffs filed a civil claim for damages based on sexual assaults that occurred between 1974 and 1985, when the plaintiff was a minor.⁴⁰⁸ Although the action began in 2017,⁴⁰⁹ the court found that the plaintiff's claims were not subject to a limitations period.⁴¹⁰

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



MANITOBA

A

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There are no civil SOLs for CSA. Limitation periods in Manitoba are governed by the *Limitations Act*. -1 Section 18 of the Act sets forth exceptions to the basic 2 year statute of limitation as follows:

18(1) No limitation period applies to the following claims:

(a) a claim relating to an assault of a sexual nature;

(b) a claim relating to an assault if, at the time of the assault, the claimant:

(z) had an intimate relationship with the person alleged to have committed the assault; or

(ii) was financially, emotionally, physically, or otherwise dependent on the person alleged to have committed the assault

Moreover, *Section 13* of the Act states that "a limitation period established under this, or any other enactment does not run during the time the claimant is a minor, subject to section 15 (notice to proceed)." Read together, sections 18 and 13 indicate that sexual assault cases, especially those involving children, cannot be statute barred. There is a paucity of relevant case law, but the statutory provision is quite clear and succinct.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



NEW BRUNSWICK

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

Yes (for claims pre-dating May 1, 2010)

SUMMARY: There are no civil SOLs for CSA. Limitation periods in New Brunswick are governed by the *Limitation of Actions Act*.²⁸ The Act states that “[t]here is no limitation period in respect of a claim for damages for trespass to the person, assault, or battery if the act complained of is of a sexual nature.”²⁹ Previous iterations had a limitations period of two years from the date of the offense for battery, including battery of a sexual nature, with an exception for minors of the later of six years from the date of the offense or two years after reaching the age of maturation.³⁰ While the revised statute came into effect on May 1, 2010, case law indicates that historical claims of child sexual which were not litigated within the required limitations period in effect prior to the Act’s commencement date may still be actionable pursuant to the ‘discovery principle’.³¹ Consistent with precedent established in *M(K) v. M(H)*³³ and *B(KL) v. British Columbia*,³⁴ the Court of Kings Bench in *Nason*³² affirmed that there is no limitations period on sexual abuse claims brought after the commencement date of the revised statute and that in cases of child sexual abuse, the limitations period begins to run from the moment the complainant discovers the causal connection between the abuse and the attendant harm. Accordingly, a complainant that discovered their injury after the Act’s commencement will not be subject to the prior, more restrictive limitations period. Simply put, there is no limitations period on sexual abuse claims commenced on or after May 1, 2010, and claims preceding that date may be actionable under the revised Act pursuant to the discovery principle.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



NEWFOUNDLAND AND LABRADOR



CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There are no civil SOLs for CSA. Under section 8(2) of the *Limitations Act*,³⁹ there are no limitation periods for civil actions pertaining to child sexual abuse. Section 8(2) provides:

- (2) *Notwithstanding sections 5, 6, 7, 9 and 22, where misconduct of a sexual nature has been committed against a person and that person was:*
- (a) *under the care or authority of;*
 - (b) *financially, emotionally, physical, or otherwise dependent upon; or*
 - (c) *a beneficiary of a fiduciary relationship with another person, organization or agency, there shall be no limitation period and an action arising from that sexual misconduct may be brought at any time.*⁴⁰

This provision clearly indicates that sexual misconduct endured by a child or other dependent is not subject to limitation periods. Further, subsection 3 seemingly indicates that subsection 2 applies to actions involving child sexual abuse that occurred prior to the commencement of the Act. It states:

- (3) *Notwithstanding section 24, subsection (2) shall apply regardless of when the cause of action arose.*

Unlike most other provinces, this exception applies only to childhood sexual abuse and not to childhood physical abuse.⁴¹ This was affirmed in *John Doe (GEB #25) v. The Roman Catholic Episcopal Corporation of St. John's*.⁴² Distinguishing between physical abuse and sexual abuse, the Court concluded that the abuse suffered by the Plaintiffs between the late 1940's and 1950's constituted "misconduct of a sexual nature," thus bringing the claim within the bounds of the section 8(2) exception. Accordingly, the Court held that the SOL did not apply, and the Defendants were found directly and vicariously liable for the sexual abuse experienced by the Plaintiffs.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



NORTHWEST TERRITORIES

B

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Although the Northwest Territories have not outright abolished the civil SOL, almost all cases of sexual abuse (including sexual abuse of minors) fall under an exception to the general limitations period thus effectively qualifying CSA claims as having no limitations period. Further, the province allows for such claims to proceed pursuant to the no limitation period provisions, regardless of when the abuse occurred. *Section 2(1)(d)* of the *Limitation of Actions Act*.⁵ act provides that actions for assault must be commenced within two years after the cause of action arose. *Section 2.1* sets forth the exceptions:

- (2) *The limitation period set out in paragraph 2(1)(d) does not apply in respect of an action where one of the parties had an intimate relationship with the aggrieved person, had a relationship of trust with the aggrieved person or was someone upon whom the aggrieved person was dependent.*

The following subsection⁶ is even broader, providing that, “where the relationship between the parties is not one of those described in subsection (2), the limitation period set out in paragraph 2(1)(d) does not commence so long, as the aggrieved person is incapable of commencing the action because of his or her physical, mental, or psychological condition.” While there is a paucity of case law, both the case law that does exist and practice norms suggest that the exceptions to the *Limitations of Actions Act* are interpreted very broadly to permit actions based on historic childhood abuse to proceed without being subject to a limitations period.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



NOVA SCOTIA

B

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Limitations periods in Nova Scotia are governed by the *Limitation of Actions Act*.³⁵ Section 11 states, in relation to the application of general limitation periods, that:

Section 8 does not apply to a proceeding in respect of a claim in relation to trespass to the person, assault, or battery if:

- (a) the claim is based on misconduct of a sexual nature; or*
- (b) at the time of the injury on which the claim is based:*
 - (i) one of the defendants was living with the claimant in an intimate relationship; or*
 - (ii) the claimant was dependent, whether financially, emotionally, or physically, on one of the defendants.³⁶*

There is a paucity of case law in Nova Scotia specifically dealing with s.11 of the revised Act though it is reasonable to infer that its application would mirror that of New Brunswick's given the similarities in the statutory language and the geographical proximity of the two provinces. The previous iteration of the Act included an exception for sexual abuse under which the limitations period does not begin to run until the claimant discovers the causal connection between the sexual abuse and the harm. See, e.g., *Smith v. Nova Scotia (Attorney General)*.³⁷ Thus, as is the case in New Brunswick, abuses that occurred prior to the commencement of the revised Act are subject to the 'discovery principle', either by virtue of the applicable statute or the precedent established in *M(K) v M(H)*³⁸ and thus may be litigated pursuant to the revised Act.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



NUNAVUT

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Although Nunavut has not outright abolished CSA civil SOLs, almost all cases of sexual abuse (including sexual abuse of minors) fall under the enumerated exceptions to the law of limitations (of actions) thus effectively qualifying cases of child sexual abuse as having no limitation period. Further, in practice, defendants do not raise limitations defenses and the province permits such claims to proceed regardless of when the abuse occurred.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



ONTARIO

B

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Limitations periods in Ontario are governed by the Limitations Act.⁴¹¹ Section 16(1)(h) provides, without equivocation, that there is no limitations period on proceedings based on child sexual abuse. All previous limitation periods relating to sexual assaults or abuse have been abolished, including those related to minors. The Act's elimination of the limitations period for claims based on sexual assault was reaffirmed in *Jane Doe v. Weinstein*⁴¹² as follows:

Although the Limitations Act sets out a basic limitation period of 2 years, as well as an ultimate limitation period of 15 years, claims based on certain acts or omissions have no limitation period pursuant to s.16 of the Act. In 2016 the Ontario Legislature amended s.16 to eliminate the limitation period for "proceedings based on a sexual assault" as well as for "a proceeding based on any other misconduct of a sexual nature if ... the person who committed the misconduct ... was in a position of trust or authority in relation to the person with the claim." It was further provided in s. 16 (1.3) that proceedings permitted by these amendments "are not limited in any way with respect to the claims that may be made in the proceeding in relation to the applicable act, which may include claims for negligence, for breach of fiduciary or any other duty or for vicarious liability."

It is clear that the action commenced against Weinstein is a "proceedings based on a sexual assault" and, thus, is permitted by the amended s. 16 despite the fact that the acts in question took place over 17 years ago.¹

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



PRINCE EDWARD ISLAND

A

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Limitations periods on Prince Edward Island are governed by the *Statute of Limitations*, RSPEI 1988, c S-7. A recent amendment of the Act created an exception to the general limitation periods for cases of sexual abuse (*An Act to Amend the Statute of Limitations*, SPEI 2021, c 44). The Amendment states, in relevant part, as follows:

5.1. Exception - sexual assault, etc.

(1) There is no limitation period in respect of:

(a) a claim that relates to a sexual assault or battery;

(b) a claim that relates to any misconduct of a sexual nature, other than a sexual assault or battery, if, at the time of the misconduct, the person with the claim:

(i) was a person under a disability;

(ii) was in an intimate relationship with the person who committed the misconduct;

(iii) was dependent, whether financially, emotionally, physically, or otherwise, on the person who committed the misconduct; or

(2) Subsection (1) applies to a claim in respect of an act that occurred before or after the coming into force of this section, regardless of the expiry of any previously applicable limitation period set out in section 2.

Thus, there is no limitation period for sexual abuse, including abuse that occurred prior to the commencement date. There has been no litigation relating to sexual assault or battery since the enactment of the Amendment, though the statutory language provides a clear indication of how courts will interpret this change.

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



QUEBEC



CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Limitation periods for civil actions in Quebec are governed by the *Code civil du Québec* ("Civil Code"),⁴¹³ specifically, *Livre huitième: De la prescription*.⁴¹⁴ In June 2020, the National Assembly of Quebec passed *Loi 55, Loi modifiant le Code civil pour notamment rendre imprescriptibles /es actions civiles en matière d'agression à caractère sexuel, de violence subie pendant l'enfance et de violence conjugale*.⁴¹⁵ Loi 55 amended Article 2926.1 of the Code to remove the limitations period for child sexual abuse claims. Article 2926.1 now reads:

2926.1. An action for damages for bodily injury resulting from an act which could constitute a criminal offence is prescribed by 10 years from the date the person who is a victim becomes aware that the injury suffered is attributable to that act. Nevertheless, such an action cannot be prescribed if the injury results from violent behavior suffered during childhood, sexual violence or spousal violence.

Further, section 5 of Loi 55 provides relief to victims of child sexual abuse whose claim, prior to commencement of the amendment, failed because of a lapsed prescription period. Section 5 states:

- 5. An action that was dismissed before 12 June 2020 solely on the grounds of prescription being acquired may be reinstituted before a court within three years after that date if*
- (1) the action is an action for damages for bodily injury resulting from an act which could constitute a criminal offence*
 - (2) the injury results from a sexual aggression, violent behavior suffered during childhood, or the violent behavior of a spouse or former spouse, and*
 - (3) the action is not prescribed under the second paragraph of article 2926.1 of the Civil Code, as amended by section 2, on the date on which it is reinstated.*⁴⁷

The proper application of the Act was affirmed by the Quebec Court of Appeal as recently as December 2022 in *F.B. c Archeveque catholique romain de Québec*.⁴⁸

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



SASKATCHEWAN



CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Under section 16(l)(a) of *The Limitations Act*,¹⁹ there are no limitations on civil claims based on sexual misconduct (including sexual assault), irrespective of the claimant's age when the misconduct occurred.²⁰ This absence of limitations for such claims was reaffirmed as recently as February 2023 by the Saskatchewan Court of Appeal in *Zhang v Wehner*,²¹ where the court noted that limitation periods for civil claims grounded in sexual misconduct have been abolished in Saskatchewan since 1993.²²

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.



YUKON

A

CURRENT CIVIL SOL

AGE CAP

CSA: None

REVIVAL LAW

None

DISCOVERY TOLLING

None

SUMMARY: There is no civil SOL for CSA. Under section 2(3)(a) of the *Limitation of Actions Act*,²³ there are no limitations on civil claims based on sexual misconduct (including sexual assault) committed against any person who was a minor when the misconduct occurred.²⁴ This absence of limitations for such claims was reaffirmed in June 2008 by the Yukon Territory Supreme Court in *E (W) v E (F)*,²⁵ in which the plaintiff made a civil claim for damages based on sexual abuse that occurred between 1978 and 1980, when the plaintiff was a minor.²⁶ The court found that although any claims related to assault and battery that was not of a sexual nature were statute barred, the plaintiff's claims based on sexual misconduct were not subject to limitations.²⁷

CURRENT CRIMINAL SOL

CSA

No SOL

TRAFFICKING

No SOL

CSAM

No SOL

SUMMARY: There are no criminal SOLs for CSA, trafficking, or CSAM.

IV. GRADING THE STATES AND PROVINCES ON THEIR CHILD SEX ABUSE SOLs

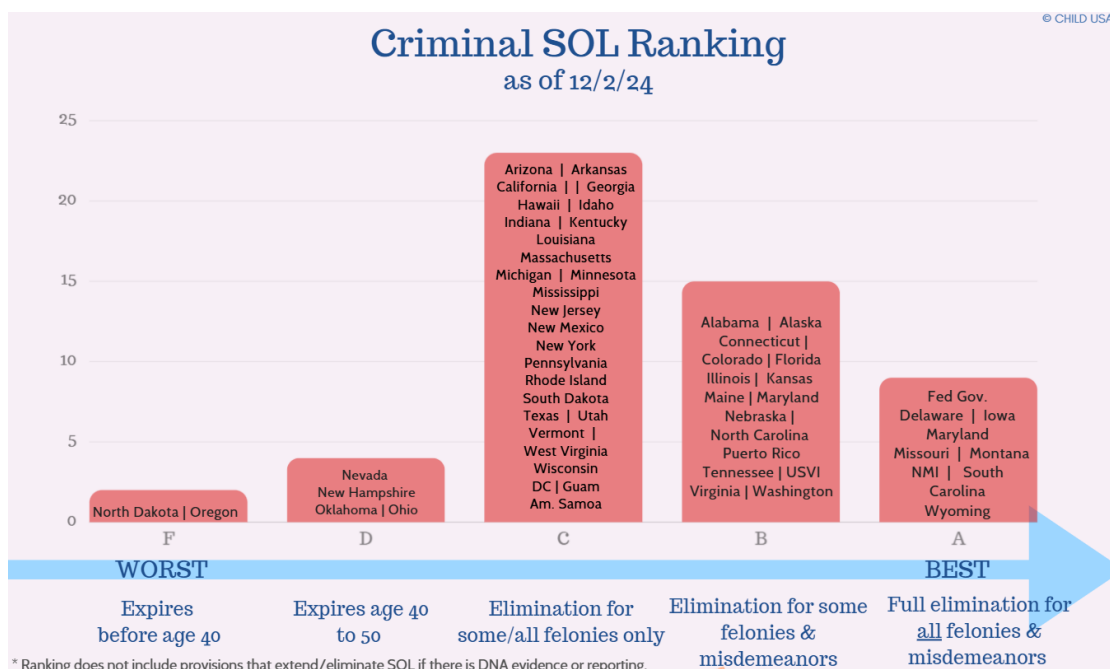
This section takes a current snapshot of the states and territories and grades them according to how far they have advanced towards eliminating CSA SOLs. Because Canada does not impose a criminal SOL on CSA crimes and the civil SOLs have effectively been eliminated, the rankings for the provinces represent civil SOLs only and are compiled into a single table. The remainder of this section will focus on the United States with rankings provided across jurisdictions for their criminal and civil SOLs.








A. CRIMINAL SOL RANKING









This section snapshots each U.S. jurisdiction's criminal SOLs in effect in 2024 and grades them accordingly. Criminal SOLs put a time limit on how long after the crime the government can prosecute child sex crimes and put the perpetrator behind bars, impose restitution, and/or place them on a state sex offender registry. Unfortunately, criminal prosecution of perpetrators is uncommon, and can be difficult to prove because child sex abuse is rarely reported to the authorities. In the rare instance that a victim pursues criminal charges, they are often too late and the SOL for prosecuting the crime has expired.









CSA often violates various criminal codes with different SOLs for each crime (i.e., rape, assault, sex trafficking, CSAM). The ranking does not consider provisions that extend or eliminate the SOL based on DNA evidence, because it is so rare. In general, the time limit for prosecuting a particular crime is the SOL that was in effect at the time of the offense. Eliminating the criminal SOL allows prosecutors time to prosecute a defendant for child sexual abuse crimes. With criminal SOL reform it is important to understand, that for the states that only recently eliminated or extended the criminal SOL, there are still many victims who do not have access to justice. For those victims whose SOLs expired before the recent extension or elimination, there is nothing that can be done for them on the criminal side. In the U.S. it is unconstitutional to revive the expired criminal SOLs.⁴¹⁶ When it is too late to prosecute perpetrators, the only hope for victims to pursue justice is to revive expired civil SOLs.









The criminal rankings are based on the age limit for victims to prosecute child sex abuse crimes and whether the state has eliminated the SOL for some or all felony and misdemeanor crimes. The states whose criminal SOLs rank the highest are those that have eliminated the SOL for all felony and misdemeanor child sex abuse crimes—Connecticut, Delaware, Illinois, Iowa, Missouri, Montana, South Carolina, and Wyoming and 1 territory, NMI. There are only 6 states that have not yet eliminated the SOL for any child sex abuse crimes. They are the worst states for criminal SOLs—Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, and Oregon. The graphic below illustrates the rankings of each jurisdiction's criminal SOL for child sexual abuse crimes.



















UNITED STATES CRIMINAL SOLs FOR CSA CRIMES BY JURISDICTION		
STATE/TERRITORY	LIMITATIONS PERIOD	RATING
ALABAMA	CSA: No SOL Trafficking: No SOL (under age 16) CSAM: No SOL (under age 16)	
ALASKA	CSA: No SOL for some felonies; 5 years from the offense for other felonies and misdemeanors Trafficking: No SOL CSAM: No SOL	
ARIZONA	CSA: No SOL for some felonies; 7 years after discovery for other felonies and 1 year after discovery for misdemeanors Trafficking: No SOL CSAM: No SOL	
ARKANSAS	CSA: No SOL for some felonies; age 28 for misdemeanors Trafficking: 6 years from offense CSAM: No SOL	
CALIFORNIA	CSA: No SOL for most felonies; 1-3 years from offense for misdemeanors Trafficking: No SOL CSAM: 10 years from offense	
COLORADO	CSA: No SOL for felonies; 5 years from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
CONNECTICUT	CSA: No SOL Trafficking: No SOL CSAM: 5 years from offense	











UNITED STATES CRIMINAL SOLs FOR CSA CRIMES BY JURISDICTION		
STATE/TERRITORY	LIMITATIONS PERIOD	RATING
DELAWARE	CSA: No SOL Trafficking: No SOL CSAM: No SOL	
FLORIDA	CSA: No SOL for some felonies; No SOL for some misdemeanors and 1-2 years for remaining misdemeanors Trafficking: No SOL CSAM: Age 21 for felonies; 2 years from offense for misdemeanors	
GEORGIA	CSA: No SOL for some felonies; 2 years from offense for misdemeanors Trafficking: No SOL CSAM: 7 years from offense	
HAWAII	CSA: No SOL for some felonies; 2 years from offense for misdemeanors Trafficking: No SOL CSAM: Age 24	
IDAHO	CSA: No SOL for some felonies; 1 year after offense for misdemeanors Trafficking: 5 years from offense CSAM: 5 years from offense	
ILLINOIS	CSA: No SOL Trafficking: Age 43 CSAM: No SOL	
INDIANA	CSA: No SOL for some felonies; up to age 31 for misdemeanors Trafficking: No SOL CSAM: 10 years from offense	
IOWA	CSA: No SOL Trafficking: No SOL CSAM: No SOL	

UNITED STATES CRIMINAL SOLs FOR CSA CRIMES BY JURISDICTION		
STATE/TERRITORY	LIMITATIONS PERIOD	RATING
KANSAS	CSA: No SOL for some felonies; 5 years from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
KENTUCKY	CSA: No SOL for felonies; Age 28 for misdemeanors Trafficking: No SOL CSAM: No SOL	
LOUISIANA	CSA: No SOL for felonies; 2 years from offense for misdemeanors Trafficking: Age 48 CSAM: Age 48	
MAINE	CSA: No SOL for most felonies; 3 years from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
MARYLAND	CSA: No SOL Trafficking: No SOL CSAM: No SOL	
MASSACHUSETTS	CSA: No SOL for some felonies; 6 years from offense for misdemeanors Trafficking: No SOL CSAM: Age 22	
MICHIGAN	CSA: No SOL for some felonies; age 21-28 for misdemeanors Trafficking: No SOL CSAM: Age 21 or 10 years from offense, whichever is later	
MINNESOTA	CSA: No SOL for most felonies; 3 years from offense for misdemeanors Trafficking: No SOL CSAM: 3 years from offense	

UNITED STATES CRIMINAL SOLs FOR CSA CRIMES BY JURISDICTION		
STATE/TERRITORY	LIMITATIONS PERIOD	RATING
MISSISSIPPI	CSA: No SOL for most felonies; 2 years from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
MISSOURI	CSA: No SOL Trafficking: No SOL CSAM: No SOL	
MONTANA	CSA: No SOL Trafficking: No SOL CSAM: No SOL	
NEBRASKA	CSA: No SOL for most felonies; 18 months from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
NEVADA	CSA: No SOL if a report is filed by age 36 Trafficking: No SOL if a report is filed by age 36 CSAM: 3 years from offense	
NEW HAMPSHIRE	CSA: Age 40 for felonies; Age 19 for misdemeanors Trafficking: Age 38 CSAM: 6 years from offense	
NEW JERSEY	CSA: No SOL for some felonies; 1 year from offense for misdemeanors Trafficking: 5 years from offense CSAM: Age 23	
NEW MEXICO	CSA: No SOL for some felonies; 6 years from offense for misdemeanors Trafficking: No SOL CSAM: 6 years from offense	

UNITED STATES CRIMINAL SOLs FOR CSA CRIMES BY JURISDICTION		
STATE/TERRITORY	LIMITATIONS PERIOD	RATING
NEW YORK	CSA: No SOL for some felonies; Age 25 for misdemeanors Trafficking: 5 years from the offense CSAM: Age 28	
NORTH CAROLINA	CSA: No SOL for felonies; 10 years from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
NORTH DAKOTA	CSA: Age 36 for felonies; 2-3 years from offense for misdemeanors Trafficking: Age 22 CSAM: 3 years from offense	
OHIO	CSA: Age 38-43 for felonies; Age 20 for misdemeanors Trafficking: Age 38 CSAM: Age 38	
OKLAHOMA	CSA: Age 45 for felonies; 3 years from offense for misdemeanors Trafficking: Age 45 CSAM: Age 45	
OREGON	CSA: Age 30 or 20 years from offense for felonies; 3 years from offense for misdemeanors Trafficking: 3 years from offense CSAM: Age 30	
PENNSYLVANIA	CSA: No SOL for some felonies; age 55 for misdemeanors Trafficking: No SOL CSAM: Age 55	
RHODE ISLAND	CSA: No SOL for some felonies; 3 years from offense for misdemeanors Trafficking: 10 years from offense CSAM: 3 years from offense	

UNITED STATES CRIMINAL SOLs FOR CSA CRIMES BY JURISDICTION		
STATE/TERRITORY	LIMITATIONS PERIOD	RATING
SOUTH CAROLINA	CSA: No SOL Trafficking: No SOL CSAM: No SOL	
SOUTH DAKOTA	CSA: No SOL for some felonies; Age 25 for misdemeanors Trafficking: 7 years from offense CSAM: 7 years from offense	
TENNESSEE	CSA: No SOL with evidence Trafficking: No SOL CSAM: No SOL	
TEXAS	CSA: No SOL for some felonies; 3 years from offense for misdemeanors Trafficking: No SOL CSAM: 7 years from offense	
UTAH	CSA: No SOL for some felonies; 2 years from offense for misdemeanors Trafficking: No SOL CSAM: 4 years from offense	
VERMONT	CSA: No SOL for some felonies; 3 years from offense for felonies Trafficking: No SOL CSAM: 40 years from offense	
VIRGINIA	CSA: No SOL for felonies; Age 19-23 for misdemeanors Trafficking: No SOL CSAM: No SOL	
WASHINGTON	CSA: No SOL for most felonies; Age 20 for misdemeanors Trafficking: No SOL CSAM: No SOL	

UNITED STATES CRIMINAL SOLs FOR CSA CRIMES BY JURISDICTION		
STATE/TERRITORY	LIMITATIONS PERIOD	RATING
WEST VIRGINIA	CSA: No SOL for felonies; 1 year from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
WISCONSIN	CSA: No SOL for 1 st degree felonies; 3 years from offense for misdemeanors Trafficking: Age 45 CSAM: Age 45	
WYOMING	CSA: No SOL Trafficking: No SOL CSAM: No SOL	
WASHINGTON DC	CSA: No SOL for most felonies; 3 years from offense for misdemeanors Trafficking: Age 31 CSAM: Age 31	
AMERICAN SAMOA	CSA: No SOL for Class A felonies; 1 year from offense for misdemeanors Trafficking: No SOL CSAM: 3 years from offense	
GUAM	CSA: No SOL for most felonies; 1 year from offense for misdemeanors Trafficking: Age 21 CSAM: Age 21	
NORTHERN MARIANA ISLANDS	CSA: No SOL Trafficking: No SOL CSAM: No SOL	
PUERTO RICO	CSA: No SOL for most felonies; Age 19 for misdemeanors Trafficking: No SOL CSAM: No SOL	
US VIRGIN ISLANDS	CSA: No SOL for most felonies; 1 year from offense for misdemeanors Trafficking: No SOL CSAM: No SOL	
FEDERAL GOVERNMENT	CSA: No SOL Trafficking: No SOL CSAM: No SOL	

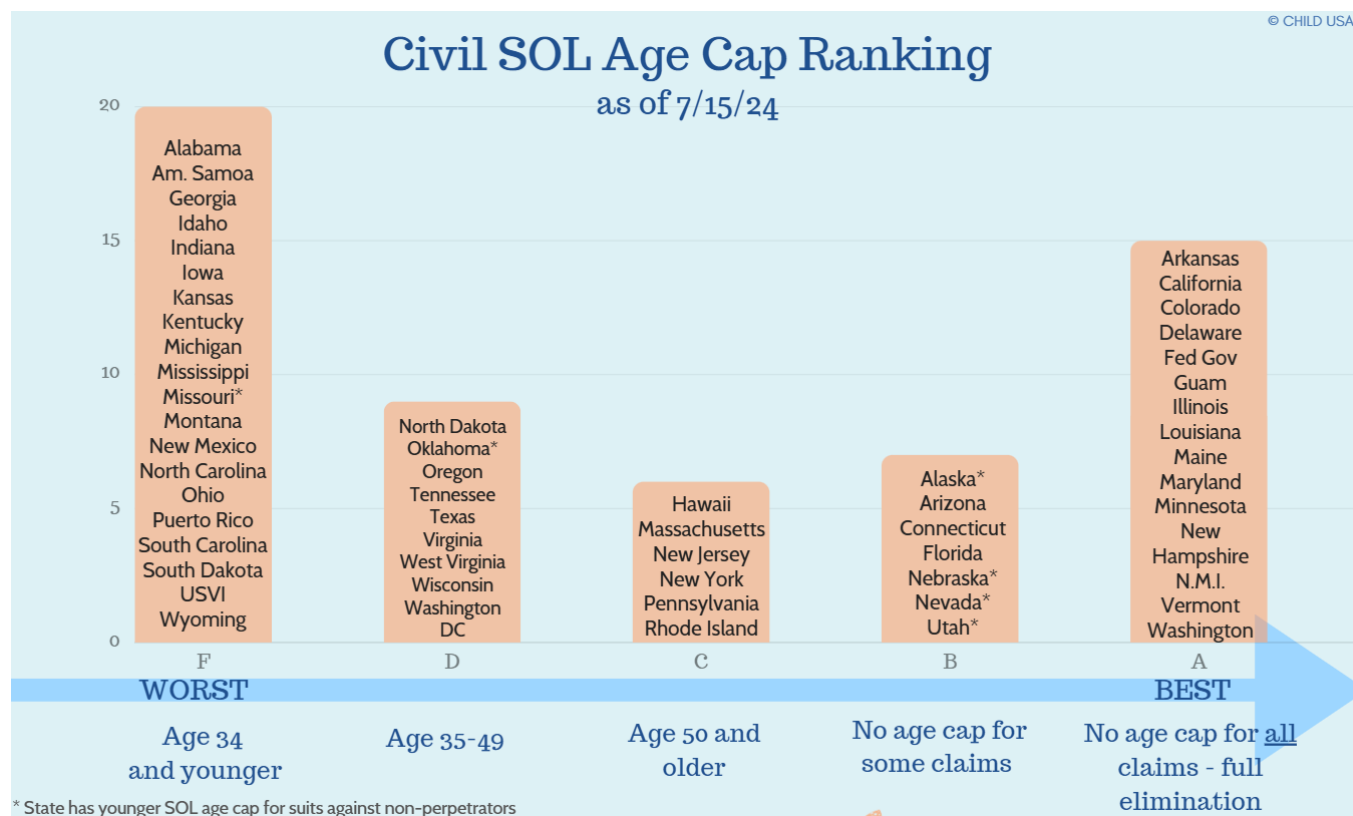
B. CIVIL SOL RANKING








2. The U.S. States, Territories, and Federal Government


This section snapshots each U.S. jurisdiction's civil SOLs in effect in 2024 and grades them accordingly. The goal of civil SOL reform is to allow survivors of child sex abuse to file claims against those that abused them and enabled their abuse when they are ready. The civil SOL rankings consider whether a state has helped both past and future victims (with revival legislation and forward elimination or extension, respectively) or only those going forward (through forward elimination or extension).









Civil claims serve a distinct purpose of redressing the impact of abuse on society and the victims – past, present, and future. They shift the costs of the abuse from the victim to the person and/or institution that caused the abuse. Like the criminal justice system which prevents more victims through incarceration and sex offender registration of the perpetrator, the civil system exposes hidden predators and shines light on the truth which helps prevent future abuse. It also creates a deterrent against institutions that have engaged in negligent oversight of employees and volunteers endangering children. The worst civil SOL states provide the least deterrence for organizations by cutting off claims when the victim is in their teens or early twenties.









For civil claims, there are two categories of victims: those from the past and those being abused now and into the future. For future victims, the strongest states have eliminated their civil SOLs so future victims can bring claims at any point during their lifetime. Historically, victims from the past have been excluded from justice from unfairly short SOLs in many states. In an effort to give these victims access to justice, 30 states and 3 territories have revived expired SOLs. Those jurisdictions that only extend or eliminate the civil SOLs going forward sometimes leave earlier victims without recourse, which in turn means that there is a strong risk that their perpetrators may never be named publicly. There is also a subset of past victims that have not come to terms with their abuse and have not discovered that their injuries are caused by the sex abuse they endured as a child. For these victims, broad discovery rules are helpful, particularly those that apply retroactively and run from when a victim makes the connection between their injuries and the abuse.



















UNITED STATES CIVIL SOLs FOR CSA CRIMES BY TERRITORY/PROVINCE				
STATE/TERRITORY	LIMITATIONS PERIOD	REVIVAL LAW	SPECIAL FEATURES (DISCOVERY TOLLING)	RATING
ALABAMA	CSA: None Trafficking: Age 25 CSAM: Age 25	None	None	
ALASKA	None	None	2-3 years	
ARIZONA	CSA: Age 30 Trafficking: None CSAM: Age 20	Revival up to age 30	Only for repressed memories of abuse	
ARKANSAS	None	2-year window extension (closes 1/31/26)	3 years	
CALIFORNIA	CSA: Age 40 Trafficking: Age 28 CSAM: Age 40	Revival up to age 40	5 years	
COLORADO	None	3-year window (closes 12/31/24)	Yes, no time limit	
CONNECTICUT	CSA: Age 51 Trafficking: Age 51 CSAM: Age 51	Revival up to age 48	None	











UNITED STATES CIVIL SOLS FOR CSA CRIMES BY TERRITORY/PROVINCE				
STATE/TERRITORY	LIMITATIONS PERIOD	REVIVAL LAW	SPECIAL FEATURES (DISCOVERY TOLLING)	RATING
DELAWARE	CSA: None Trafficking: Age 23 CSAM: None	None	None	
FLORIDA	CSA: None Trafficking: Age 25 CSAM: Age 25	None	4 years	
GEORGIA	CSA: Age 23 Trafficking: Age 23 CSAM: Age 23	None	2 Years	
HAWAII	CSA: Age 26 Trafficking: Age 24 CSAM: Age 26	None	3 years against perpetrator 2 years against other defendants	
IDAHO	CSA: Age 23 Trafficking: Age 23 CSAM: Age 23	None	5 years	
ILLINOIS	None	None	None	
INDIANA	CSA: Age 20 Trafficking: Age 20 CSAM: Age 20	None	7 years	
IOWA	CSA: Age 19 Trafficking: Age 19 CSAM: Age 19	None	2-4 years	

UNITED STATES CIVIL SOLs FOR CSA CRIMES BY TERRITORY/PROVINCE				
STATE/TERRITORY	LIMITATIONS PERIOD	REVIVAL LAW	SPECIAL FEATURES (DISCOVERY TOLLING)	RATING
KANSAS	CSA: Age 31 Trafficking: Age 31 CSAM: Age 31	Up to Age 31	None	
KENTUCKY	CSA: Age 28 Trafficking: Age 28 CSAM: Age 28	None	10 years	
LOUISIANA	None	3-Year Window (closes 6/13/24)	Yes, no time limit	
MAINE	None	Permanent window (never closes)	None	
MARYLAND	None	Permanent window (never closes)	None	
MASSACHUSETTS	CSA: Age 53 Trafficking: Age 53 CSAM: Age 53	Up to Age 53	7 years	
MICHIGAN	CSA: Age 28 Trafficking: Age 28 CSAM: Age 19	None	3 years	
MINNESOTA	CSA: None Trafficking: None CSAM: Age 24	None	None	

UNITED STATES CIVIL SOLs FOR CSA CRIMES BY TERRITORY/PROVINCE				
STATE/TERRITORY	LIMITATIONS PERIOD	REVIVAL LAW	SPECIAL FEATURES (DISCOVERY TOLLING)	RATING
MISSISSIPPI	CSA: Age 24 Trafficking: Age 24 CSAM: Age 24	None	3 years	
MISSOURI	CSA: Age 31 Trafficking: Age 31 CSAM: Age 31	None	3 years against perpetrator (statutory) 5 years against all defendants (common law)	
MONTANA	CSA: Age 27 Trafficking: Age 27 CSAM: Age 27	Revival up to age 27	3 years	
NEBRASKA	None	None	None	
NEVADA	None	Permanent window against perpetrators (never closes)	20 years	
NEW HAMPSHIRE	CSA: None Trafficking: Age 28 CSAM: Age 20	None	None	
NEW JERSEY	CSA: Age 55 Trafficking: Age 55 CSAM: Age 55	Revival up to age 55	7 years	
NEW MEXICO	CSA: Age 24 Trafficking: Age 28 CSAM: Age 24	None	3 years	








UNITED STATES CIVIL SOLs FOR CSA CRIMES BY TERRITORY/PROVINCE				
STATE/TERRITORY	LIMITATIONS PERIOD	REVIVAL LAW	SPECIAL FEATURES (DISCOVERY TOLLING)	RATING
NEW YORK	CSA: Age 55 Trafficking: Age 33 CSAM: Age 55	2-year window in NYC (closes 3/1/25)	15 years for trafficking	
NORTH CAROLINA	CSA: Age 28 Trafficking: Age 28 CSAM: Age 28	None	Very narrow, tolling SOL	
NORTH DAKOTA	CSA: Age 28 Trafficking: Age 28 CSAM: Age 28	None	Very narrow, tolling SOL	
OHIO	CSA: Age 30 Trafficking: Age 19 CSAM: Age 19	None	Limited to fraudulent concealment	
OKLAHOMA	CSA: Age 45 Trafficking: Age 45 CSAM: Age 45	None	None	
OREGON	CSA: Age 40 Trafficking: Age 28 CSAM: Age 40	Revival up to age 40	5 years	
PENNSYLVANIA	CSA: Age 55 Trafficking: Age 55 CSAM: Age 55	None	None	
RHODE ISLAND	CSA: Age 53 Trafficking: Age 28 CSAM: Age 53	Revival up to age 53	7 years	







UNITED STATES CIVIL SOLS FOR CSA CRIMES BY TERRITORY/PROVINCE				
STATE/TERRITORY	LIMITATIONS PERIOD	REVIVAL LAW	SPECIAL FEATURES (DISCOVERY TOLLING)	RATING
SOUTH CAROLINA	CSA: Age 27 Trafficking: Age 27 CSAM: Age 27	None	3 years	
SOUTH DAKOTA	CSA: Age 19 Trafficking: Age 24 CSAM: Age 24	None	3 years against perpetrator 3 years up to age 40 against other defendants	
TENNESSEE	CSA: Age 33 Trafficking: Age 33 CSAM: Age 33	None	3 years	
TEXAS	CSA: Age 48 Trafficking: Age 48 CSAM: Age 20	None	30 days	
UTAH	None	None	4 years against other defendants 2 years against government	
VERMONT	CSA: None Trafficking: Age 21 CSAM: Age 21	Permanent Window (never closes)	None	
VIRGINIA	CSA: Age 38 Trafficking: Age 38 CSAM: Age 38	None	20 years	
WASHINGTON	CSA: Age 21 Trafficking: Age 21 CSAM: Age 21	None	3 years	

UNITED STATES CIVIL SOLS FOR CSA CRIMES BY TERRITORY/PROVINCE				
STATE/TERRITORY	LIMITATIONS PERIOD	REVIVAL LAW	SPECIAL FEATURES (DISCOVERY TOLLING)	RATING
WEST VIRGINIA	CSA: Age 36 Trafficking: Age 36 CSAM: Age 36	Revival up to Age 36	4 years	
WISCONSIN	CSA: Age 35 Trafficking: Age 20 CSAM: Age 20	None	Narrow common-law discovery rule for incest	
WYOMING	CSA: Age 26 Trafficking: Age 26 CSAM: Age 26	None	3 years	
WASHINGTON DC	CSA: Age 40 Trafficking: Age 40 CSAM: Age 40	None	5 years	
AMERICAN SAMOA	CSA: Age 22 Trafficking: Age 22 CSAM: Age 22	None	None	
GUAM	None	Permanent Window (never closes)	None	
NORTHERN MARIANA ISLANDS	None	Permanent Window (never closes)	None	
PUERTO RICO	CSA: Age 22 Trafficking: Age 22 CSAM: Age 22	None	1 year	
US VIRGIN ISLANDS	CSA: Age 23 Trafficking: Age 28 CSAM: Age 23	None	2 years	
FEDERAL GOVERNMENT	None	None	10 years	

2. Canadian Provinces and Territories

Since Canada has effectively eliminated the civil SOL for CSA crimes, the majority of territories and/or provinces have achieved the highest ranking, an “A” grade. Any grade below an “A” reflects the fact that the retroactive effect of the civil elimination operates only through common law or practice standards and is not evident through the express statutory language or that the retroactive effect is conditional.

CANADA CIVIL SOLs FOR CSA CRIMES BY TERRITORY/PROVINCE				
TERRITORY/PROVINCE	LIMITATIONS PERIOD	RETROACTIVE	SPECIAL FEATURES	RATING
BRITISH COLUMBIA	None	Yes	N/A	
ALBERTA	None	Yes	N/A	
SASKATCHEWAN	None	Yes	Amendment eliminating the civil SOL applies whether the claimant's right to commence the proceeding was at any time governed by a limitation period under the prior statute or any other Act.	
NOVA SCOTIA	None	Yes*	*There is no limitations period for claims brought after May 1, 2010. For older claims, complainants may be able to rely on the discovery principle to bring a claim under the revised limitations period.	
NEWFOUNDLAND & LABRADOR	None	Yes	Statutory amendment expressly states that the removal of the SOL "Shall apply regardless of when the cause of action arose."	
NEW BRUNSWICK	None	Yes*	*There is no limitations period for claims brought after May 1, 2010. For older claims, complainants may be able to rely on the discovery principle to bring a claim under the revised limitations period.	
MANITOBA	None	Yes	Statute expressly permits revival of civil claims whether or not the person's right to commence the action was at any time governed by a limitation period under this or any other Act	

CANADA CIVIL SOLs FOR CSA CRIMES BY TERRITORY/PROVINCE				
TERRITORY/PROVINCE	LIMITATIONS PERIOD	RETROACTIVE	SPECIAL FEATURES	RATING
ONTARIO	None	Yes*	*The retroactive removal of the SOL will not apply if: (a) the case was previously dismissed by a court and no further appeal is available; or (b) the case was settled by the parties and the settlement is legally binding.	
QUEBEC	None	Yes	Not only did Bill 55 amend the law to provide for retroactive revival of civil claims, it also enabled victims whose claims for compensation were previously dismissed solely on the grounds of prescription to re-institute a new legal action claiming damages for a period of three years after its adoption.	
NORTHWEST TERRITORIES	None*	Yes (in Practice)	*Generally, actions for assault must be commenced within two years after the cause of action arose but CSA crimes almost always fall into one of two enumerated exceptions to the general limitations period for which no limitations period may be proscribed.	
NUNAVUT	None*	Yes (in Practice)	*Generally, actions for assault must be commenced within two years after the cause of action arose but CSA crimes almost always fall into one of two enumerated exceptions to the general limitations period for which no limitations period may be proscribed.	
YUKON	None	Yes	N/A	
PRINCE EDWARD ISLAND	None	Yes	Statutory amendment created an exemption for all CSA from all limitation periods and expressly states that the exemption shall apply regardless of when the cause of action arose	

V. CONCLUSION

Child sex abuse SOL reform has been very active across North America since January 2002 when the *Boston Globe's Spotlight* team first disclosed institution-based sex abuse in a trusted institution, the Boston Archdiocese. The movement has been mobilized by the appearance in the public square of victims of child sex abuse who were previously invisible to the public. This has led to Canada eliminating civil and criminal CSA SOLs and a widespread movement in the US to reach the same goal.

APPENDIX A: GLOSSARY

THE FOLLOWING TERMS APPEAR IN THIS REPORT.

AGE CAP: Revival laws establish a specific period of time during which survivors can bring previously-expired civil claims to court, and when the revival period is set at a survivor's age, it is called an age cap or a revival age limit. Claims can only be filed until a survivor reaches that specific age. The age states choose ranges from 27-55.

CHARITABLE IMMUNITY: A legal doctrine stating that charitable organizations cannot be held liable for negligence under tort law. It originated in the 1800s and is based on the principle that nonprofit assets that are held in trust for the public good should not be used to pay off personal injury claims brought against a charitable organization.

CSA (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 CSA material (CSAM), or any other harmful sexual conduct).

DELAYED DISCLOSURE OF ABUSE: The term 'disclosure' refers to the first time a survivor of CSA tells anyone about the abuse they endured whether a peer, a parent, another adult, or the authorities. Survivor disclosure of CSA is most commonly referred to in legal cases as 'delayed disclosure' and thus the phrase is used throughout this report; but what may be 'ideal' disclosure in a legal context is not the ideal, or the reality, for survivors. The trauma-informed approach is to use the term 'disclosure timing' when referring to when survivors let someone know about their experience of CSA. The data on disclosure timing is clear: the majority of CSA survivors do not disclose as children and wait at least 20 years before disclosing their abuse.

CIVIL LAWSUIT: A survivor of CSA 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.

CRIMINAL PROSECUTION: The state or federal government may prosecute by filing criminal charges against a person or entity for their crimes relating to CSA. Punishment for criminals could involve jail time, fines, or restorative justice.

CIVIL LAWSUIT: A survivor of CSA 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.

DEFENDANT: A person or institution that is sued for CSA. 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).

DELAYED DISCLOSURE OF ABUSE: the common phenomenon where survivors of CSA wait for years, often well into adulthood, before telling anyone they were abused. The average age of disclosure is 52 years old.

DISCOVERY RULE: A law that says the SOL time countdown does not begin until a person is aware of their injuries relating to CSA or makes the connection that their injuries were caused by abuse.

INJURIES CAUSED BY CSA: Injuries can include physical and mental health issues like STDs, depression, anxiety, PTSD, addiction, and difficulty participating in relationships, work, or community.

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.

SOL (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.

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.

DEFENDANT: A person or institution that is sued for CSA. 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).

APPENDIX B

1. Michael Rezendes, Church Allowed Abuse by Priest for Years, THE BOSTON GLOBE: SPOTLIGHT SERIES (Jan. 6, 2002), <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTlRAT25qKGvBuDNM/story.html>; see also <http://www.bostonglobe.com/arts/movies/spotlight-movie>
2. Dan Frosch, *Denver Archdiocese to Pay \$5.5 Million in Abuse Suits*, New York Times (July 2, 2008), <https://www.nytimes.com/2008/07/02/us/02priests.html>; *Lafayette Diocese releases report of priest abuse*, WTHR (Dec. 31, 2003), <https://www.wthr.com/article/news/lafayette-diocese-releases-report-of-priest-abuse/531-900defd3-0586-4b15-a1e1-4aa8e7108ac8>; Laurie Goodstein, *Archdiocese of Cincinnati Fined in Sex Abuse Scandal*, N.Y. Times (Nov. 21, 2003) <https://www.nytimes.com/2003/11/21/us/archdiocese-of-cincinnati-fined-in-sex-abuse-scandal.html>; Pamela Ferdin & Alan Cooper, *N.H. Prosecutors Report Diocese Ignored Sex Abuse*, Wash. Post (March 4, 2003), <https://www.washingtonpost.com/archive/politics/2003/03/04/nh-prosecutors-report-diocese-ignored-sex-abuse/75a75463-b2a9-4df9-a94a-fcc491f8756c/>; Stephen Kirkjian, *N.H. diocese agrees to pay more than \$5m in settlements*, BosToN. com (Nov. 27, 2002) https://archive.boston.com/globe/spotlight/abuse/stories3/112702_nh.htm.
3. See Sharon Otterman & Ray Rivera, *Ultra-Orthodox Shun Their Own for Reporting Child Sexual Abuse*, N.Y. Times (May 9, 2012) <https://www.nytimes.com/2012/05/10/nyregion/ultra-orthodox-jews-shun-their-own-for-reporting-child-sexual-abuse.html>; Susan Edelman, *Orthodox sex abuse scandal*, N.Y. Post (Dec. 11, 2011) <https://nypost.com/2011/12/11/orthodox-sex-abuse-scandal/>; Jeff Breinholt, *The Growing Mormon Sex Abuse Scandal*, mormonmatters (Sept. 23, 2009), <https://www.mormonmatters.org/the-growing-mormon-sex-abuse-scandal/>; Barbara Bradley Hagerty, *Abuse Scandal Plagues Hasidic Jews in Brooklyn*, NPR (Feb. 2, 2009) <https://www.npr.org/templates/story/story.php?storyId=99913807>; Connie Paige, *Mother sues Mormon church in abuse case*, BosToN.com (July 10, 2008), http://archive.boston.com/news/local/articles/2008/07/10/mother_sues_mormon_church_in_abuse_case/; Lisa Myers & Richard Greenberg, *New Evidence in Jehovah's Witness Allegations*, NBs NeWs (Nov. 21, 2007) <https://www.nbcnews.com/id/wbna21917798>; The Associated Press, *Jury Awards \$4.2M in sex abuse case against LDS Church*, Daily Herald (Nov. 23, 2005) <https://www.heraldextra.com/news/2005/nov/23/jury-awards-m-in-sex-abuse-case-against-lds-church/>; Edward Wyatt, *A Mormon Daughter's Book Stirs a Storm*, N.Y. Times (Feb. 24, 2005) <https://www.nytimes.com/2005/02/24/books/a-mormon-daughters-book-stirs-a-storm.html>; The Associated Press, *Lawsuits Accuse Jehovah's Witnesses of Hiding Sex Abuse*, la. Times (July 29, 2003) <https://www.latimes.com/archives/la-xpm-2003-jul-29-me-witness29-story.html>.
4. Freeh Sporkin & Sullivan, LLP, *Report of the Special Investigative Counsel Regarding the Actions of the Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky*, The New York Times (July 12, 2012), <https://archive.nytimes.com/www.nytimes.com/interactive/2012/07/12/sports/ncaafootball/13pennstate-document.html>.
5. See, e.g., James Doubek, *Report Says Faculty At Connecticut School Sexually Abused Students For Years*, NPR (Aug. 19, 2018), <https://www.npr.org/2018/08/18/639806407/report-says-7-former-faculty-at-connecticut-school-sexually-abused-students-for->; Sarah Bloomquist, *Grand jury: Decades of sexual abuse at Solebury School*, 6aBc.com (Feb. 1, 2017), <https://6abc.com/solebury-school-doylestown-new-hope-pennsylvania/1732557/>; Richard Perez-Pena, *'Private Hell': Prep School Sex Abuse Inquiry Paints Grim Picture*, N.Y. Times (Sept. 1, 2016), <https://www.nytimes.com/2016/09/02/us/st-georges-school-sex-abuse.html>; Jenn Abelson, & Jonathan Saltzman, *Ex-teacher barred from prestigious N.H. school*, BosToN GloBe (Mar. 30, 2016), <https://www.bostonglobe.com/metro/2016/03/30/celebrated-teacher-phillips-exeter-academy-barred-from-campus-after-admitting-sexual-misconduct/c127iruffBnBjlrLKVJG5M/story.html>; Valerie Strauss, *An extraordinary story of sex abuse of students at elite private school over decades*, Wash. Post (May 27, 2015), <https://www.washingtonpost.com/news/answer-sheet/wp/2015/05/27/an-extraordinary-story-of-sex-abuse-of-students-at-elite-private-school-over-decades/>; Motoko Rich, *Prep School Reveals Misconduct by Ex-Chief*, N.Y. Times (Jan. 4, 2013), <https://www.nytimes.com/2013/01/05/education/brooks-school-reveals-misconduct-by-ex-headmaster.html>; Jenny Anderson, *School Abuse Case May Proceed, Judge Says*, N.Y. Times (Aug. 28, 2012), <https://www.nytimes.com/2012/08/29/nyregion/poly-prep-sexual-abuse-case-may-proceed-judge-rules.html>?
6. See, e.g., Corky Siemaszko, *Ex-Little Leaguers accuse Staten Island coach of sex-abuse, suit says*, NBc NeWs (Nov. 14, 2019), <https://www.nbcnews.com/news/us-news/former-little-leaguers-accuse-new-york-coach-molesting-them-decades-n1057721>; Alexandra Starr, *As USA Swimming Grapples With Sexual Abuse, Athletes Cite Lack Of Female Coaches*, NPR (July 4, 2018), <https://www.npr.org/2018/07/04/623540000/as-usa-swimming-grapples-with-sexual-abuse-athletes-cite-lack-of-female-coaches>; Karen Crouse, *Abuse Victim Seeks Ouster of U.S. Swimming Officials*, N.Y. Times (May 23, 2013), <https://www.nytimes.com/2013/05/24/sports/kelley-davies-currin-seeks-ouster-of-usa-swimming-officials-after-coachs-abuse.html>; Jesse McKinley, *Coaches Face New Scrutiny on Sex Abuse*, N.Y. Times (April 14, 2012), <https://www.nytimes.com/2012/04/15/us/new-scrutiny-on-coaches-in-reporting-sexual-abuse.html>; Pete Thamel, *Claims of Molestation Resurface for Judo Official*, N.Y. Times (July 26, 2008), <https://www.nytimes.com/2008/07/26/sports/olympics/26judo.html>.
7. The state or federal government may prosecute by filing criminal charges against a person or entity for their crimes relating to CSA. Punishment for criminal violations could involve jail time, fines, or restorative justice.
8. In a civil lawsuit, a survivor of CSA 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.
9. Wyoming is the only state to make no improvements to child sex abuse SOLs since 2002.
10. R.S.C. 1985, c. C-46, as amended.
11. Ryan Cooke, *"Who let the wolves in? Mount Cashel survivors horrified as more than 60 Vancouver men come forward with allegations against the teachers who abused them"*, Canadian Broadcasting Corp. (November 24, 2022)
12. *Id.*
13. Samuel Hughes, *"Mount Cashel Hughes Commission"*, Report on Mount Cashel: Vol. One *149 (1992).
14. CBC News, *"422 sex abuse claims filed against Christian Brothers"*, (Aug. 23, 2012), available at <https://www.cbc.ca/news/canada/newfoundland-labrador/422-sex-abuse-claims-filed-against-christian-brothers-1.1150237>.
15. Glen Whiffen, *"The decision by province's Appeals Court, which reverses a 2018 Supreme Court finding, was unanimous; church has 60 days to decide if it will apply for a Supreme Court of Canada appeal"*, Journal Pioneer (Jul. 29, 2020).

16. *"Notorious Mount Cashel orphanage to close"*, CBC Digital Archives (Jun. 14, 2008), available at https://web.archive.org/web/20080614163942/http://archives.cbc.ca/society/crime_justice/clips/12676/.

17. See, e.g., Meghan Grant, “Catholic Church in Alberta, predatory priest sued for \$4M”, CBC News (Jan. 29, 2016); Jeremy Hainsworth & Glacier Syndicated, *Catholic priest sex abuse victim awarded \$844,140*, Delta Optimist (Aug. 25, 2020).
18. Patrick J. O’Leary & James Barber, Gender Differences in Silencing following Childhood Sexual Abuse, 17 J. CHILD SEX. ABUSE 133 (2008), <https://pubmed.ncbi.nlm.nih.gov/19042242/>.
19. See Fast Facts: Preventing Sexual Violence, CDC, NAT’L CENTER FOR INJURY PREVENTION AND CONTROL, DIV. OF VIOLENCE PREVENTION (last reviewed by the CDC on June 22, 2020), https://www.cdc.gov/violenceprevention/sexualviolence/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Fsexualviolence%2Fconsequences.html.
20. See M. Merricka, et al., *Unpacking the impact of adverse childhood experiences on adult mental health*, 69 CHILD ABUSE & NEGLECT 10 (July 2017); Angelakis, I., Gillespie, E.L., Panagioti, M., *Childhood maltreatment and adult suicidality: a comprehensive systematic review with meta-analysis*, Psychological Medicine 1-22 (2019); Gail Hornot, *Childhood Trauma Exposure & Toxic Stress: What the PNP Needs to Know*, J. Pediatric Healthcare (2015); Perryman Group, *Suffer the Little Children: An Assessment of the Economic Cost of Child Maltreatment* (2014).
21. Patrick J. O’Leary & James Barber, *Gender Differences in Silencing following Childhood Sexual Abuse*, 17 J. CHILD SEX. ABUSE 133 (2008).
22. Tener 2015, Hebert 2009, London 2007, Jonson 2004, Paine & Hensen 2002, Smith 2000, Hanson 1999.
23. Delphine Collin-Vézina et al., A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse, 43 CHILD ABUSE NEGL. 123 (2015), <https://pubmed.ncbi.nlm.nih.gov/25846196/>.
24. Often, this happens in the context of therapy; sometimes it is triggered many years after the abuse by an event the victim associates with the abuse; other times it happens gradually or over time as a victim recovers their memory. Dr. Lori Haskell & Dr. Melanie Randall, *The Impact of Trauma on Adult Sexual Assault Victims*, Justice Canada 30 (2019), available at https://www.justice.gc.ca/eng/rp-pr/jr/trauma/trauma_eng.pdf.
25. Hanson, K. (1993). Long-term recidivism of child molesters. *Journal of consulting and clinical psychology*, 61 (4), 646-652.
26. Prentky, R., & et.al. (1998). Recidivism rates among child molesters and rapists: a methodological analysis. *Law and human behaviour*, 21 (6), 635- 659.
27. Supra n. 17.
28. “Ottawa archbishop shaken by ‘enormity of evil’ in sex cases”, catholicregister.org. (May 25, 2016), available at <https://catholicregister.org/item/22387-ottawa-archbishop-shaken-by-enormity-of-evil-in-sex-cases>
29. Justin Sadler, “Pedophile priest leaps to death”, Toronto Sun (Oct. 14, 2010).
30. Section 91(27) of the Constitution Act, 1867.
31. *Criminal Code*, RSC 1985, c C-46
32. Ala. CONST. art. I, § 14. See also *Hurt v. Shelby County Bd. of Educ.*, 198 F.Supp.3d 1293 (N.D. Ala. 2016) (finding CSA claims against school board “are barred by the Alabama constitution.”). Regardless, the state is not liable for punitive damages and has not instituted any notice of claim requirement. Ala. CODE § 6-11-26.
33. See, e.g., *Supreme Lodge of World, Loyal Order of Moose, v. Kenny*, 73 So. 519 (Ala. 1916) (holding that the fact that the supreme lodge of a fraternal order had established a home for the orphans and widows of its members and maintained by its members did not relieve it from liability for the death of a candidate while being initiated into a local lodge, as the candidate was neither seeking nor receiving charity); *Tucker v. Mobile Infirmary Ass’n*, 68 So. 4 (Ala. 1915) (determining that a charitable corporation receiving a patient for compensation is liable for an injury to the patient caused by the negligence of a nurse).
34. *Alabama Baptist Hosp. Bd. v. Carter*, 145 So. 443 (Ala. 1932) (noting, “[t]he doctrine of waiver by acceptance of benefits is applicable only, if at all, to patients receiving benefits. As to third persons, the rule of responsibility for the negligence of servants or agents is applied in negligence actions against nonprofit hospitals, as in cases of ordinary business corporations.”). See also *Laney v. Jefferson Cty.*, 32 So.2d 542 (Ala. 1947).
35. Ala. CODE § 6-2-3 (fraud SOL). See *Campbell v. Consumer Warehouse Foods*, 570 So.2d 630 (Ala.1990) (recognizing that a defendant’s affirmative inducement to delay the action upon which a plaintiff reasonably relies is sufficient to estop the defendant from pleading the SOL defense under a theory of equitable estoppel). See also *Holloway v. Am. Media, Inc.*, 947 F. Supp. 2d 1252, 1270 (N.D. Ala. 2013) (finding, “[i]n Alabama, a SOL can be tolled either under equitable circumstances that prevent the plaintiff from timely commencing his action or because of fraud by the defendant that conceals the existence of the plaintiff’s claim”); *DGB, LLC v. Hinds*, 55 So. 3d 218, 226 (Ala. 2010) (concluding that, in general, a plaintiff alleging fraudulent concealment must show “the time and circumstances of the discovery of the cause of action” and present facts showing “defendants concealed the cause of action or injury and what prevented the plaintiff from discovering the facts surrounding the injury.”).
36. *Beasley v. Alabama State Univ.*, 966 F. Supp. 1117 (M.D. Ala. 1997) (holding the continuous violation doctrine applied female student athlete’s claims against university under Title IX, and thus were not barred by Alabama two-year SOLs, though action was brought over four years after her rights were first violated).
37. Ala. CODE § 15-3-6.
38. *State v. Steele*, 502 So. 2d 874 (Ala. Crim. App. 1987).
39. See, e.g., *Richardson v. State*, 111 So. 204 (Ala. 1926); *Clayton v. State*, 26 So. 118 (Ala. 1899); *Watkins v. State*, 455 So.2d. 160 (Ala. Crim. App. 1984).
40. Alaska STAT. ANN. § 09.50.250. But see *R.E. v. State*, 878 P.2d 1341, 1348–49 (Alaska 1994) (finding the state was not immune from claims of negligence in licensing day care facility where children were sexually abused) (citing *Division of Corrections v. Neakok*, 721 P.2d 1121, 1134–35 (Alaska 1986), overruled by *State, Dept. of Corrections v. Cowles*, 151 P.3d 353, 359 (Alaska 2006)).

41. alaska sTaT. aNN. § 09.50.280.

42. *See id.* at § 09.50.250.
43. *Id.* at § 09.10.070. *See also Gefre v. Davis Wright Tremaine, LLP*, 306 P.3d 1264, 1277 (Alaska 2013) (explaining that a party should be charged with knowledge of the fraudulent misrepresentation or concealment only when it would be utterly unreasonable for the party not to be aware of the deception; until the party is shown to have actual knowledge, the limitations clock does not begin to run); *Reich v. Cominco Alaska, Inc.*, 56 P.3d 18 (Alaska 2002) (noting that the continuing violations doctrine allows plaintiffs to establish an ongoing tort through incidents that occurred before the SOLs period and that continued into the limitations period); *Waage v. Cutter Biological Div. of Miles Laboratories, Inc.*, 926 P.2d 1145 (Alaska 1996) (determining that under the discovery rule, the defendant's misrepresentations may delay discovery, so that, unless the plaintiff is utterly unreasonable in relying upon those representations, the reasonable time for discovery may be postponed on an estoppel theory); *Sharrow v. Archer*, 658 P.2d 1331, 1333 (Alaska 1983) (quoting *Chiei v. Stern*, 561 P.2d 1216, 1217 (Alaska 1977)) (“[A] party who fraudulently conceals from a plaintiff the existence of a cause of action may be estopped to plead the SOL if the plaintiff’s delay in bringing suit was occasioned by reliance on the false or fraudulent representation.”).
44. alaska sTaT. aNN. § 12.10.040 (1978).
45. Except where the state had prior actual knowledge of the perpetrator’s propensity for CSA. ariz. rev. sTaT. aNN. § 12-820.05; *Tucson Unified Sch. Dist. v. Borek ex rel. Cnty. of Pima*, 322 P.3d 181 (Ariz. Ct. App. 2014).
46. Except where defendant’s conduct was driven by evil motive or intent. ariz. rev. sTaT. aNN. § 12-820.04; *Spears v. Ariz. Bd. of Regents*, 372 F.Supp.3d 893 (D. Ariz. 2019).
47. ariz. rev. sTaT. § 12-821.01(D). “Accrues” is defined in accordance with the common law discovery rule. *McCarthy v. Scottsdale Unified Sch. Dist. No. 48*, 409 F.Supp.3d 789 (D. Ariz. 2019).
48. *Roman Catholic Church v. Keenan*, 243 P.2d 455 (Ariz. 1952).
49. *See Walk v. Ring*, 44 P.3d 990, 999-1000 (Ariz. 2002) (determining that a plaintiff alleging fraudulent concealment must show that defendants took affirmative steps after the original wrongdoing to divert attention, mislead, or prevent discovery of a cause of action and the exercise of due diligence by plaintiff to uncover the claims).
50. *Doe v. Garcia*, 5 F.Supp.2d 767 (D. Ariz. 1998) (finding student’s allegations that vice-principal and athletic director with whom she had sexual relationship pulled her out of class, followed her, paged her, telephoned her and twice appeared at her bedroom window, owned gun, threatened suicide if student revealed their relationship, and implied that he had murdered student’s boyfriend after student reached age of majority, were sufficient to raise question of material fact as to whether vice-principal’s actions constituted duress sufficient to toll SOLs applicable to student’s action under section 1983 and Title IX.).
51. ariz. rev. sTaT. aNN. § 13-107(D).
52. ark. coDe aNN. §§ 19-10-204(a)(1), 19-10-209; *Okruhlik v. Univ. of Ark.*, 255 F.3d 615 (8th Cir. 2001) (holding that to avoid statutory sovereign immunity, a plaintiff must present evidence that the state official had an intent and disposition to do a wrongful act that would cause great injury and was aware it violated the law).
53. ark. coDe aNN. § 21-9-203.
54. *Anglin v. Johnson Reg’l Med. Ctr.*, 289 S.W.3d 28, 31 (Ark. 2008) (quoting *George v. Jefferson Hosp. Ass’n*, 987 S.W.2d 710, 712 (Ark. 1999)). *See also Davis Nursing Association v. Neal*, 70 S.W.3d 457, 460-61 (Ark. 2019); *Low v. Ins. Co. of N. Am.*, 220 S.W.3d 670, 679–80 (Ark. 2005) (stating, “[i]n short, our language delineating the scope of the charitable-immunity doctrine has undergone subtle, but significant, changes in the past century, culminating in the court’s interpretation of the ‘not subject to suit for tort’ language in the direct-action statute, ark.coDe aNN. § 23–79–210, as being synonymous with a charitable organization’s immunity from tort liability. Our court embraced this statutory interpretation consistently for over forty years.”).
55. ark. coDe aNN. §§ 16–56–105, 120; *Miller v. Subiaco Acad.*, 386 F. Supp. 2d 1025, 1031 (W.D. Ark. 2005) (dismissing fraudulent concealment claim pursuant to common law and ark. coDe aNN. § 16–56–120 because plaintiff was aware of the abuse); *Cherepski v. Walker*, 913 S.W.2d 761, 765 (Ark. 1996) (holding that “[w]hile such concealment does suspend the running of the SOLs, the suspension remains in effect only until the party having the cause of action discovers the concealment or should have discovered it by the exercise of reasonable diligence” such that for plaintiffs complaint to have been timely filed, he must neither have known, nor have been able to discover, the alleged fraudulent concealment on the part of the defendants).
56. *See ark. coDe aNN. § 5-1-109. See also id.* at § 5-1-109(g)(1) (Michie Supp. 2003) (stating the period does not run “during any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state”).
57. cal. Gov’T coDe § 815(a); *Doe v. County of San Diego*, 445 F.Supp.3d 957, 971 (S.D. Cal. 2020).
58. *Los Angeles Unified Sch. Dist. v. Superior Ct. of Los Angeles Cnty.*, No. S269608, 2023 WL 3745196 (Cal. June 1, 2023) (holding California Government Code section 818 does not permit recovery of treble damages against public entities for covering up CSA under California Civil Procedure Code section 340.1).
59. cal. Gov’T coDe §§ 905(m) & 935(f); cal. civ. Proc. coDe § 340.1(s).
60. *Malloy v. Fong*, 232 P.2d 241 (Cal. 1951).
61. *Bank of America v. Williams*, 200 P.2d 151, 154 (Cal. Dist. Ct. App. 1948) (noting “[t]here can be no doubt that, in a proper case, where a party fraudulently conceals the existence of a cause of action against him, or fraudulently conceals material facts that induces a person not to prosecute a known cause of action, the SOLs is tolled and the fraudulent person is estopped from pleading the SOLs”). *See califorNia coDe civ. Proc. aNN. §§ 340(3), 340.1(d), 352(a); DeRose v. Carswell*, 242 Cal.Rptr. 368 (Cal. Ct. App. 1987) (holding that a woman who was allegedly sexually abused as a minor by her step-grandfather but who filed her action at age twenty-five could not avail herself of the doctrine of duress to prevent the running of the SOL where she was unable to show that her abuser employed any such duress to keep her silent after the cessation of the alleged abuse). *See also Community Cause v. Boatwright*, 177 Cal.Rptr. 657 (Cal. Ct. App. 1981) (explaining that the requisite showing of fraud is made when the plaintiff establishes that she was not at fault for failing to discover the cause of action and had no actual or presumptive knowledge of the facts

sufficient to put her on inquiry notice). *But see Snyder v. Boy Scouts of America, Inc.*, 253 Cal.Rptr. 156 (Cal. Ct. App. 1988) (recognizing that while fraud by a defendant concealing the existence of the cause of action may in principle delay the operation of the SOLs thereon under a theory of estoppel of the defendant to take advantage of his own wrongdoing, held that the plaintiff, a former boy scout allegedly sexually molested by his scout leader, could not base an attempted justification of his otherwise untimely filing of a civil action against the alleged molester's employer on the scoutmaster's misrepresentation of his sexual conduct with the plaintiff as normal Boy Scout "instruction" in sex education because the plaintiff, through his own admissions, realized the abuse was wrong and quit the Boy Scouts to avoid further abuse).

62. cal. PeNal coDe § 803(1)(d) (2003) (indicating “no time... during which the defendant is not within the state shall be a part of those limitations”). *See also Foster v. Butler*, 130 P. 6 (Cal. 1913) (recognizing that the provision suspending the SOL does not apply during the defendant’s physical presence in the state, notwithstanding the fact that he is a nonresident).
63. colo. rev. sTaT. aNN. § 24-10-106(1)(j).
64. *Id.* at § 24-10-114(4)(a).
65. *Id.* at §§ 24-10-114(1)(a), 118(1)(b).
66. *Id.* at § 24-10-109(1); *Visser ex rel. Eder v. Mahan*, 111 P.3d 575 (Colo. App. 2005).
67. colo. rev. sTaT. aNN. § 7-123-105 (stating, “[a]ny other provision of law to the contrary notwithstanding, any civil action permitted under the law of this state may be brought against any nonprofit corporation, and the assets of any nonprofit corporation that would, but for articles 121 to 137 of this title, be immune from levy and execution on any judgment shall nonetheless be subject to levy and execution to the extent that such nonprofit corporation would be reimbursed by proceeds of liability insurance policies carried by it were judgment levied and executed against its assets.”).
68. *First Interstate Bank of Fort Collins, N.A. v. Piper Aircraft Corp.*, 744 P.2d 1197, 1201 (Colo. 1987) (explaining that, in general, fraudulent concealment will toll an SOL where the plaintiff can prove defendant’s concealment of material existing facts that “in equity, and good conscience, should be disclosed,” plaintiff’s own ignorance of the defendant’s concealment, plaintiff’s detrimental reliance on the concealment, and plaintiff’s inability, by reasonable diligence, to discover the facts necessary to determine the existence of a claim.).
69. *See Moses v. Diocese of Colo.*, 863 P.2d 310, 320 (Colo. 1993). *See also* colo. rev. sTaT. aNN. § 13-80-101(1)(f) (establishing the SOL for breach of fiduciary duty is three years from plaintiff’s reasonable discovery); resTaTemeNT (secoND) of TorTs § 874, Comment a (1979) (noting, “[a] fiduciary relation exists between two persons when one of them is under a duty to act for or to give advice for the benefit of another upon matters within the scope of the relation.”); *Destefano v. Grabrian*, 763 P.2d 275, 284 (Colo. 1988) (en banc) (holding a priest who abuses his role as counselor can be liable for breach of fiduciary duty); *Moses*, *supra* note 159, at 320 (holding that the jury properly determined a fiduciary relationship existed between the bishop and parishioner).
70. colo. rev. sTaT. aNN. § 16-5-401(2) (2002).
71. coNN. GeN. sTaT. § 4-160.
72. *Id.* at § 1-148(a). However, the General Assembly may allow presentation of a claim after the notice period expires if it deems it would be just, equitable, and would serve a public purpose. *Id.* at § 1-148(b).
73. *Id.* at § 4-159. Damages exceeding \$35,000 may be submitted to the General Assembly for acceptance, modification, or rejection. *Id.*
74. *Id.* at § 52-557d.
75. *Id.* at § 52-595 (“[i]f any person, liable to an action by another, fraudulently conceals from him the existence of the cause of such action, such cause of action shall be deemed to accrue against such person so liable therefor at the time when the person entitled to sue thereon first discovers its existence.”); *Bartone v. Robert L. Day, Inc.*, 656 A.2d 221 (Conn. 1995). *See also Martinelli v. Bridgeport Roman Catholic Diocesan Corp.*, 989 F. Supp. 110 (D. Conn. 1997) (concluding that the jury could reasonably have found that a special relationship of trust and confidence existed between plaintiff and diocesan defendants and that diocesan defendants had actual awareness of the priest’s predatory behaviors, and failed to disclose the same to plaintiff thereby compounding plaintiff’s injury); *Michael Longo v. Hartford Roman Catholic Diocesan Corp.*, No. X03CV206134181S, 2021 WL 6100499, at *6 (Conn. Super. Ct. Dec. 1, 2021) (reiterating that actionable harm “occurs when the plaintiff discovers, or in the exercise of reasonable care, should have discovered the essential elements of a cause of action . . . A breach of duty by the defendant and a causal connection between the defendant’s breach of duty and the resulting harm to the plaintiff are . . . necessary ingredients for ‘actionable harm.’” (quoting *Martinelli*, *supra* note 178, at 427)).
76. *Doe v. Norwich Roman Catholic Diocese*, 909 A.2d 983 (Conn. Super. Ct. 2006) (rejecting victims conspiracy claim where victim’s complaint was devoid of any allegation that bishop or any other member of the church combined to facilitate priest’s sexual assault of victim or anyone else, the purported purpose of conspiracy was to conceal from public awareness past instances of sexual abuse at hands of priests to eliminate or minimize the scandalous impact of such information, and that alleged objective was a far cry from a conspiracy to facilitate molestation of children by priest); *Sutherland v. Roman Catholic Diocesan Corp.*, No. X04CV024000581S, 2007 WL 2200487, at *5 (Conn. Super. Ct. Jul. 9, 2007). *See also Macomber v. Travelers Property and Cas. Corp.*, 894 A.2d 240, 254 (Conn. 2006) (noting that to maintain a civil action for conspiracy, a plaintiff must prove: (1) a combination between two or more persons, (2) to do a criminal or an unlawful act or a lawful act by criminal or unlawful means, (3) an act done by one or more of the conspirators pursuant to the scheme and in furtherance of the object, (4) which act results in damage to the plaintiff) (citing *Harp v. King*, 835 A.2d 953, 972 (Conn. 2003)).
77. *See* coNN. GeN. sTaT. § 54-193(c) (2003). *See also State v. Ward*, 52 A.3d 591 (Conn. 2012) (recognizing that the SOL is tolled when a defendant absents himself from the jurisdiction with reason to believe that an investigation may ensue as a result of his actions); *Sage v. Hawley*, 16 Conn. 106, 115 (Conn. 1844) (stating, “considering this provision [tolling the SOL during the period of defendant’s non-residence] as being designed to protect the rights of the plaintiff, in those cases where it was not practicable for him to enforce them, by a suit, in consequence of the absence of the defendant from the state, its justice and propriety are most obvious. But it is not necessary, nor does justice seem to require, that we should extend it by construction, so far as to include in the computation of the time limited for bringing suits, those periods when the defendant was personally out of the state, but during which the plaintiff might, notwithstanding, have commenced a personal action against him, by the judgment in which he would be conclusively bound.”).
78. Del. coDe aNN. tit 10, § 4001; *Thomas v. Bd. of Educ. of Brandywine Sch. Sch. Dist.*, 759 F.Supp.2d 477 (Del. 2010).
79. *See* Del. coDe. aNN. tit 10, §§ 4001, 4003.
80. *Durney v. St. Francis Hosp.*, 83 A.2d 753, 758 (Del. Super. Ct. 1951) (stating, “I am convinced that the general principle which makes every person responsible for his own legally careless action, should apply with equal force to charitable corporations. The doctrine of *respondeat superior* also applies to charitable corporations and makes them responsible for the negligent acts of their agents and employees, when such acts are clearly incidental to the business of the

corporation, to the same extent that individuals are.”). *See, e.g.*, Del. coDe aNN. tit. 10, § 8133(e) (relating to the limitation of civil liability for certain nonprofit organization volunteers, stating, “[i]n any suit against an organization for civil damages based upon the negligent act or omission of a volunteer, proof of such act or omission shall be sufficient to establish the liability of the organization therefor under the doctrine of *respondeat superior*, notwithstanding the immunity granted to the volunteer with respect to such negligent act or omission under subsection (b) of this section.”).

81. *TL of Florida, Inc. v. Terex Corp.*, 54 F.Supp.3d 320 (D. Del. 2014) (explaining that an affirmative misrepresentation by a defendant will toll the SOL until the plaintiff discovers or could have discovered through the exercise of reasonable diligence, their rights).
82. *See generally Boerger v. Heiman*, 965 A.2d 671 (Del. 2009).
83. Del. coDe aNN. tit. 11, § 205.
84. Fla. sTaT. aNN. § 768.28(1). *See Ingram v. Wylie*, 875 So.2d 680 (Fla. Dist. Ct. App. 2004) (finding Department of Education was not protected by sovereign immunity for negligence in reissuing teaching certificate to teacher who previously impregnated a minor student).
85. Fla. sTaT. aNN. § 768.28(6).
86. *Id.* at § 768.28(5)(a).
87. *Wilson v. Lee Memorial Hosp.*, 65 So. 2d 40 (Fla. 1953).
88. *American Home Assur. Co. v. Weaver Aggregate Transp., Inc.*, 990 F.Supp.2d 1254 (M.D. Fla. 2013) (explaining that a party seeking to toll the SOL by alleging fraudulent concealment must prove defendant's successful concealment of a cause of action and fraudulent means to achieve the same as well as the party's own reasonable diligence and care in seeking to discover the facts that form the basis of the claim). *See also, John Doe No. 23 v. Archdiocese of Miami, Inc.*, 965 So. 2d 1186, 1187–88 (Fla. Dist. Ct. App. 2007) (finding that plaintiff's allegation that defendants concealed "their knowledge that the subject employees had sexually abused other boys," which plaintiff says would have "assisted him in pursuing" his claims was not sufficient to trigger fraudulent concealment because plaintiff "failed to allege any wrongful conduct or specific acts of ...fraudulent concealment by defendants at any point after the acts alleged in his amended complaint to justify applying the theory ...").
89. *See generally Palafrugell Holdings, Inc. v. Cassel*, 825 So.2d 937 (Fla. Dist. Ct. App. 2001) (explaining that the fiduciary relationship involved may be legal, moral, social, domestic, or personal in nature); *Atlantic Nat'l Bank v. Vest*, 480 So.2d 1328 (Fla. Dist. Ct. App. 1985). *See also Doe v. Evans*, 814 So.2d 370, 376 (Fla. 2002) (stating that when a church, through its clergy, holds itself out as qualified to engage in marital counseling and a counseling relationship arises, that relationship between the church and counselee may be fiduciary in nature, but that it is a question for the jury to determine whether a fiduciary relationship arose, the nature of that relationship, and whether there was a breach of fiduciary duties as a result of the church defendants' conduct); *Quinn v. Phipps*, 113 So. 419, 421 (Fla. 1927) (characterizing a fiduciary relationship as a relation of trust and confidence between two parties, one of whom is under a duty to act for or to give advice for the benefit of the other within the scope of that relation).
90. *Iglesia Cristiana La Casa Del Señor, Inc. v. L.M.*, 783 So. 2d 353, 357–58 (Fla. Dist. Ct. App. 2001).
91. *See* Fla. sTaT. aNN. § 775.15(6) (2003). *See also Robinson v. State*, 153 So. 3d 313 (Fla. Dist. Ct. App. 2014), *review granted*, No. SC15-233, 2015 WL 3825410 (Fla. 2015) (holding that the three year SOL on prosecution for second and third degree felonies was tolled during the time that defendant was continuously absent from the state, even if the prosecution failed to demonstrate that it had made a diligent search for the defendant or that defendant's absence from the state hindered his prosecution).
92. Ga. coDe aNN. § 50-21-24(7). *See generally, Davis v. Standifer*, 621 S.E.2d 852 (Ga. Ct. App. 2005) (holding that sexual assault and sexual battery claims against Georgia State Patrol and Department of Public Safety came within statutory exception to waiver of sovereign immunity).
93. Ga. coDe aNN. § 50-21-30.
94. *Id.* at § 50-21-29(b).
95. *Fulton–DeKalb Hosp. Auth. v. Fanning*, 396 S.E.2d 534 (Ga. 1990); *Ponder v. Fulton–DeKalb Hosp. Auth.*, 353 S.E.2d 515 (Ga. 1987) (noting that "[i]t has long been the rule in Georgia that 'an incorporated hospital, primarily maintained as a charitable institution, is not liable for the negligence of its officers and employees, unless it fails to exercise ordinary care in the selection of competent officers and servants, or fails to exercise ordinary care in retaining such officers and employees.'"); *Lewis v. Grady Mem'l Hosp. Corp., Inc.*, 798 S.E.2d 629 (Ga. Ct. App. 2017).
96. Ga. coDe aNN. § 9-3-96. *See also Robertson v. Robertson*, 778 S.E.2d 6 (Ga. Ct. App. 2015) (concluding, "[t]o constitute concealment of a cause of action so as to prevent the running of the limitation period, some trick or artifice must be employed to prevent inquiry or elude investigation, or to mislead and hinder the party who has the cause of action from obtaining information, and the acts relied on must be of an affirmative character and fraudulent.").
97. *See* Ga. coDe aNN. § 17-3-2(1) (1997). *See also Danuel v. State*, 262 Ga. 349 (1992); *Dennard v. State*, 154 Ga. App. 283 (Ga. Ct. App. 1980) (determining that escape after arrest and before indictment and subsequent concealment tolls the SOL).
98. Haw. rev. sTaT. aNN. §§ 662-2, 662-15(4). *See Kaho'ohanohano v. Dept. of Human Servs.*, 178 P.3d 538 (Haw. 2008) (finding Department of Human Services negligent in failing to perform duty of assisting child seeking protection from abuse).
99. Haw. rev. sTaT. aNN. § 662-4; *Hays v. City and Cnty. of Honolulu*, 917 P.2d 718 (Haw. 1996); *Whittington v. State*, 806 P.2d 957 (Haw. 1991).
100. Haw. rev. sTaT. aNN. § 662-2.
101. *Id.* at § 663-8.7.
102. *Id.* at § 657-20 (establishing that a party seeking to toll the SOL by alleging fraudulent concealment must prove that a defendant concealed the "existence of the cause of action or the identity of any person who is liable for the claim" within six years after such concealment is discovered or should have been discovered).
103. *Id.* at § 701-108(6)(a) (1999).
104. *See* Idaho coDe aNN. §§ 6-903, 6-904(3); *Rees v. State, Dept. of Health and Welfare*, 137 P.3d 397 (Idaho 2006) (finding that immunity for claims arising out of

battery does not pertain to negligent investigation of child abuse report).

105. iDaho coDe aNN. § 6-906A.

106. *Id.* at § 6-918.
107. *Id.* at § 6-926. Unless the governmental entity has purchased liability insurance, which raises the cap to the policy limits. *Id.*
108. *Bell v. Presbytery of Boise*, 421 P.2d 745 (Idaho 1966) (concluding, “[i]t is our opinion that the doctrine of charitable immunity should no longer be accorded recognition in the State of Idaho.”).
109. iDaho coDe aNN. § 5-219; *Glaze v. Deffenbaugh*, 172 P.3d 1104, 1107 (Idaho 2007) (finding that “I.C. § 5-219(4) applies to professional malpractice claims, not claims of the nature alleged in this case”, and further stating that even if the fraudulent concealment statute applied to childhood sexual assault claims, that concealment must be “practiced upon the injured party, not upon a third party.”).
110. *Doe v. Sisters of Holy Cross*, 895 P.2d 1229 (Idaho Ct. App. 1995) (finding the issue of hospitals liability in a case involving child molestation by a hospital employee that occurred ten months after employee had been fired—that is, whether molestation was reasonably foreseeable from acts of grooming that took place during, and as part of, perpetrator’s employment—was for the jury).
111. 705 ill. compP. sTaT. 505/8.
112. *Id.* at 505/22.
113. *Id.* at 505/8.
114. *Gubbe v. Catholic Diocese of Rockford*, 257 N.E. 2d 239 (Ill. App. Ct. 1970).
115. 735 ill. compP. sTaT. 5/13-202.2 (If a person liable to an action fraudulently conceals the cause of such action from the knowledge of the plaintiff, the action may be commenced at any time within five years after the plaintiff discovers that they have such cause of action). *See also Wisniewski v. Diocese of Belleville*, 942 N.E.2d 43, 84 (Ill. App. Ct. 2011) (finding that evidence supported the jury’s finding that the diocese’s fraudulent concealment by silence prevented the plaintiff from discovering that he sustained an injury and from discovering that the diocese’s wrongful conduct caused his injuries where the diocese failed to disclose that victim’s perpetrator had a history of sexually abusing young people in light of the special relationship between the parties); *Doe v. Boy Scouts of Am.*, 66 N.E.3d 433, 455 (Ill. App. Ct. 2016) (stating, “[w]e are unwilling to hold, as a matter of law, that a plaintiff’s knowledge that he sustained a physical injury and that his abuser has been arrested and tried for CSA is sufficient to put him on notice of every other potential claim against every other potential liable party, especially where the plaintiff alleges that he did not discover those claims because they were fraudulently concealed.”); *Doe v. Bd. of Educ. of Hononegah Cmty. High Sch. Dist. No. 207*, 833 F. Supp. 1366, 1375–76 (N.D. Ill. 1993) (holding that while plaintiff may have known she was abused, there was nothing to suggest that she knew or should have known of the alleged acts or omissions on the part of the defendants to conceal or cover up teachers’ sexual misconduct. Under such circumstances the court held it is not at all reasonable to expect a minor student to have effectively discovered such efforts by defendants).
116. *Doe v. Brouillette*, 906 N.E.2d 105, 124–25 (Ill. App. Ct. 2009) (finding that plaintiffs failed to prove the necessary elements-- a combination of two or more persons, for the purpose of accomplishing by some concerted action either an unlawful purpose or a lawful purpose by unlawful means, in the furtherance of which one of the conspirators committed an overt tortious or unlawful act—in order to toll SOL for claims arising from CSA against institutional defendants), *abrogated on other grounds*, *Doe v. Coe*, 135 N.E. 3d 1 (Ill. 2019).
117. 720 ill. compP. sTaT. aNN. 5/3-7(a) (West 2002).
118. *See* iND. coDe § 34-13-3-3; *Reiner v. Dandurand*, F.Supp.3d 1018 (N.D. Ind. 2014); *F.D. v. Indiana Dept. of Child Servs.*, 1 N.E.3d 131 (Ind. 2013).
119. iND. coDe. § 34-13-3-6.
120. *Id.* at § 34-13-3-4(a).
121. *Harris v. YWCA*, 237 N.E. 2d (Ind. 1968) (stating, “[a]s of this writing the great majority of the States deny immunity and perhaps only eight (8) or ten (10) States, including Indiana, hold to the doctrine which we believe was ill conceived and has certainly outlived any usefulness it may have had at one time. We, therefore, believe that the duty of this Court is to repudiate the doctrine of charitable immunity and in view of the fact that it is a Court-made rule, it is hereby abolished by this Court without waiting for the intervention of the Legislative Branch of Government.”).
122. *Doe v. Shults-Lewis Child & Family Servs., Inc.*, 718 N.E.2d 738, 752 (Ind. 1999) (finding that the SOL will be tolled when a defendant, by deception or violation of a duty, conceals information or engages in wrongful conduct which caused the plaintiff to repress memories of the abuse, and that, if the SOL is tolled due to fraudulent concealment, the plaintiff is not bound by the SOL and instead must file a claim within a “reasonable amount of time” after recovering memories of the abuse); *Fager v. Hundt*, 610 N.E.2d 246, 251 (Ind. 1993) (explaining that to toll the SOL based on repressed memory, the plaintiff must provide an expert opinion that their memories were in fact repressed as a result of the abuse); *Steward v. State*, 652 N.E.2d 490, 496–97 (Ind. 1995) (noting that an expert opinion alone is not enough to trigger the fraudulent concealment exception—that is, to prove defendants’ actions themselves—but can be used to aid the jury in reaching conclusions drawn from these actions if taken as true).
123. *Garneau v. Bush*, 838 N.E.2d 1134, 1143 (Ind. Ct. App. 2005) (citing *Boggs v. Tri-State Radiology, Inc.*, 730 N.E.2d 692, 695 (Ind. 2000)). *See, e.g., Doe v. United Methodist Church*, 673 N.E.2d 839, 840, 845 (Ind. Ct. App. 1996) (noting that the “doctrine of continuing wrong will not prevent the SOLs from beginning to run when the plaintiff learns of facts which should lead to the discovery of his cause of action even if his relationship with the tortfeasor continues beyond that point.”). *See also Konkle v. Henson*, 672 N.E.2d 450 (Ind. Ct. App. 1996) (holding that “the SOLs would begin to run once [the plaintiff] ‘discovered’ the wrongdoing and the resulting injury.”).
124. iND. coDe aNN. § 35-41-4-2(i)(1) (2003); *Wood v. Bissell*, 9 N.E. 425 (Ind. 1886) (holding, “the time during which the defendant is a non-resident of the State...shall not be computed in any of the periods of limitation”). *See also Damler v. Baine*, 51 N.E.2d 885 (Ind. Ct. App. 1943).
125. ioWa coDe Ann. §§ 669.5, 669.14.
126. *Id.* at § 669.13; *Callahan v. State*, 464 N.W.2d 268 (Iowa 1990); *Harden v. State*, 434 N.W.2d 881 (Iowa 1989) (holding that two-year period is not tolled for minors).

127. ioWa coDe aNN. § 669.4(2).

128. *Sullivan v. First Presbyterian Church*, 152 N.W.2d 628 (Iowa 1967); *Haynes v. Presbyterian Hosp. Ass'n*, 45 N.W.2d 151, 154 (Iowa 1950) (holding an “incorporated charity should respond as do private individuals, business corporations, and others, when it does good in the wrong way.”).
129. *District Township of Boomer v. French*, 40 Iowa 601, 603–04 (1875) (determining that “[w]here a party against whom a cause of action existed in favor of another, by fraud or actual fraudulent concealment prevented such other from obtaining knowledge thereof, the statute would only commence to run from the time the right of action was discovered, or might, by the use of diligence, have been discovered.”). See also *Schlote v. Dawson*, 676 N.W.2d 187, 195 (Iowa 2004) (noting that to establish fraudulent concealment, the plaintiff must show that the defendant engaged in an affirmative act to conceal the cause of action and that the plaintiff exercised reasonable diligence to discover the cause of action.); *Doe v. Hartz*, 52 F. Supp.2d 1027, 1057, 1065 (N.D. Iowa 1999) (contemplating applicability of fraudulent concealment where one with superior knowledge fails to disclose material facts, but finding that the priest-parishioner relationship is insufficient to establish a fiduciary duty, but recognizing generally that the silence of church officials about a priest’s past misconduct may be relevant to the liability of a church and diocese for subsequent misconduct by a priest under a theory of fraudulent concealment); *Kurtz v. Trepp*, 375 N.W.2d 280, 283 (Iowa Ct. App. 1985) (noting that mere silence may be sufficient to establish fraudulent concealment if a fiduciary relationship exists between the parties).
130. *Id.* at § 802.6 (West Supp. 2003); see also, *Davenport v. Allen*, 120 F.172 (1903, CC Iowa).
131. Kan. sTaT. aNN. §§ 12-105(b)(d), 75-6105, 75-6109; *Christopher v. State ex rel. Kansas Juv. Just. Auth.*, 143 P.3d 685, 691–92) Kan. Ct. App. 2006) (applying section 12-105(b)(d) to state claims).
132. *Noel v. Menninger Found.*, 267 P.2d 934, 942–43 (Kan. 1954) (holding that “[t]o exempt charitable and nonprofit corporations from liability for their torts is plainly contrary to our constitutional guaranties, Bill of Rights, § 18. It gives to certain favored ones, selected arbitrarily, immunity from that equal liability for civil wrongs which is a sign of equality between citizens. It undertakes to clothe charitable and nonprofit organizations with special privileges denied to other corporations, and society.”). See also *McAtee v. St. Paul’s Mission*, 376 P.2d 823 (Kan. 1962) (holding that following the *Noel* case, “a church corporation has no immunity as to liability in tort.”).
133. See *Doe v. Popravak*, 421 P.3d 760, 768, 771 (Kan. Ct. App. 2017) (finding that plaintiff failed to allege facts showing that the defendants engaged in affirmative acts intended to prevent the plaintiff from raising his claims before the SOL expired, and that plaintiff’s claims that he was raised in a devoutly Roman Catholic family, was baptized, regularly celebrated weekly mass, served as an altar boy, and received sacraments were insufficient to establish a unique, special relationship with the institutional defendants); *Stark v. Mercantile Bank, N.A.*, 33 P.3d 609, 614–15 (Kan. Ct. App. 2000) (finding that plaintiffs failed to allege facts to support fraudulent concealment, noting that plaintiffs did not explain why they failed to file suit for over forty years); *Robinson v. Shah*, 936 P.2d 784, 793–95 (Kan. Ct. App. 1997) (holding the doctrine of fraudulent concealment applicable to both SOLs and SORs and reiterating that plaintiff must establish affirmative conduct by the defendant, distinct from any conduct supporting the cause of action itself, that prevented the plaintiff from bringing a timely lawsuit in order for the theory to apply); *Doe v. St. Benedict’s Abbey*, No. 98,675, 2008 WL 3368248, at *7, 9 (Kan. Ct. App. 2008) (concluding that plaintiff had failed to establish fraudulent concealment because he had not shown that reliance on the defendant’s actions had prevented him from discovering his claims before the SOL expired. The court recognized that if the defendant had notified each diocese in which the priest attempted to work, then the plaintiff’s abuse might have been prevented but emphasized that the claim was indistinguishable from the plaintiff’s other claims and did not establish conduct that prevented the plaintiff from filing a timely petition).
134. See, e.g., *Rex v. Warner*, 332 P.2d 572 (Kan. 1958) (holding that equitable estoppel tolls the SOL when a defendant induces a plaintiff to believe that certain facts exist, and plaintiff reasonably relies and acts upon that belief); *Dunn v. Dunn*, 281 P.3d 540, 556 (Kan. Ct. App. 2012) (characterizing whether equitable estoppel tolls an SOL or SOR as a “debatable issue in Kansas” but declining to consider the issue further because the plaintiff had not properly pled equitable estoppel); *Robinson, supra* note 374, at 832; *Coffey v. Stephens*, 599 P.2d 310, 313 (Kan. Ct. App. 1979).
135. Kan. sTaT. aNN. § 21-5107(e) (tolling provision).
136. See Ky. rev. sTaT. aNN. §§ 44.070, 44.072-073; *Doe v. Patton*, 377 F.Supp.2d 615 (E.D. Ky. 2005); *Killary v. Thompson*, No. 2020-CA-0194, 2022 WL 2279865, at *4 (Ky. Ct. App. June 24, 2022) (remanding to determine whether 2021 SOL amendment waived sovereign immunity for CSA).
137. Ky. rev. sTaT. § 49.120(1), (5).
138. *Id.* at § 49.040(1).
139. *Sheppard v. Immanuel Baptist Church*, 353 S.W.2d 212 (Ky. 1961); *Mullikin Adm’x v. Jewish Hosp. Ass’n of Louisville, Ky.*, 348 S.W.2d 930 (Ky. Ct. App. 1961) (finding, “[w]e are impelled by right and reason to reverse our previous holdings and hold that the charitable nature of an institution is not sufficient within itself to give immunity from liability for its tort.”).
140. *Anderson v. Board of Educ. of Fayette Cnty.*, 616 F.Supp.2d 662 (E.D. Ky. 2009) (explaining that fraudulent concealment will toll an SOL if a defendant’s actions prevented the plaintiff from inquiring into the cause of action, or eluded plaintiff’s investigation, or otherwise misled the plaintiff but requiring that plaintiff exercise reasonable diligence to discover their cause of action).
141. *O’Bryan v. Holy See*, 471 F. Supp. 2d 784 (W.D. Ky. 2007) (considering issues of whether Holy See exercised substantial control over Roman Catholic archbishops, bishops, and other clergy based in United States, and whether clergy were acting within scope of their office when they allegedly imposed policy of secrecy surrounding incidents of CSA by local Catholic priests involved fact questions that could not be resolved on motion to dismiss victims’ class action against Holy See).
142. Ky. rev. sTaT. aNN. § 413.190(2); *Roman Catholic Diocese v. Secter*, 966 S.W.2d 286 (Kan. Ct. App. 1998) (holding that church’s concealment of relevant information tolled the SOL in action against church by former student of church-operated school who alleged that he was sexually assaulted by school employee, and who claimed that church negligently hired, supervised, and retained employee as teacher and guidance counselor in its schools; church knew prior to period of time in which plaintiff was abused that employee had sexually abused students and would continue to be “a problem,” church continued to receive reports of employee’s sexually abusing students during at least part of time period in which plaintiff was abused, but church took no action to discipline or sanction employee, to inform other students, parents, or employees, or to report the incidents to state authorities); *Rigazio v. Archdiocese of Louisville*, 853 S.W. 2d 295 (Ky. Ct. App. 1993) (concluding, “[o]bstruction might also occur where a defendant conceals a plaintiff’s cause of action so that it could not be discovered by the exercise of ordinary diligence on the plaintiff’s part.”).
143. See la. sTaT. aNN. § 9:2798.1; la. sTaT. aNN. § 13:5101; *Doe v. ABC School*, 316 So.3d 1086 (La. Ct. App. 2020) (finding discretionary immunity did not apply to public

school board in student's negligence action against school janitor for sexual abuse).

144. la. sTaT. aNN. § 13:5108.

145. *Id.* at § 13:5106(B)(1).
146. *Garlington Kingslet*, 289 So.2d 88 (La. 1974); *Whetstone v. Dixon*, 616 So.2d 764, 771 (La. Ct. App. 1993).
147. *Wimberly v. Gatch*, 635 So.2d 206, 217 (La. 1994) (ruling equitable doctrine of *contra non valentem* suspends the SOL until the parents of a sexually abused child learn about the molestation); *N. G. v. A. C.*, 281 So. 3d 727, 734 (La. Ct. App. 2019) (applying the doctrine where in fact and for good cause a plaintiff is unable to, for reasons “external to his own will,” exercise his cause of action when it accrues); *Doe v. Roman Catholic Church*, 656 So.2d 5 (La. Ct. App. 1995) (noting “[p]rescription commences to run not necessarily on the date the injury occurs or the damage is sustained, but from the date the affected individual knows or should have known of the injury or damage sustained,” and finding the doctrine of *contra non valentem* was inapplicable where deposition testimony of victim and of victim’s treating psychiatrist indicated that victim had sufficiently regained her memory of alleged events and had discussed possibility of filing suit at least one year prior to filing of suit; victim understood it was wrong for priest to have committed abuse; and victim admitted that priest did nothing to prevent her from filing suit since last communication with priest twenty-five years before filing suit).
148. *Samuels v. Southern Baptist Hosp.*, 594 So. 2d 571 (La. Ct. App. 1992) (finding hospital vicariously liable for sexual assault by nurse’s assistant, whose job gave him access to and authority over victim) *writ denied*, 599 So. 2d 316 (La. 1992).
149. la. coDe crim. Proc. aNN. arts. 575–583 (1981). *See also State v. Berryhill*, 117 So. 663 (La. 1937); *State v. Gibson*, 32 So. 332 (La. 1902) (explaining that the burden is on the government to establish the fact that defendant was fleeing from justice for purposes of tolling the SOL).
150. me. rev. sTaT. aNN. tit. 14, §§ 8103, 8104-A.
151. *Id.* at § 8105(5).
152. *Id.* at § 8105(3).
153. The defense of charitable immunity was first recognized by the Supreme Court in *Jensen v. Maine Eye & Ear Infirmary*, 78 A. 898 (Me. 1910). *See also Picher v. Roman Catholic Bishop of Portland*, 974 A.2d 286 (Me. 2009) (declining to abrogate charitable immunity for acts of negligence involving the sexual abuse of a minor, but finding charitable immunity is not a defense to intentional torts).
154. me. rev. sTaT. aNN. tit.14, § 158; *Rhoda v. Aroostook Gen. Hosp.*, 226 A.2d 530 (Me. 1967) (noting the language of the statute was “tacit recognition that the immunity of charitable institutions from liability for corporate negligence as well as for the negligence of subordinate employees shall remain where no insurance coverage is provided.”).
155. me.rev.sTaT. tit. 14, § 859 (1996); *Harkness v. Fitzgerald*, 701 A.2d 370 (Me. 1997) (explaining that to prove fraudulent concealment, the plaintiff must establish that defendants actively concealed material facts and that the plaintiff relied on their acts and statements to its detriment, or that a special relationship existed between the parties that imposed a duty to disclose a cause of action and the defendants failed to honor that duty); *Westman v. Armitage*, 215 A.2d 919 (Me. 1966) (noting that the statute begins to run when the plaintiff discovers, or should have discovered in the exercise of due diligence and ordinary prudence, the existence of a cause of action or fraud). *See also Mansir v. United States*, 299 F.Supp.3d 203 (D. Me. 2018) (finding that absent a special relationship, silence and inaction are insufficient as a matter of law to establish active concealment because omission by silence is not tantamount to supplying false information); *Fortin v. The Roman Catholic Bishop of Portland*, 871 A.2d 1208, 1220 (Me. 2005) (determining plaintiff had a fiduciary relationship with the diocese based upon his “prolonged and extensive involvement with the church as a student and altar boy,” such that plaintiff could proceed with his claim under the doctrine of fraudulent concealment, and that victim alleged sufficient facts to establish fiduciary relationship with diocese, so as to give rise to duty to protect on the part of the diocese, if diocese had reason to believe that priest posed substantial risk of harm to victim, for purposes of imposing negligent supervision liability against diocese).
156. me. rev. sTaT. aNN. tit. 17-A, § 8(3)(A) (1964).
157. mD. coDe aNN., cTs. & JuD. Proc. § 5-117(d); mD. coDe aNN., sTaTe Gov’T §§ 12-104, 12-106(a)(2).
158. *James v. Prince George’s Cnty.*, 418 A. 2d 1173 (Md. 1980) *superseded on other grounds*, *Prince George’s Cnty. v. Fitzhugh*, 519 A.2d 1285 (Md. 1987); *Wood v. Abell*, 300 A.2d 665 (Md. 1973).
159. *Eliason v. Funk*, 196 A.2d 887 (Md. 1964). *See* mD. iNs. coDe § 19-103, Immunity of charitable institution (stating, “e]ach policy issued to cover the liability of a charitable institution for negligence or any other tort shall provide that, for a claim covered by the policy, the insurer may not assert the defense that the insured is immune from liability because it is a charitable institution.”).
160. *Doe v. Archdiocese of Wash.*, 698 A.2d 634 (Md. Ct. Spec. App. 1997) (concluding that “[n]owhere does Doe allege that, once he inquired of the Archdiocese, the Church negligently or deliberately mislead him as to what it knew about the priests. Doe’s allegations are insufficient to bring the Complaint within the doctrine of fraudulent concealment. First, the Complaint alleges neither specific facts to support a claim for fraud, nor any facts from which fraud can be implied. Second, as we observed earlier, fraudulent concealment requires that the complaint articulate how the plaintiff learned of the fraud, and why a diligent plaintiff could not discover it sooner. Appellant’s Complaint fails to satisfy this requirement.”). *See also Latty v. St. Joseph’s Soc’y of Sacred Heart, Inc.*, 17 A.3d 155 (Md. Ct. Spec. App. 2011) (holding fraudulent concealment claim failed without a confidential or fiduciary relationship).
161. *See* mass. GeN. laWs. aNN. ch. 258, § 10; *Doe v. Fournier*, 851 F.Supp.2d 207 (D. Mass. 2012) (concluding municipality and school officials were immune from liability because teacher’s CSA was outside the scope of his employment); *Doe v. D’Agostino*, 367 F.Supp.2d 157 (D. Mass. 2005) (finding school district immune from liability for negligence in preventing teacher’s sexual abuse of student); *Doe v. Old Rochester Reg’l Sch. Dist.*, 56 F.Supp.2d 114 (D. Mass. 1999) (holding school district and administrators were immune from claim of breach of duty to prevent or mitigate teacher’s sexual abuse of student).
162. mass GeN. laWs. aNN. ch. 258, § 4.
163. *Id.* at § 2.
164. *See Doe v. Roman Catholic Bishop of Springfield*, 190 N.E.3d 1035, 1045-47 (Mass. 2022) (noting that, while the common-law doctrine of charitable immunity was applicable to conduct that allegedly occurred in the 1960’s because the Legislature abolished the doctrine prospectively in 1971, it nevertheless did

not shield the church from liability for allegations of sexual abuse, as those allegations could not be related in any way to a charitable mission. However, the court determined that it did provide the church immunity from a claim of negligent hiring and supervision.)

165. *Id.* at ch. 231, § 85K (stating, “[i]t shall not constitute a defense to any cause of action based on tort brought against a corporation, trustees of a trust, or members of an association that said corporation, trust, or association is or at the time the cause of action arose was a charity; provided, that if the tort was committed in the course of any activity carried on to accomplish directly the charitable purposes of such corporation, trust, or association, liability in any such cause of action shall not exceed the sum of twenty thousand dollars exclusive of interest and costs.”).
166. *Id.* at ch. 260, § 12 (establishing that the applicable limitations period is tolled until the plaintiff has actual knowledge of either the harm or the fiduciary’s implicit or explicit repudiation of his or her obligations); *Macharia v. City of Revere*, 848 F. Supp. 2d 74 (D. Mass. 2012) (noting that if a party is deemed to know the facts upon which a claim rests, there can be no fraudulent concealment tolling the running of the SOL).
167. mass. Gen. laWs aNN. ch. 277, § 63 (establishing that the SOL is tolled, for any period during which the defendant “is not usually and publicly resident within the Commonwealth”). See also *Couture v. Commonwealth*, 153 N.E.2d 625, 628 (Mass. 1958) (articulating that a person is not “usually and publicly resident” in Massachusetts if he is confined in a penal institution in another state even though his absence is not voluntary).
168. See mich. comp. laWs. aNN. § 691.1407; *Doe ex rel. Doe v. Warren Consolidated Schools*, 307 F.Supp.2d 860 (E.D. Mich. 2003) (concluding that school administrators were immune from claims of gross negligence and intentional misconduct arising from teacher’s sexual molestation of student); *Nelson v. Almont Cmty. Schools*, 931 F.Supp.1345 (E.D. Mich. 1996) (finding school district entitled to immunity from student’s negligence claims arising from sexual harassment by teacher).
169. mich.comp.laWs.aNN. § 600.6431(4). But see *May v. Dep’t of Nat. Res.*, 365 N.W.2d 192, 193 (Mich. Ct. App. 1985) (holding that a delay in providing notice will not require dismissal of claim unless state can show prejudice).
170. *Parker v. Port Huron Hosp.*, 105 N.W.2d 1 (Mich. 1960) (concluding, “there is today no factual justification for immunity in a case such as this, and that principles of law, logic and intrinsic justice demand that the mantle of immunity be withdrawn. The almost unanimous view expressed in the recent decisions of our sister States is that insofar as the rule of immunity was ever justified, changed conditions have rendered the rule no longer necessary... It is our opinion that a charitable, nonprofit hospital organization should no longer be held immune from liability for injuries to patients caused by the negligence of its employees. Our previous decisions holding to the contrary are hereby overruled, subject to the above limitation as to this case and future cases.”).
171. mich. comp.laWs aNN. § 600.5855 (stipulating that if a defendant who may be liable for any claim fraudulently conceals the existence of the claim or the identity of any person who is liable for the claim from plaintiff’s knowledge, the action may be commenced at any time within two years after the plaintiff discovers, or should have discovered). See also *Doe v. Roman Catholic Archbishop of Archdiocese of Detroit*, 692 N.W.2d 398 (Mich. Ct. App. 2004) (concluding that organization’s silence on priest’s alleged abuse of plaintiff did not constitute fraudulent concealment, and plaintiff knew or should have known of his causes of action, not simply because plaintiff knew the identity of his perpetrator but because of the “entire constellation of facts that were known or should have been known to plaintiff at the time the abuse occurred.”).
172. mich.comp.laWs aNN. § 767.24(5) (2003); *People v. Blackmer*, 870 N.W.2d 579 (Mich. Ct. App. 2015) (considering “out of state” as not customarily and openly living in the state) *appeal denied*, 866 N.W.2d 418 (Mich. Ct. App. 2015).
173. See miNN. sTaT. aNN. § 3.736; *Doe 175 ex rel. Doe 175 v. Columbia High Sch. Dist.*, 873 N.W.2d 352 (Minn. Ct. App. 2016) (concluding that state was immune from vicarious liability where its employee engages in CSA).
174. miNN.sTaT. aNN. § 3.736(4).
175. *Id.* at § 3.736(5).
176. *Geiger v. Simpson Methodist Episcopal Church*, 219 N.W. 463, 464 (Minn. 1928) (holding that “[c]haritable, benevolent, and religious institutions have been and are doing immeasurable service for the physical and moral welfare of humanity. Such institutions are rapidly growing in number, in resources, and influence. They should be encouraged, aided, and protected in carrying on their work to the full extent that it may be done without injustice to others. They are generally favored by being relieved, partly or wholly, from the burden of taxation. We do not think it would be good public policy to relieve them from liability for torts or negligence. Where innocent persons suffer through their fault, they should not be exempted. That rule, in the long run, will tend to increased efficiency and benefit them and the public, as well as persons so injured. It is almost contradictory to hold that an institution organized to dispense charity shall be charitable and extend aid to others, but shall not compensate or aid those injured by it in carrying on its activities.”).
177. See *Hydra-Mac, Inc. v. Onan Corp.*, 450 N.W. 2d. 913, 918 (Minn. 1990) (holding that fraudulent concealment will toll the SOL until the plaintiff discovers or has reasonable opportunity to discover the concealed facts); *Doe v. Order of St. Benedict*, 836 F. Supp. 2d 872 (D. Minn. 2011) (recognizing that, in theory, the SOL may be tolled where institutional defendants concealed sexual misconduct by religious employee but finding that victim plaintiff failed to sufficiently plead the first and third elements of fraudulent concealment [i.e. that Catholic church concealed his cause of action against it for negligence, or that he exercised due diligence in attempting to discover his negligence cause of action against church] and thus the SOLs could not be tolled).
178. *D.M.S. v. Barber*, 645 N.W.2d 383, 391 (Minn. 2002).
179. miNN.sTaT. aNN. § 628.26(k) (2003) (noting the period excludes any time during which the defendant “was not an inhabitant of or usually resident within this state”); *id.* at § 541.15(1)–(5) (1983) (establishing that the SOL is tolled while the following disabilities exist: the defendant is under the age of eighteen, insane, imprisoned for another criminal offense; an alien and the subject or citizen of a country at war with U.S.; or when beginning of action is stayed by injunction or statutory prohibition).
180. miss.coDe aNN. § 11-46-5; *Rodgers v. Smart*, F.Supp.3d 615 (N.D. Miss. 2021) (finding school district immune from negligence claim arising from teacher’s sexual assault of student because assault constituted criminal behavior outside the scope of employment).
181. miss.coDe aNN. §§ 11-46-11(1), (4).
182. *Id.* at § 11-46-15(2).
183. See *id.* at § 11-46-15(1).

184. *Mississippi Baptist Hosp. v. Holmes*, 55 So.2d 142, 156 (Miss. 1951) (concluding, “[w]ith due regard for the great work being done by the charitable hospitals, and with the utmost respect for the courts that adhere to the contrary view to that entertained by us... all of the Judges and Commissioners who now compose this Court are unanimously of the opinion that the defendant hospital should be held liable to the same extent for the negligent act of its employee which proximately caused the death of [the plaintiff] it would have been had its governing authorities failed to exercise reasonable care in his selection, employment or retention”).

185. miss. coDe aNN § 15-1-67 (2003) (stipulating that fraudulent concealment will toll the limitations period until the claim is discovered or should have been discovered); *Mabus v. St. James Episcopal Church*, 13 So.3d 260 (Miss. 2009) (finding there was no legal requirement to disclose and thus no viable claim of fraudulent concealment); *Roman Catholic Diocese of Jackson v. Morrison*, 905 So. 2d 1213, 1240 (Miss. 2005) (explaining that it was unknown whether the Diocese authorized or ratified the priests' actions or whether the Diocese took action to cover up the same but noting that those issues were not presently before the court); *Robinson v. Cobb*, 763 So.2d 883, 887 (Miss. 2003) (explaining that the plaintiff must prove that (1) the defendants engaged in some act or conduct of an affirmative nature designed to prevent and which does prevent discovery of a claim, and (2) though plaintiffs acted with due diligence in attempting to discover the claim, they were unable to do so); *Guastella v. Wardell*, 198 So.2d 227, 230 (Miss. 1967) (reiterating that in order to be liable for nondisclosure, a party must have had a legal duty to communicate a known material fact).
186. *McGowen v. Roman Catholic Diocese of Biloxi*, 319 So. 3d 1086 (Miss. 2021) (finding that allegations by alleged victim that he did not recall sexual abuse by priest until more than three decades after the alleged incidents, which took place when he was twelve to thirteen-years-old, adequately alleged a latent injury pursuant to Miss. Code Ann. section 15-1-49(2), as required to invoke discovery rule to toll limitations period in alleged victim's case against church and diocese).
187. miss. coDe aNN. § 99-1-5 (2002).
188. mo. rev. sTaT. § 537.600; *Bolon v. Rolla Public Schools*, 917 F.Supp. 1423 (E.D. Mo. 1996) (concluding that official immunity applied on negligence claim arising from teacher's sexual misconduct with student because the negligent conduct was discretionary act).
189. mo. rev. sTaT. § 33.120(1).
190. *Id.* at §§ 537.610(2)-(3).
191. *Ordinola v. University of Physician Assocs.*, 625 S.W.3d 445 (Mo. 2021) (holding "that a nongovernmental charitable institution is liable for its own negligence and for the negligence of its agents and employees acting within the scope of their employment."); *Abernathy v. Sisters of St. Mary's*, 446 S.W.2d 599 (Mo. 1969) (superseded by statute mo. rev. sTaT. section 354.125, indicating that a health services corporation is not liable for injuries resulting from neglect, misfeasance, malfeasance, and malpractice on the part of any person, organization, agency, or corporation rendering health services to members and beneficiaries); *Garnier v. St. Andrew Presbyterian Church of St. Louis*, 446 S.W.2d 607 (Mo. 1969) (stating, "[t]he reasons given in our opinion in that case for abandoning the doctrine of charitable immunity apply no less to churches than to hospitals... For the reasons stated in *Abernathy*, supra, we hold that our decision abolishing the doctrine of charitable immunity applies to this case and to all future causes of action...").
192. mo. rev. sTaT. §§ 516.280 (fraudulent concealment occurs when a defendant, by any improper act, affirmatively intends to conceal the knowledge of a cause of action from the plaintiff). *See also State ex rel. Heart of Am. Council v. McKenzie*, 484 S.W.3d 320, 325 (Mo. 2016) (holding that the SOL was not tolled by fraudulent concealment doctrine in plaintiffs action against the Boy Scouts for allegations of abuse by scout leader, even though Boy Scouts told plaintiff's family they would "take care of" the situation and failed to reveal there were other cases of abuse by Boy Scout leaders; plaintiff also knew of his claims and plaintiff did not allege that whether others were abused constituted a legal hindrance to his filing suit); *Wheelerv. Missouri Pac. R.R. Co.*, 42 S.W.2d 579, 583 (Mo. 1931) (concluding that improper acts are "uniformly held to mean some act on the part of the defendant that would hinder or delay the commencement of a suit, the service of process or some necessary step in relation thereto"); *M & D Enterprises, Inc. v. Wolff*, 923 S.W.2d 389, 400 (Mo. Ct. App. 1996) (explaining that fraudulent concealment will not toll the limitations period if a plaintiff knows or should have known he had a cause of action).
193. *John Doe CS v. Capuchin Franciscan Friars*, 520 F.Supp.2d 1124 (E.D. Mo. 2007) (finding that plaintiff's allegation that Roman Catholic religious order committed fraud, under Missouri law, by not disclosing sexual misconduct of priests within the order when he and his family were deciding whether he should attend school operated by the order, including the sexual misconduct of priest which ultimately molested plaintiff while he was a student at school, were sufficient to satisfy special pleading rules for alleging fraud.).
194. *See* mo. rev. sTaT. § 556.036.6(1); *State v. Leisure*, 796 S.W.2d 875, 879 (Mo. 1990). *See also State v. Douglas*, 835 S.W.2d 383 (Mo. Ct. App. 1992) (determining the statute tolled even though defendant's whereabouts—in another state's prison—were known to authorities, until he returned or took steps to return to Missouri) *disapproved of on other grounds*, *State v. Becker*, 1996 WL 174806 (Mo. Ct. App. April 16, 1996). A defendant who absconds and assumes a false identity, or who gives police a false name at the time of arrest, may be considered to be concealing himself from justice, unless the defendant can show that the State was aware of the alias. *See* mo. rev. sTaT. § 556.036.6(2)–(3). *See also State v. Love*, 88 S.W.3d 511 (Mo. Ct. App. 2002).
195. moNT. coDe aNN. § 2-9-111; *S.M. v. R.B.*, 811 P.2d 1295 (Mont. 1991) (finding sovereign immunity covered claim of CSA by a school district worker).
196. moNT. coDe aNN. § 2-9-301.
197. *Id.* at § 2-9-105.
198. *Id.* at § 2-9-108(1).
199. *Davis v. The Church of Jesus Christ of Latter Day Saints*, 852 P.2d 640 (Mont. 1993) (concluding that "Montana has never adopted the doctrine of charitable immunity... We agree with the opinion set forth in *Howard* and approved by the District Court in this case and decline to adopt the doctrine of charitable immunity.") *overruled on other grounds*, *Gliko v. Permann*, 130 P.3d 155 (Mont. 2006); *Howard v. Sisters of Charity of Leavenworth*, 193 F. Supp. 191 (D. Mont. 1961).
200. *Christian v. Atl. Richfield Co.*, 358 P.3d 131, 156 (Mont. 2015) (holding that a party seeking to toll the SOL by alleging fraudulent concealment must prove "the employment of artifice, planned to prevent inquiry or escape investigation, and mislead or hinder acquisition of information disclosing a cause of action."); *Osterman v. Sears, Roebuck & Co.*, 80 P.3d 435, 441 (Mont. 2003) (reiterating the common law standard that a plaintiff seeking to toll the SOL under a theory of fraudulent concealment must exercise "ordinary diligence" to discover the facts or fraudulent practices when "the plaintiff has information of circumstances sufficient to put a reasonable person on inquiry, or has the opportunity to obtain knowledge from sources open to his or her investigation.").
201. *See State v. Stillings*, 778 P.2d 406 (Mont. 1989) (discussing cases from other jurisdictions supporting conclusion that absence from SOL the time though defendant's whereabouts known).
202. NeB. rev. sTaT. § 81-8, 219. *See D.M. v. State*, 867 N.W.2d 622 (Neb. 2015) (holding that sovereign immunity applies to claims for assault and battery as well as all claims arising from assault and battery).

203. Neb. rev. sTaT. § 81-8, 227(1); *Roe v. Nebraska*, 861 F.3d 785 (Neb. 2017).
204. Neb. rev. sTaT. § 81-8, 224.
205. *Meyers v. Drozda*, 141 N.W.2d 852, 854 (Neb. 1966) (stating, “...we hold that nonprofit charitable hospitals are not exempt from tort liability to their patients. Contrary decisions are overruled to the extent of their inconsistency.”).
206. *Upah v. Ancona Bros. Co.*, 521 N.W.2d 895, 902 (Neb. 1994) (explaining that a plaintiff must satisfy two elements in order to successfully allege fraudulent concealment: (1) that the party alleging fraudulent concealment “exercised due diligence to discover his or her cause of action before the SOLs expired,” and (2) that the defendant committed an “affirmative act of fraudulent concealment which prevented the plaintiff from discovering his or her cause of action;” also adopting a Michigan Court of Appeals rule that “mere silence is not enough to overcome the applicable period of limitation,” and that a fiduciary relationship between the parties creates an affirmative duty to disclose) *disapproved of by Welsch v. Graves*, 582 N.W.2d 312 (Neb. 1998). *See also, Dilly v. Corp.*, No. 2:14-CV-03307, 2016 WL 53828, at *6 (D. S.C. Jan. 4, 2016) (holding that a concealment claim brought six years, rather than the required four, after discovery of the fraud was barred by SOL) (citing Neb. rev. sTaT. section 25-207); *Teater v. State*, 559 N.W.2d 758 (Neb. 1997) (where adult plaintiff alleged childhood sexual assault by her foster parent from age six to fourteen, plaintiff brought an action when she was 36, and the trial court held that her claims were barred by the SOLs. Supreme Court of Nebraska held that, because Plaintiff “did not allege facts sufficient to put state or district court on notice of tolling theory of fraudulent concealment and plaintiff never requested leave to amend her pleadings to conform to evidence, petition did not state facts establishing excuse that would toll SOLs”).
207. Neb. rev. sTaT. § 29-110(13).
208. *See Nev. rev. sTaT. § 41.032; Doe ex rel. Knackert v. Estes*, 926 F.Supp.979 (D. Nev. 1996) (determining school district was not entitled to sovereign immunity for negligence action arising from teacher’s sexual molestation of minor student); *Doe v. Clark County School Dist.*, No. CV-01696, 2018 WL 1368264 (D. Nev. Mar. 15, 2018) (denying to provide a school district with discretionary immunity for negligence claims arising from a teacher’s sexual assault of student).
209. Nev. rev. sTaT. § 41.036.
210. *Id.* at § 41.035(1).
211. *Id.* at § 41.480 (2017) (stipulating, “[a] nonprofit corporation, association or organization formed under the laws of this State is not immune from liability for the injury or damage caused any person, firm or corporation as a result of the negligent or wrongful act of the nonprofit corporation, association or organization, or its agents, employees or servants acting within the scope of their agency or employment.”).
212. *Garcia v. Eighth Jud. Dist. Ct. of State, ex rel. Cty. of Clark*, 373 P.3d 916 (Nev. 2011) (considering that fraudulent concealment requires that a defendant “used fraudulent means to keep [the party] unaware of [his/her] cause of action” and also that the party “was, in fact, ignorant of the existence of [his / her] cause of action” and thus dismissing plaintiff’s claim of fraudulent concealment finding that she was aware of the concealment at or about the time of the injury giving rise to her cause of action); *Golden Nugget, Inc. v. Ham*, 646 P.2d 1221, 1224 (Nev. 1982) (holding that a “plaintiff must show the means by which previously unknown information was acquired within the statutory period which led to discovery of the concealment and underlying breach of fiduciary duty”).
213. N.h. rev. sTaT. aNN. § 541-B:19(I)(d). *See In re New Hampshire Div. for Children, Youth and Families*, 244 A.3d 260 (N.H. 2020) (noting in analysis of CSA case that section 541-B waives sovereign immunity for certain tort claims against state agencies); *In re New Hampshire Div. for Children, Youth and Families*, No. 2021-0563, 2023 WL 1806722 (N.H. 2023) (determining that majority tolling, as contained in N.H. Rev. Stat. Ann. section 508:8, applies to minors’ tort claims against the State).
214. N.h. rev. sTaT. aNN. § 541-B:14.
215. *Wheeler v. Monadnock Comty. Hosp.*, 171 A.2d 23 (N.H. 1961) (concluding, “[i]n this jurisdiction it is established doctrine that hospitals and charitable institutions enjoy no immunity from liability for negligence.”); *Welch v. Frisbie Memorial Hosp.*, 9 A.2d 761 (N.H. 1939).
216. *McCollum v. D’Arcy*, 638 A.2d 797, 798 (N.H. 1994) (noting, “[t]he trial court also ruled that the fraudulent concealment doctrine articulated by this court in *Lakeman v. LaFrance*, 156 A.2d 123 (N.H. 1959), provides additional common law precedent for tolling the SOLs in the case at bar,” and finding the discovery rule to be applicable and declining to discuss whether fraudulent concealment applies to CSA cases and to address the trial court’s ruling that the fraudulent concealment doctrine applied); *Lakeman*, 156 A.2d 123 at 126 (“fraudulent concealment of a cause of action from the one in whom it resides by the one against whom it lies constitutes an implied exception to the SOLs, postponing the commencement of the running of the statute until discovery or reasonable opportunity of discovery of the facts by the owner of the cause of action.”).
217. *See N.J. sTaT. aNN. §§ 59:2-1 (sovereign immunity), 59:2-1.3 (no immunity for CSA), 59:8-3 (no claim presentment); J.H. v. Mercer Cnty. Youth Det. Ctr.*, 930 A.2d 1223, 1236 (N.J. Super. Ct. App. Div. 2007) (concluding that under the Child Sexual Abuse Act, public entities are not entitled to sovereign immunity and are liable for punitive damages). *But see T.M. v. County of Union*, No. 21-20268, 2022 WL 2763575, *4 (D. N.J. July 15, 2022) (finding that plaintiff’s CSA claims could proceed against government officials in their individual capacities but not against them in their official capacities, holding, “Under the Eleventh Amendment, “an unconsenting State is immune from suits brought in federal courts.” *Christ the King Manor, Inc. v. Sec’y U.S. Dep’t of Health & Human Servs.*, 730 F.3d 291, 318 (3d Cir. 2013) (quoting *Edelman v. Jordan*, 415 U.S. 651, 663 (1974)). This immunity from suit extends not only to the State itself, but also to its agencies and arms. *See, e.g., Grohs v. Yatauro*, 984 F. Supp. 2d 273, 280 (D.N.J. 2013). As “a suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official’s office,” state officials are likewise immune under the Eleventh Amendment for claims seeking damages against them in their official capacities. *Id.* (quoting *Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 71 (1989)). Plaintiff’s claims against New Jersey, the Department of Corrections, and the remaining Defendants in their official capacities are therefore dismissed with prejudice.”).
218. N.J. sTaT. aNN. §§ 2A:53A-7 (charitable immunity), 2A:53A-7.4 (no charitable immunity for CSA), 2A:53A-7.5 (retroactive).
219. *Id.* at § 2A:61B-1; *Rosenblit v. Zimmerman*, 766 A.2d 749, 757-58 (N.J. 2001) (explaining that plaintiff must show that the defendant had a legal obligation to disclose evidence in connection with an existing or pending litigation, that the evidence was material to the litigation, that the plaintiff could not have reasonably obtained access to the evidence from another source, that the defendant withheld, altered, or destroyed the evidence with a purpose to disrupt the litigation; and that the plaintiff was damaged by having to rely on an evidential record that did not contain the evidence the defendant concealed); *Jones v. Jones*, 576 A.2d 316 (N.J. 1990) (holding that summary judgment denying relief against the SOLs was inappropriate for a young woman who claimed that she

was sexually abused by her father, with the connivance of her mother, and that through a combination of beatings, threats, and psychological impositions, the father had prevented her from seeking help during the time of the abuse and for some years thereafter. The courts noted that the duress and coercion exerted by the prospective defendant must have been such as to have actually deprived the plaintiff of freedom of will to institute suit in a timely fashion, and must have risen to such a level that a person of reasonable firmness in the plaintiff's situation would have been unable to resist).

220. *Hardwicke v. American Boychoir Sch.*, 902 A.2d 900 (N.J. 2006) (finding that private boarding school could be held vicariously liable for common-law claims based on intentional acts of child abuse committed by its employee, even when the employee was acting outside the scope of his employment, where Child Sexual Abuse Act (CSAA) recognized the vulnerability of children and demonstrated a legislative intent to protect them from victimization, and CSAA imposed responsibility on those in the best position to know of the abuse and stop it). *But see Bryson v. Diocese of Camden, N.J.*, 909 F.Supp.2d 364 (D. N.J. 2012) (finding that the Roman Catholic diocese was not “within the household” for purposes of the CSAA, which provided that a parent, resource family parent, guardian, or other person standing in loco parentis within the household who knowingly permitted or acquiesced in sexual abuse by any other person also committed the sexual abuse, and thus diocese was not subject to liability under the CSAA for priest’s alleged abuse of plaintiff when he was in the first grade; although priest cared for plaintiff after school until plaintiff’s mother arrived several hours later, diocese provided services and amenities normally associated with a typical after-school program or church, with no residential component, plaintiff resided at all times with his parents, who provided him with home amenities, including food and shelter, and priest had not visited plaintiff’s home on more than one occasion).
221. N.J. sTaT. aNN. 2C:1-6(f) (establishing that the SOL shall not apply to any person fleeing from justice). Whether a defendant was a fugitive from justice is a factual question that must be decided by the fact finder. *See, e.g., State v. Meltzer*, 570 A.2d 1042 (N.J. Super. Ct. Law Div. 1989); *State v. Rosen*, 145 A.2d 158, 160 (N.J. Super. Ct. Law Div. 1958); N.J.S.A. 2C:1-6(e) (establishing that the SOL does not run during any time when a prosecution against the accused for the same conduct is pending in the state).
222. N.m. sTaT. aNN. § 41-4-12; *Weinstein v. City of Santa Fe ex rel. Santa Fe Police Dep’t*, 916 P.2d 1313, 1319 (N.M. 1996) (explaining that the New Mexico Tort Claims Act waives immunity for the enumerated common-law torts, which includes assault and battery, as well as for negligence that result in those torts).
223. *See* N.m. sTaT. aNN. § 41-4-16; *Rider v. Albuquerque Pub. Schs.*, 923 P.2d 604 (N.M. 1996) (finding children are not subject to the statute’s ninety-day notice provision).
224. N.m. sTaT. aNN. § 41-4-19(A), (D).
225. *See Akins v. United Steel Workers of Am., AFL-CIO, CLC, Local 187*, 237 P.3d 744 (N.M. 2010) (noting, “New Mexico law reflects a preference for holding individuals and institutions accountable for their actions regardless of status.... For instance, like most other states, our Legislature has not adopted the doctrine of charitable immunity from suit in tort, despite policy arguments in favor of such immunity.”).
226. *Anderson Living Trust v. WPX Energy Prod., LLC*, 27 F.Supp.3d 1188 (D. N.M. 2014) (explaining that a party seeking to toll the SOL through the doctrine of fraudulent concealment must prove that the defendant engaged in conduct amounting to intentional false representation or concealment of material facts, that the injured party reasonably relied on the other party and the concealment was successful, and that the injured party did not know, and through the exercise of reasonable diligence, could not have known the facts underlying the cause of action); *McManemy v. Roman Catholic Church of Diocese of Worcester*, 2 F.Supp.3d 1188 (D. N.M. 2013) (holding that plaintiff’s allegations that the diocesan entities made misrepresentations that the priest who had sexually abused plaintiff as a minor was rehabilitated and trustworthy and withheld their actual knowledge to the contrary, did not rise to fraud or fraudulent concealment under New Mexico law); *Martinez-Sandoval v. Kirsch*, 884 P.2d 507 (N.M. Ct. App. 1994) (finding that plaintiff had knowledge of the facts underlying her cause of action and that the general reassurances by the perpetrators employer that they had “taken care of everything” did not rise to the level of specific representations necessary to constitute fraudulent concealment).
227. N.m. sTaT. aNN. § 30-1-8 (2012).
228. *See* N.Y. cT. clms acT § 8; *Boland v. State*, 218 A.D.2d (N.Y. App. Div. 1996) (concluding that state’s negligence in ministerial act of transmitting child abuse reports was not covered by sovereign immunity); *Rook v. State*, 254 A.D. 67, 69 (N.Y. App. Div. 1938) (holding that the state may be liable for the negligence of teachers and school supervisors to students).
229. N.Y. cT. clms acT § 10(10).
230. *Sherapata v. Town of Islip*, 437 N.E.2d 1104 (N.Y. 1982) (noting that the state’s waiver of sovereign immunity does not concede liability for punitive damages).
231. *Rakaric v. Croatian Cultural Club “Cardinal Stepinac Organization,”* 76 A.D.2d 619 (N.Y. App. Div. 1980) (concluding, “[i]n sum, then, the doctrine according the hospital an immunity for the negligence of its employees is such a rule, and we abandon it. The hospital’s liability must be governed by the same principles of law as apply to all other employers.”) (citing *Bing v. Thunig*, 143 N.E.2d 3 (N.Y. Ct. App. 1957)).
232. N.Y.C.P.L.R. §§ 208 (fraudulent concealment), 215(3) (equitable estoppel); *Smith v. Smith* 830 F.2d 11 (2d Cir. 1987) (articulating that a plaintiff seeking to toll the SOLs under a theory of fraudulent concealment must establish that (1) the defendant wrongfully concealed material facts relating to defendant’s wrongdoing; (2) the concealment prevented plaintiff’s discovery of the nature of the claim within the limitations period; and (3) plaintiff exercised due diligence in pursuing the discovery of the claim during the period plaintiff seeks to have tolled); *Childers v. New York and Presbyterian Hosp.*, 36 F. Supp. 3d 292 (S.D.N.Y. 2014); *Burns v. City of Utica*, 2 F.Supp.3d 283 (N.D. N.Y. 2014) (finding neither equitable tolling or equitable estoppel applied to extend limitations period for alleged sexual assault victim’s claim for assault and battery against alleged perpetrator, absent allegations that perpetrator did anything to prevent victim from filing her claim within the 1-year limitations period.); *Santo B. v. Roman Catholic Archdiocese of New York*, 51 A.D.3d 956 (N.Y. Sup. Ct. 2008) (holding that general allegations that defendants engaged in practice of concealing problem of sexual abuse of children by parish clergy was insufficient to invoke equitable estoppel); *Zumpano v. Quinn*, 849 N.E.2d 926 (N.Y. 2006) (same); *Sharon B. v. Reverend S.*, 244 A.D.2d 878 (N.Y. App. Div. 1997) (finding plaintiff failed to establish that she was wrongfully induced to refrain from timely commencing an action so that priest should be equitably estopped from asserting limitations defense). *See also, Steo v. Cucuzza*, 213 A.D.2d 624 (N.Y. Sup. Ct. 1995) (acknowledging that while duress can serve as basis to toll SOLs, plaintiff failed to establish any purported duress past 1981 when she left perpetrator’s home); *Schmidt v. Bishop*, 779 F. Supp. 321 (S.D.N.Y. 1991) (refusing to recognize duress in question, to be accepted as a basis for estopping the defendant from asserting the SOL, must be an element of the cause of action asserted. The court said that the duress claimed by the plaintiff in this case appeared not to be such an element, and said that even if it were, it was extremely doubtful whether any reasonable juror could find that the plaintiff was under constant legal duress for a thirty-one-year period, during which time she lived half a continent away from the defendant).
233. *See e.g., Doe v. Holy See*, 17 A.D.3d 793, 795 (N.Y. App. Div. 2005) (articulating that a fiduciary duty exists when a plaintiff’s relationship with a church extends beyond that of an ordinary parishioner; also noting that the existence of a fiduciary duty is a fact-specific question that should not generally be dismissed prior to discovery). *See also J.D. v. Roman Catholic Diocese of Brooklyn*, 203 A.D.3d 880 (N.Y. App. Div. 2022) (finding no breach of fiduciary duty); *DiGiorgio v. Roman Catholic Diocese of Brooklyn*, No. 520009/2019, 2021 WL 1578326 (N.Y. Sup. Ct. April 22, 2021) (Trial Order) (same). *But see Marmelstein v. Kehillat New Hempstead*, 892 N.E.2d 375, 379 (N.Y. 2008) (articulating that a fiduciary relationship can be established upon a showing that a congregant’s relationship with

a church entity resulted in “de facto control and dominance” when the congregant was “vulnerable and incapable of self-protection regarding the matter at issue”).

234. *Caroleo v. Roman Catholic Diocese of Brooklyn*, No. 519979/2019, 2021 WL 1667172 (N.Y. Sup. Ct. April 28, 2021) (stating, “we first note what is hornbook law: the doctrine of *respondeat superior* renders a master vicariously liable for a tort committed by his servant while acting within the scope of his employment,” and finding that N.Y. C.P.L.R. section 214-g plainly revives *respondeat superior* claims) (quoting *Riviello v. Waldron*, 391 N.E.2d 1278 (N.Y. 1979)).
235. N.Y. crim. Proc. laW § 30.10(4)(a)(i-ii) (2003) (noting the period does not include any time during which “(i) the defendant was continuously outside this state or (ii) the whereabouts of the defendant were continuously unknown and continuously unascertainable by the exercise of reasonable diligence”). *See also* *People v. Knobel*, 723 N.E.2d 550 (N.Y. 1999) (holding that in order for defendant’s absence from state to be “continuous” within the meaning of the statute, such absence need not be a single uninterrupted period of time and all periods of a day or more that a defendant is out-of-state should be totaled and toll SOL).
236. *See* N.c. GeN. sTaT. § 143-291(a); *White v. Trew*, 736 S.E.2d 166, 168 (N.C. 2013) (noting that North Carolina’s waiver of sovereign immunity applies to negligent acts of its employees, but not intentional acts).
237. N.c. GeN. sTaT. § 143-299.
238. *Id.* at § 143-299.2.
239. *Id.* at § 1-539.9 (finding “the common-law defense of charitable immunity is abolished and shall not constitute a valid defense to any action or cause of action arising subsequent to September 1, 1967.”).
240. *See generally*, *Watts v. Cumberland Cnty. Hosp. System, Inc.*, 345 S.E.2d 201; William S. Haynes, North Carolina Tort Law § 10-4 (1989). *See also* *Doe v. Doe*, 973 F.2d 237 (4th Cir. 1992) (applying N.C. law) (finding that the record established that plaintiff did not take reasonable steps to investigate his potential claims and plaintiff knew many years before his lawsuit that the Diocese’s alleged representations to him may have been false). *See also* *Hamilton v. Hamilton*, 251 S.E.2d 441, 443 (1979) (holding equitable estoppel may bar a defense even when there is no pre-existing legal duties between the parties because, “the fraud consists in the inconsistent position subsequently taken, rather than in the original conduct. It is the subsequent inconsistent position, and not the original conduct that operates to the injury of the other party.”); *Doe v. Roman Catholic Diocese of Charlotte, NC*, 775 S.E.2d 918 (N.C. Ct. App. 2015).
241. *See* N.D. ceNT. coDe aNN. § 32-12.2-02; *Burr v. North Dakota State Bd. of Dental Examiners*, 955 N.W.2d 112, 116 (N.D. 2021) (explaining when discretionary immunity is applicable in action against the state).
242. N.D. ceNT. coDe aNN. §§ 32-12.1-10 (state CSA SOL), 32-12.2-04 (Notice of Claim); 28-01-22.1 (state sex assault SOL); 2023 N.D. Laws S.B. 2282. *See also* *State v. Paulson*, 625 N.W.2d 528 (N.D. 2001) (holding that failure of minor’s parents to file a notice of claim within 180 days did not preclude the minor’s tort claim against the state).
243. N.D. ceNT. coDe aNN. § 32-12.2-02(2).
244. *Id.* at § 32-03.3-02 (2007) (stipulating, “[a] charitable organization may be only held liable for money damages for a personal injury or property damage proximately caused by the negligence or wrongful act or omission of an employee acting within the employee’s scope of employment.”).
245. *Id.*
246. *Id.* at § 28-01-24 (establishing that a plaintiff may bring an action within 1 year from the time (s)he discovers, or might have discovered in the exercise of diligence, that the defendant prevented him/her from obtaining knowledge of a claim for relief); *Krueger v. St. Joseph’s Hosp.*, 305 N.W.2d 18, 23 (N.D. 1981).
247. N.D. ceNT. coDe aNN. § 29-04-04.
248. ohio rev. coDe aNN. § 3743.02.
249. *Id.* at § 2743.16(A), (D).
250. *R.J. Wildner Contracting Co., Inc. v. Ohio Turnpike Comm’n*, 913 F.Supp. 1031 (N.D. Ohio 1996) (holding the state is not liable for punitive damages); *James H. v. State, Dept. of Mental Health & Mental Retardation*, 439 N.E.2d 437 (Ohio Ct. App. 1980) (finding that when “state employees are motivated by actual malice or other such reasons giving rise to punitive damages . . . their conduct may be outside the scope of their state employment.”).
251. *Albritton v. Neighborhood Ctrs. Ass’n for Child Dev.*, 466 N.E.2d 867, 868 (Ohio 1984) (determining that “[i]t is, therefore, the proper province of this court to correct judicially created doctrines if they are no longer grounded in good morals and sound law . . . For these reasons, this court now concludes that the doctrine of charitable immunity is hereby abolished. A charitable organization is subject to liability in tort to the same extent as individuals and corporations.”). *See also* ohio rev. coDe aNN. § 2305.38 (stipulating, “[t]he immunities conferred upon volunteers in this section are not intended to affect the liability of a charitable organization in a civil action for injury, death, or loss to person or property.”).
252. *Brandt v. Pompa*, No. 2021-0497, 2022 WL 17729469, at **6-10 (Ohio Dec. 16, 2022) (finding the tort statute’s non-economic damages cap (R.C. 2315.18) unconstitutional “to the extent that it fails to include an exception . . . for plaintiffs who have suffered permanent and severe psychological injuries,” reasoning that “those child victims who suffer traumatic, extensive, and chronic psychological injury as a result of intentional criminal acts . . . are entitled to the full range of constitutional remedies, regardless of whether their severe injuries are physical or psychological.”).
253. ohio rev. coDe aNN. § 2305.111(C) (establishing that if the defendant has fraudulently concealed from the victim the facts that form the basis of the claim, the limitations period is tolled until the time the victim discovers or in the exercise of due diligence should have discovered those facts); *Pratte v. Stewart*, 929 N.E.2d 415, 424 (Ohio 2010) (holding that the fraudulent concealment provision does not apply in cases where a victim represses memories of their CSA).
254. *Doe v. Archdiocese of Cincinnati*, 880 N.E.2d 892 (Ohio 2008) (holding that the archdiocese was not equitably estopped from asserting the SOL as defense to complaint in which parishioner alleged that she became pregnant by priest and was coerced and intimidated into giving the child up for adoption; although archdiocese did not want the identity of child’s father to become public at the time of the adoption, archdiocese did not prevent parishioner from filing a timely lawsuit and no member of the archdiocese contacted parishioner after she gave the child up for adoption).

255. *Byrd v. Faber*, 565 N.E.2d 584 (Ohio 1991). *But see Cramer v. Archdiocese of Cincinnati*, 814 N.E.2d 97 (Ohio Ct. App. 2004) (finding that at the time parishioners reached adulthood, they already knew that the sexual assaults had occurred, that the assaults had occurred on church property, and that the archdiocese had employed the priest) *rejected on other grounds*; *Doe v. Archdiocese of Cincinnati*, No. 17-04-10, 2005 WL 517345 (Ohio Ct. App. March 7, 2005), and *abrogated on other grounds*, *Archdiocese of Cincinnati*, 849 N.E.2d 268 (Ohio 2006).
256. Ohio rev. coDe aNN. § 2901.13. *See also State v. Bess*, 933 N.E.2d 1076 (Ohio 2010) (holding that the manifest purpose of the tolling statute is to prevent the accused from benefiting from the SOL when he or she has purposely acted to avoid being prosecuted).
257. *See okla. sTaT. tit. 51, § 155*; *Najera v. Independent Sch. Dist. of Stroud No. 1-54 of Lincoln Cnty.*, 60 F.Supp.3d 1202 (W.D. Okla. 2014) (concluding that discretionary function exemption did not bar high school student's negligence claim against school district for failure to prevent softball coach's continued sexual assault of student).
258. okla. sTaT. tit. 51, § 156(B). *See Johns ex rel. Johns v. Wynnewood School Bd. of Educ.*, 656 P.2d 248 (Okla. 1982) (finding that time limitations apply to minors, notwithstanding okla. sTaT. tit. 12, section 96).
259. *Gable v. Salvation Army*, 100 P.2d 244, 248 (Okla. 1940) (stating "[w]e are of the opinion, and hold, that charitable corporations are not immune from liability for torts by reason of any exemption accorded them on the basis of the purposes for which they were incorporated.").
260. *Waugh v. Guthrie Gas, Light, Fuel & Improvement Co.*, 131 P. 174, 174 (Okla. 1913) (recognizing fraudulent concealment as "an implied exception to the SOLs, and a party who wrongfully conceals material facts, and thereby prevents a discovery of his wrong, or the fact that a cause of action has accrued against him, is not allowed to take advantage of his own wrong by pleading the statute, the purpose of which is to prevent wrong and fraud.").
261. okla. sTaT. tit. 51, § 154(A)(2), (C).
262. okla. sTaT. aNN. tit. 22, § 153. *See also Crain v. State*, 104 P.2d 450 (Okla. Crim. App. 1940) (holding that the SOL did not run during the time in which the defendant was not an "inhabitant of or usually resident within the state."); *Coleman v. Territory, Okla.*, 47 P. 1079 (Okla. 1897) (explaining that "usually resident" as used in the statute, meant that defendant should have had within the territory a fixed, permanent and established home, where his personal presence might reasonably be known).
263. or. rev. sTaT. aNN. § 30.265. *See Jones-Clark v. Severe*, 846 P.2d 1197 (Or. Ct. App. 1993) (concluding parole officer was not entitled to discretionary immunity in negligence action alleging failure to supervise parolee who sexually abused minor, but was entitled to judiciary immunity).
264. or. rev. sTaT. aNN. § 30.269(1).
265. *Id.* at § 30.271(2)–(3).
266. *Hungerford v. Portland Sanitarium & Benev. Ass'n, Or.*, 384 P.2d 1009 (Or. 1963); *Wicklander v. Salem Memorial Hosp.*, 385 P.2d 617 (Or. 1963).
267. *Chaney v. Fields Chevrolet Co.*, 503 P.2d 1239 (Or. 1972).
268. *Fearing v. Bucher*, 977 P.2d 1163, 1167 (Or. 1999); *Lourim v. Swensen*, 977 P.2d 1157, 1160 (Or. 1999); *M.K. Plaintiff v. The Archdiocese of Portland*, 228 F.Supp.2d 1168, 1171–72 (D. Or. 2002); *Sapp v. The Roman Catholic Archbishop of Portland*, 2008 WL 1849915, *13 (D. Or. Apr. 22, 2008).
269. or. rev. sTaT. aNN. §§ 131.145(2)(a), 131.155. *See also Rhoton v. Mendenhall*, 20 P. 49 (Or. 1888) (explaining that the word "conceal" as used in the statute, means some affirmative act done in the state, such as passing under an assumed name, change of occupation, or acts by the defendant which tend to prevent the community in which he lives from knowing who he is or from where he came).
270. 42 Pa. coNs. sTaT. § 8522(b)(10).
271. *Id.* at § 5522(c).
272. *Id.* at § 8528(d).
273. *Nolan v. Tifereth Israel Synagogue, Inc.*, 227 A.2d 675 (Pa. 1967) (holding "unequivocally that the doctrine of immunity of charitable institutions from liability in tort no longer exists in the Commonwealth of Pennsylvania.").
274. *Rice v. Diocese of Altoona-Johnstown*, 255 A.3d 237 (Pa. 2021) (finding that parishioner failed to engage in the requisite reasonable diligence to discover both an injury and its causes in order to apply the fraudulent concealment doctrine to toll the SOL for her claims against diocese and bishops for fraud, constructive fraud, and civil conspiracy to protect their reputations and that of her childhood priest who was alleged abuser, notwithstanding any misrepresentations or silence by diocese and bishops; parishioner not only had a reason but a duty to investigate diocese and bishops based on her knowledge of what priest allegedly did); *Fine v. Checcio*, 870 A.2d 850, 860 (Pa. 2005) (reiterating that the doctrine of fraudulent concealment provides that a defendant may not invoke the SOL, if through fraud or concealment, he causes the plaintiff to "relax his vigilance or deviate from his right of inquiry into the facts."); *Meehan v. Archdiocese of Philadelphia*, 870 A.2d 912 (Pa. Super. Ct. 2005) (finding Priest's disguise of alleged sexual abuse as sanctioned by God did not constitute fraudulent concealment) *appeal denied*, 885 A.2d 43 (Pa. 2005); *Aquilino v. Philadelphia Catholic Archdiocese*, 884 A.2d 1269 (Pa. Super. Ct. 2005) (determining fraudulent concealment did not apply where alleged abuser was transferred out of country, but victim never made any inquiries to archdiocese or parish regarding priest's current location or history with church, and victim did not allege that archdiocese or parish responded to victim by misleading him into foregoing his suit against them); *Baily v. Lewis*, 763 F.Supp. 802 (E.D. Pa. 1991) (acknowledging that a party may be estopped from asserting the SOL because of fraud or concealment but refusing to apply this rule where a man, as a teenager, had been sexually abused by one who used his position of trust and guidance to make his wrongful acts with the plaintiff seem normal and healthy. The court explained that mere general reassurances would fail to satisfy the burden of showing facts establishing fraudulent concealment). *See also Fife v. Great Atl. and Pac. Tea Co.*, 52 A.2d 24, 27 (Pa. 1947) (concluding that a civil conspiracy is "a combination of two or more persons to do an unlawful or criminal act or to do a lawful act by unlawful means or for an unlawful purpose."); *Baker v. Rangos*, 324 A.2d 498, 510 (Pa. Super. Ct. 1974) (holding that where "there are continuous and repetitious acts or trespasses as a part of a continuous conspiracy," the SOL "does not begin to run until after the commission of the last act of the conspiracy.").

275. 42 Pa. coNs. sTaT. § 5554(1) (1998). *See also United States ex rel. Kelley v. Rundle*, 242 F.Supp. 708, 712 (E.D. Pa.), *aff'd* 353 F.2d 214 (3rd Cir. 1965); *Commonwealth v. Weber*, 103 A. 348 (Pa. 1918); *Commonwealth v. Lightman*, 489 A.2d 200 (Pa. Super. Ct. 1985) (finding that the tolling provision while a defendant is absent from the state is not violative of either equal protection or due process); *Commonwealth v. Cohen*, 199 A.2d 139, 154–55 (Pa. Super. Ct. 1964), *cert. denied* 379 U.S. 902 (1964).

276. 9 r.i. GeN. laWs § 9-1-20; *Haley v. Town of Lincoln*, 611 A.2d 845, 848 (R.I. 1992) (explaining that when state engages in activity typically performed by private individual, standard of reasonable care is used in negligence analysis, whereas if activity is not typically performed by private person, plaintiff must establish state owed special duty). *But see J.R. v. Gloria*, 593 F.3d 73 (1st Cir. 2010) (concluding that social worker was immune from negligence claim arising from placement of minors in foster home where they were sexually abused because a special duty did not exist between social worker and the minors).
277. 9 r.i. GeN. laWs § 9-1-25(b).
278. *Id.* at § 9-31-2.
279. *Hodge v. Osteopathic General Hosp.*, 265 A.2d 733 (R.I. 1970); *Basabo v. Salvation Army*, 85 A. 120 (R.I. 1912); *Glavin v. Rhode Island Hosp.*, 12 R.I. 411 (R.I. 1879).
280. 9 r.i. GeN. laWs § 9-1-20; *Ryan v. Roman Catholic Bishop of Providence*, 941 A.2d 174, 182–83 (R.I. 2008) (determining that “[t]he [Plaintiffs] have not pointed to any evidence which would show that any of the instant defendants misled them into believing that the sexual assault did not occur, that [perpetrator] did not in fact commit that assault, or that plaintiffs had suffered no injuries as a result of the assault. In sum, there is no evidence in the record that actual misrepresentations were made by the instant defendants with regard to the [Plaintiffs] potential civil claims.”). *See also Kelly v. Marcantonio*, 187 F.3d 192, 200–01 (1st Cir. 1999) (finding “appellants do not allege that the hierarchy defendants’ silence misled them into believing that the alleged sexual abuse did not occur, that it had not been committed by the priests, or that it had not resulted in injury to plaintiff-appellants. In other words, the hierarchy defendants never concealed from any of the plaintiff-appellants the fact of the injury itself. Rather, the essence of plaintiff- appellants’ fraudulent concealment argument is that the hierarchy defendants’ silence concealed from them an additional theory of liability for the alleged sexual abuse. This argument misses the mark. For a cause of action to accrue, the entire theory of the case need not be immediately apparent. Once injured, a plaintiff is under an affirmative duty to investigate diligently all his potential claims. In this case, as soon as plaintiff-appellants became aware of the alleged abuse, they should also have been aware that the hierarchy defendants, as the priests’ ‘employers,’ were potentially liable for that abuse.”).
281. *Doe v. Portsmouth Abbey Sch. et al.*, No. 1:20-cv-00500 (D.R.I Aug. 18, 2021) (denying motion to dismiss on SOL grounds to determine whether Portsmouth Abbey was equitably estopped from asserting an SOL defense due to allegations it knew plaintiff had a case against it that was within the SOL and led her to attorneys who slow walked her case until the SOL expired), https://www.pacermonitor.com/public/case/37320607/Doe_v_Portsmouth_Abbey_School_et_al.
282. 12 r.i. GeN. laWs § 12-12-17.
283. *See* S.c. coDe aNN. §§ 15-78-60(17) & (25); *Doe v. Greenville County Sch. Dist.*, 651 S.E.2d 305, 310 (S.C. 2007) (holding that School District could be held liable for gross negligence in failing to protect student from sexual assault by substitute teacher).
284. s.c. coDe aNN. § 15-78-110; *Doe v. City of Duncan*, 789 S.E.2d 602 (S.C. Ct. App. 2016) (concluding that claim against city for negligent supervision arising out of sexual abuse did not begin to run until plaintiff reached age eighteen).
285. s.c. coDe aNN. § 15-78-120(a)(2) & (b).
286. *Hasell v. Medical Soc. of South Carolina*, 342 S.E.2d 594 (S.C. 1986).
287. S.C. coDe aNN. § 33-56-180.
288. *Id.* at § 15-78-120.
289. *Strong v. Univ. of South Carolina Sch. of Med.*, 447 S.E. 2d 850, 852 (S.C. 1994).
290. *Doe v. Bishop of Charleston*, 754 S.E.2d 494 (S.C. 2014) (finding plaintiff’s claims against diocese arising out of alleged sexual abuse by priest were not barred by the three-year SOL, where plaintiffs alleged diocese’s systematic practice of secrecy and concealment of knowledge of sexual abuse by priests, including plaintiff’s perpetrator).
291. s.D. coDified laWs §§ 21-32-16–17.
292. *Id.* at § 3-21-4.
293. *Stratmeyer v. Stratmeyer*, 567 N.W.2d 220, 221 (S.D. 1997) (recognizing trial court found fraudulent concealment and confidential relationship as genuine issue of material fact but affirmed on other grounds); *Green v. Siegel, Barnett & Schutz*, 557 N.W.2d 396, 399 (S.D. 1996). *But see Eagleman v. Diocese of Rapid City*, 862 N.W.2d 839, 856 (S.D. 2015) (finding no evidence that religious societies that operated parochial school had, at or near the time the alleged events occurred, information that they then fraudulently concealed by act or silence from former students, who alleged that they were sexually abused in the 1950s through the early 1970s by priests, brothers, nuns, and others at the school, such that the SOL would have been tolled due to societies’ fraudulent concealment); *Baye v. Diocese of Rapid City*, 630 F.3d 757 (8th Cir. 2011) (applying South Dakota law) (finding that fraudulent concealment did not toll the SOL applicable to parishioners claims against diocese for sexual abuse perpetrated by parish priest absent evidence that diocese knew or should have known about priests sexual abuse).
294. *See Overall v. Estate of Klotz*, 52 F.3d 398, 404, (2d Cir.1995) (noting that a plaintiff must “demonstrate some threats or abuse during the limitations period” for duress tolling to be appropriate). *See also One Star v. Sisters of St. Francis, Denver, Colo.*, 752 N.W.2d 668 (S.D. 2008) (finding that plaintiff did not allege, either in their complaint or affidavits, that any threats continued during the fifty years after plaintiff left St. Francis. “Consequently, even if we recognized the exception, Plaintiffs did not make their responsive showing necessary to satisfy this exception to the SOLs.”); *Zephier v. Catholic Diocese of Sioux Falls*, 752 N.W.2d 658 (S.D. 2008) (finding that the doctrine of estoppel by duress did not toll the SOL on parishioners claims against diocese for sexual abuse even if priest, during and immediately after assault, told parishioner that her children would die and go to hell if she told anyone of rape, absent showing that diocese or priest continuously threatened or abused parishioner during limitations periods).
295. s.D. coDified laWs § 23A-42-5.
296. TeNN. coDe aNN. § 9-8-307; *Byrd v. State*, 150 S.W.3d 414, 421 (Tenn. Ct. App. 2004) (concluding that the State could be held liable for negligent deprivation

of statutory right for claimant's malicious harassment in violation of the Human Rights Act); *Vetrano v. State*, no. M2015-02474-COA-R3, 2017 WL 3411921 (Tenn. Ct. App., Aug. 8, 2017 at *4 (finding the State can be held liable for claims "arising out of or resulting from" willful, malicious, or criminal acts of state employees)).

297. *Hammond Post, Am. Legion v. Willis*, 165 S.W.2d 78 (Tenn. 1942). See also *O'Quin v. Baptist Memorial Hosp.*, 201 S.W.2d 694 (Tenn. 1947); *Baptist Memorial Hospital v. Couillens*, 140 S.W.2d 1088 (Tenn. 1940).
298. *Redwing v. Catholic Bishop for Diocese of Memphis*, 363 S.W.3d 436, 466 (Tenn. 2012) (determining that “the allegation that the Diocese misled Mr. Redwing and his family could be construed to mean that at some point, Mr. Redwing or his family asked the Diocese about its knowledge of Fr. Guthrie’s conduct and that the Diocese’s response misled them. The Court of Appeals has correctly recognized that this circumstance could amount to fraudulent concealment” but that “[t]he factual allegations in Mr. Redwing’s amended complaint are inconsistent with an equitable estoppel claim . . . Mr. Redwing did not know that he had a claim against the Diocese until after the SOLs ran on his claim. This lack of knowledge, while not inconsistent with a fraudulent concealment claim, undermines his equitable estoppel claim because knowledge of a claim against the defendant prior to the running of the SOLs is a necessary ingredient of an equitable estoppel claim.”); *Doe 1 v. Woodland Presbyterian*, 661 S.W.3d 87, 108-09 (Tenn. Ct. App. 2022) (relying on the *Redwing* holding to conclude that Plaintiffs’ complaint sufficiently alleged fraudulent concealment to toll the statute of limitations against the institutional defendants and prevent their dismissal from the case). See also, *Fahrner v. SW Mfg., Inc.*, 48 S.W.3d 141, 145 (Tenn. 2001) (explaining that in order to successfully toll the SOL under the doctrine of equitable estoppel, the plaintiff must demonstrate that the defendant induced him to put off filing suit by identifying “specific promises, inducements, suggestions, representations, assurances, or other similar conduct” by the defendant that the defendant knew, or reasonably should have known, would cause the plaintiff to delay filing suit).
299. Tenn. coDe aNN. § 40-2-103 (1997). See also *State v. Henry*, 834 S.W.2d 273 (Tenn. 1992) (holding that parental control alone was not equivalent to “concealment” and could not toll the four-year SOL for incest prosecution); *State v. Davidson*, 816 S.W.2d 316 (Tenn. 1991) (finding claim that victim of CSA had been coerced into not reporting crime by influence exerted upon her by alleged perpetrator insufficient to constitute “concealment” of crime for purposes of extending the SOL); *State v. Tidwell*, 775 S.W.2d 379 (Tenn. Crim. App. 1989) (holding that the presentment though it alleged sufficient facts which, if proven, would toll the SOL, the state failed to establish that the accused in fact concealed crimes where minor victims of accused’s alleged criminal sexual conduct failed to alert authorities despite opportunity to do so and despite absence of any threats by the accused).
300. See Tex. civ. Prac. & rem. coDe aNN. § 101.057; *Russell v. City of Houston*, 808 F.Supp.2d 969 (S.D. Tex. 2011) (determining that city could be held liable for negligence in claim arising out of arrestee’s sexual assault by police officer); *Limon v. City of Balcones Heights*, 485 F.Supp.2d 751 (W.D. Tex. 2007) (finding that a claim for negligence will not be barred by sovereign immunity if it arises out of an employee’s negligence that allows the assault to occur).
301. Tex. civ. Prac. & rem. coDe aNN. § 101.101(a); *State v. Kreider*, 44 S.W.3d 258, 264 (Tex. Ct. App. 2001) (holding that minors must fully comply with the six-month notice requirement).
302. Tex. civ. Prac. & rem. coDe aNN. § 101.023.
303. *Howle, v. Camp Amon Carter*, 470 S.W.2d 629 (Tex. 1971).
304. Tex. civ. Prac. & rem. §§ 84.001–84.008. See *id.* at § 84.003 (stipulating that to qualify for protection under the statute, an organization must either be a homeowners association, or a registered tax-exempt organization under the applicable provisions of the Internal Revenue Code, or an organization that provides charitable or religious services, prevents cruelty to animals or children, provides youth sports or recreation, neighborhood crime prevention or patrol, provides educational services, or generally operates exclusively for the promotion of social welfare by being primarily engaged in promoting the common good and general welfare of the people in the community).
305. *Schouest v. Medtronic, Inc.*, 13 F.Supp.3d 692 (S.D. Tex. 2014) (articulating that the fraudulent concealment doctrine tolls the SOL where a defendant conceals the responsible party’s identity, if there is a duty to disclose, until the cause of action is, or in the exercise of reasonable diligence should have been, discovered); *Tri v. J.T.T.*, 162 S.W.3d 552 (Tex. 2005) (finding victims of sexual assault committed by Buddhist monk were not entitled to recover against owner of Buddhist temple and other monks for civil conspiracy, where civil conspiracy instruction did not require jury to find that defendants had meeting of minds to accomplish sexual assaults and impermissibly allowed jury to find conspiracy on the basis of defendants’ negligence in allowing assaults to occur); *Johnson & Higgins of Tex., Inc. v. Kenneco Energy, Inc.*, 962 S.W.2d 507, 515–16 (Tex. 1998) (noting that equitable estoppel requires: (1) a false representation or concealment of material facts; (2) made with knowledge, actual or constructive, of those facts; (3) with the intention that it should be acted on; (4) to a party without knowledge or means of obtaining knowledge of the facts; (5) who detrimentally relies on the representations); *Slay v. Burnett Trust*, 187 S.W.2d 377, 385 (Tex. 1945) (reiterating that a person to whom a fiduciary duty is owed is relieved of the obligation of diligent inquiry into the fiduciary’s conduct until the fact of misconduct becomes so apparent it can no longer be ignored, regardless of the nature of the relationship); *Doe v. Roman Catholic Archdiocese of Galveston-Houston ex rel. Dinardo*, 362 S.W.3d 803 (Tex. Ct. App. 2012) (refusing to apply doctrine of equitable estoppel to defer accrual of limitations period based on church’s alleged failure as a fiduciary to inform former parishioner of possible claims he may have against it, in action brought by former parishioner against church and priest alleging negligence, breach of fiduciary duty, fraud, and conspiracy, related to CSA by a priest, where parishioner admitted having knowledge of the facts giving rise to his claims, i.e., that he had been abused and that he was suffering from psychological problems); *Doe v. Catholic Diocese of El Paso*, 362 S.W.3d 707 (Tex. Ct. App. 2011) (holding that estoppel did not apply where the alleged abuser claimed that he was God, and a supervisory priest warned that the altar boy victim would get in trouble if he did not keep quiet about being sexually abused by the visiting priest, and where the altar boy admitted that he had knowledge of the facts giving rise to his claims; also explaining that for equitable estoppel to apply, these threats must have related to a civil action, redress, or compensation); *Marshall v. First Baptist Church of Houston*, 949 S.W.2d 504, 508 (Tex. Ct. App. 1997) (explaining that the estoppel effect ends when the plaintiff learns of facts, conditions, or circumstances which would lead a reasonably prudent person to inquire and thereby discover the cause of action).
306. Tex. civ. Prac. & rem. coDe aNN. § 16.00(a)(2) (unsound mind tolling); *Rollins v. Pressler*, 623 S.W.3d 918, 931 (Tex. Ct. App. 2021), *review denied* (Apr. 1, 2022).
307. Tex. coDe crim. Proc. aNN. §12.05(a) (1977).
308. Utah coDe aNN. §§ 63G-7-401(b); 63G-7-402.
309. *Id.* at §§ 63G-7-603(1)(A), 63G-7-604.
310. *d.* at § 78-19-3.
311. *Russell Packard Dev., Inc. v. Carson*, 108 P.3d 741 (Utah 2003). See also *Colosimo v. Roman Catholic Bishop of Salt Lake City*, 156 P.3d 806 (Utah 2007) (affirming the decision below because the SOL on former parochial school students’ multiple claims against church diocese, archdiocese, religious order and parochial school,

arising out of alleged CSA by school teacher, were not tolled by under a theory of fraudulent concealment until students learned of teacher's history of abuse, as students had sufficient knowledge to bring claims within the limitations period; even if defendants concealed their knowledge of teacher's history of abuse, students knew of teacher's relationship to defendants when abuse took place and were required after turning eighteen-years-old to exercise reasonable diligence in discovering the facts that gave rise to their causes of action.).

312. *Russell, supra* note 946, at 742; *Burkholz v. Joyce*, 972 P.2d 1235, 1237 (Utah 1998) (articulating that in order for the exceptional circumstances doctrine of the discovery rule to apply, an initial showing must be made that the plaintiff did not know and could not reasonably have discovered the facts underlying the cause of action in time to commence an action within the limitations period).
313. uTah. coDe. aNN. § 76-1-304(2) provides that if defendant entered into a plea agreement and later successfully invalidates his conviction, the period of limitation is suspended between the two events. *See also State v. Canton*, 308 P.3d 517 (2013) (explaining that “out of state” as used in the tolling provision, focuses on the question of a person’s physical presence within the state’s territorial boundaries, as opposed to an abstract construct of “legal presence”); *State v. Outzen*, 408 P.3d 334 (Utah 2017) (articulating that rational basis is the appropriate standard of review of whether the tolling provision violates defendant’s state constitutional right to the uniform operation of laws and finding no violation of defendant’s equal protection or due process rights).
314. vT. sTaT. aNN. tit. 12, §§ 5601(a), (e)(1), (e)(6). *See Earle v. State*, 910 A.2d 841, 848–51 (Vt. 2006) (concluding that the Vermont Department of Social and Rehabilitation Services (SRS) was immune from liability for sexual assaults that occurred after plaintiff first reported the sexual assault because the SRS’s decision to remove the abuser from foster home was a policy judgment that fell within scope of discretionary function exemption).
315. *Earle v. State*, 743 A.2d 1101 (Vt. 1999) (finding negligence cause of action against state for allowing plaintiff to be sexually abused by an older boy in foster care fell under six-year SOL applying to child sex abuse claims).
316. vT. sTaT. aNN. tit. 12, § 5601(b).
317. *Foster v. Roman Catholic Diocese of Vermont*, 70 A.2d 230 (Vt. 1950) (noting, “[t]he fact that this defendant is a privately conducted religious and charitable institution does not entitle it to any exemption or immunity from liability for injury caused by negligence.”).
318. *Allen v. Dairy Farmers of America, Inc.*, 748 F.Supp.2d 323 (D. Vt. 2010) (explaining that to establish fraudulent concealment, a plaintiff must show that the defendant concealed her cause of action, that she remained ignorant to the same within four years of the commencement of her action, and that her continuing ignorance was not attributable to lack of diligence on her part).
319. *See, e.g., Lewis v. Bellows Falls Congregation of Jehovah’s Witnesses*, 95 F.Supp.3d 762 (D. Vt. 2015) (finding that church’s alleged conduct in permitting minister to hold himself out to congregant as minister of church did not create fiduciary relationship between church and congregant, under Vermont law, as required to support congregant’s breach of fiduciary duty claim against church based on allegation that minister sexually abused her when she was a young child, absent specific allegations as to unique ties between congregant, minister, and church, and church’s knowledge and sponsorship of that relationship.).
320. *See* va. coDe aNN. § 8.01-195.3; *Frazier v. Collins*, 538 F.Supp. 603, 606–08 (E.D. Va. 1982) (noting that, “[i]n Virginia, a state employee who acts wantonly or in a grossly negligent manner cannot don the cloak of sovereign immunity” but that “simple negligence” is “another matter,” and that “[s]overeign immunity does not extend to a state official otherwise liable for an intentional tort.”).
321. va. coDe aNN. §§ 8.01-195.6; 8.01-229(2)(a).
322. *Id.* at § 8.01-195.3.
323. *Radosevic v. Virginia Intermont College*, 633 F.Supp. 1084 (W.D. Va. 1986); *Councill v. Damascus Volunteer Fire Dep’t, Inc.*, 109 F.Supp.3d 907, 909 (W.D. Va. 2015).
324. *Infant C. v. Boy Scouts of Am.*, 391 S.E.2d 322 (Va. 1990).
325. *Straley v. Urbanna Chamber of Commerce*, 413 S.E.2d 47 (Va. 1992); *Thrasher v. Winand*, 389 S.E.2d 699 (Va. 1990); *Cowan v. Hospice Support Care, Inc.*, 603 S.E.2d 916 (Va. 2004).
326. *Cowan, supra* note 998.
327. *McConville v. Rhoads*, No. L04-422, 2005 WL 1463850, at *4 (Va. Cir. Ct. June 8, 2005). *See also* va. coDe aNN. § 8.01-2229(D).
328. *Kopalchick v. Catholic Diocese of Richmond*, 645 S.E.2d 439, 442-43 (Va. 2007).
329. va. coDe aNN. §§ 19.2-8, 19.2-9.
330. Wash. rev. coDe aNN. § 4.92.090; *Washburn v. City of Fed. Way*, 310 P.3d 1275, 1287 (Wash. 2013) (holding that governmental entities are liable for tortious conduct to the same extent as a private person or private entity, and thus a plaintiff may recover for government entity’s negligence).
331. *Hunter v. North Mazon High Sch.*, 539 P.2d 845 (Wash. 1975) (concluding that claims must be presented and actions commenced within the same period for actions against private parties).
332. Wash. rev. coDe aNN. § 4.92.090.
333. *Friend v. Cove Methodist Church, Inc.*, 396 P.2d 546 (Wash. 1964).
334. *See Robinson v. City of Seattle*, 830 P.2d 318, 345 (Wash. 1992). *See also J.C. v. Society of Jesus*, 457 F.Supp.2d 1201 (W.D. Wash. 2006) (finding material issues of fact as to whether church was on notice of priest’s criminal conduct and failed to disclose what it knew and whether equitable estoppel or fraudulent concealment prevented church’s SOLs defense precluded grant of summary judgment to church on damages claim brought by victim, who alleged that priest sexually abused him when he was a minor); *C.J.C. v. Corporation of the Catholic Bishop of Yakima*, 985 P.2d 262, 270 (Wash. 1999).
335. Wash. rev. coDe aNN. § 9A.04.080(2) (2000).
336. *See* W. va. coDe aNN. § 29-12A-5; *Zirkle v. Elkins Road Pub. Serv. Dist.*, 655 S.E.2d 155, 160 (W. Va. 2007) (concluding that the state is immune from claims of intentional acts but may be held liable for negligence).

337. W. va. coDe aNN. § 29-12A-6(a). *But see Whitlow v. Board of Educ. Kanawha Cnty.*, 438 S.E.2d 15 (W. Va. 1993) (finding that section 29-12A-6 “violates the Equal Protection Clause found in . . . the West Virginia Constitution to the extent that it denies to minors the benefit of the SOLs provided in the general tolling statute, W. va. coDe 55-2-15.”).

338. W. va. coDe aNN. § 29-12A-7(a)–(b). *See Arbaugh v. Board of Educ., Cnty. of Pendleton*, 329 F.Supp.2d 762 (N.D. W. Va. 2004) (holding that grade school principal was not subject to punitive damages for failure to prevent teacher from sexually abusing his students, where principal acted at all relevant times within the scope of his employment).
339. *Adkins v. St. Francis Hosp.*, 143 S.E.2d 154 (W. Va. 1965).
340. *Trafalgar House Const., Inc. v. ZMM, Inc.*, 567 S.E.2d 294, 300 (W. Va. 2002); *E.K. v. W.V. Dept. of Health*, No. 16-0773, 2017 WL 5153221, at *6 (W. Va. Nov. 7, 2017) (tolling the SOL because “fraudulently concealed facts . . . prevented [him] from discovering or pursuing the potential cause of action”) (citing *Dunn v. Rockwell*, 689 S.E.2d 255, 258 (W. Va. 2009)).
341. *Jane Doe-1 v. Corporation of President of The Church of Jesus Christ of Latter-day Saints*, 801 S.E.2d 443, 473 (W. Va. 2017) (finding that plaintiffs alleged a conspiracy to commit intentional torts and to accomplish the unlawful purpose of concealing and harboring a “sex offender” that resulted in harm to them. Thus, a jury could conclude that the defendants’ conduct “in ignoring, minimizing, trivializing and denying the abuse; actively concealing and keeping silent about the abuse; promoting and misrepresenting [the perpetrator] as an exemplary and trustworthy member of the Church; promoting and misrepresenting him as fit to babysit for or live in a house with young children; and facilitating the abuse by engaging in the foregoing and placing him in homes with young children as a babysitter or boarder, were taken in furtherance of the conspiracy’s unlawful purposes.”).
342. W. va. coDe aNN. § 61-11-9.
343. *See Wis. sTaT. aNN. § 893.80*; *Baumgardt v. Wasau Sch. Dist. Bd. of Educ.*, 475 F.Supp.2d 800, 811–13 (W.D. Wis. 2007) (applying the ministerial act and known danger exceptions to immunity in claim against high school officials who failed to report to the police that teacher was sexually assaulting female student despite having actual knowledge of the assaults).
344. *Lodl v. Progressive N. Ins. Co.*, 646 N.W.2d 314, 321 (Wis. 2002) (noting that there is no immunity for “1) the performance of ministerial duties imposed by law; 2) known and compelling dangers that give rise to ministerial duties on the part of public officers or employees . . . and 4) acts that are malicious, willful, and intentional.”).
345. Wis. sTaT. aNN. §§ 898.80; 893.82(3); *Weis v. Board of Regents of the Univ. of Wis. System*, 837 F.Supp.2d 971 (E.D. Wis. 2011) (holding that the time to file a notice of claim runs from the date of injury, not the date on which the claimant discovers the injury); *Weinberger v. State of Wis.*, 105 F.3d 1182 (Wis. 1997) (concluding that a complaint that does not comply with statutory notice provision fails to state a claim upon which relief can be granted).
346. Wis. sTaT. §§ 893.80(3); 893.82(6).
347. *Widell v. Holy Trinity Catholic Church*, 121 N.W.2d 249 (Wis. 1963).
348. Wis. sTaT. aNN. § 893.93(1)(m)(b); *John Doe 1 v. Archdiocese of Milwaukee*, 734 N.W.2d 827, 846–47 (Wis. 2007).
349. *Gieringer v. Silverman*, 539 F.Supp. 498, 502 (E.D. Wis. 1982) (explaining that the “doctrine of equitable tolling applies where, after a cause of action accrues, a defendant takes further steps to conceal the cause of action with the result that the plaintiff remains in ignorance of his rights through no fault of his own . . . The doctrine does not apply where the actions creating the claim are completed, and the defendant takes no further steps to conceal his past actions.”).
350. *Bonchek v. Nicolet Unified Sch. Dist.*, No. 19-CV-425, 2019 WL 7049803, at *13 (E.D. Wis. Dec. 23, 2019).
351. Wis. sTaT. aNN. § 939.74(3) (2002). *See also State v. Sher*, 437 N.W.2d 878 (Wis. 1989) (holding that the tolling provision does not violate the privileges and immunities clause nor the equal protection clause of the U.S. Constitution); *State v. Whitman*, 160 Wis. 2d 260, 466 N.W.2d 193 (Wis. Ct. App. 1990) (articulating that a person is not “publicly a resident” of the state when living outside the state but retaining state residence for voting and tax purposes).
352. Wis. sTaT. aNN. § 939.74(4). *See also State v. Miller*, 650 N.W.2d 850 (Wis. Ct. App. 2002).
353. *See WYo. sTaT. aNN. § 1-39-104(b)*; *Jung-Leonczynska v. Steup*, 782 P.2d 578, 582–83 (Wyo. 1989) (noting that the question of whether an employee is acting within the scope of their duties when committing an intentional tort is “normally one for the trier of fact and becomes one of law when only one reasonable inference can be drawn from the evidence.”).
354. WYo. sTaT. aNN. § 1-39-113(a).
355. *Alewine v. State, Dept. of Health and Soc. Servs., Div. of Pub. Assistance and Soc. Servs.*, 803 P.2d 1372 (Wyo. 1991) (finding that delaying the two-year notice of claim requirement until parent or guardian discovers the minor’s injury is to safeguards minors’ rights). *See also Dye by Dye v. Fremont Cnty. Sch. Dist. No. 24*, 820 P.2d 982 (Wyo. 1991) (concluding that when parents fail to timely file a notice of claim on minor’s behalf, the parents have not adequately represented their child, and therefore, the time for filing a notice of claim begins to run when a guardian ad litem is appointed by the court; however, any disability for failing to file disappears when the child reaches majority).
356. WYo. sTaT. aNN. § 1-39-118(a)(i), (d).
357. *Lutheran Hospitals & Homes Soc’y of Am. v. Yepsen*, 469 P.2d 409 (Wyo. 1970).
358. *Id.* *See also WYo. sTaT. aNN. § 1-1-125(d)* (indicating that a nonprofit is liable for the negligent acts of its volunteers, stating, “[i]n any suit against a nonprofit organization or a volunteer fire department for civil damages based upon the negligent act or omission of a volunteer, proof of the act or omission shall be sufficient to establish the responsibility of the organization or department under the doctrine of *respondeat superior*, notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (b) of this section.”).
359. *Id.* at § 1-1-129(f). (Noting that these facilities are liable “only in the circumstances and to the extent the facility is required by statute to maintain liability coverage.”).

- ³⁶⁰. See D.C. CODE ANN. § 2-402; *District of Columbia v. Chinn*, 839 A.2d 701, 702–3 (D.C. 2003) (noting that D.C. may be held vicariously liable for negligence by its officers acting within the scope of employment); *Wade v. District of Columbia*, 310 A.2d 857, 863 (D.C. 1973) (concluding that D.C. “may be sued under the common law doctrine of *respondeat superior* for the intentional torts of its employees acting within the scope of their employment.”).

361. D.C. coDe aNN. §12-309(a). *See also R. v. District of Columbia*, 370 F.Supp.2d 267 (D. D.C. 2005) (holding that a police report detailing sexual assault of minor at a camp owned and operated by D.C. satisfied the notice requirement).
362. *Butera v. District of Columbia*, 235 F.3d 637 (D.C. Cir. 2001) (concluding that D.C., as a municipal corporation, is immune from punitive damages under section 1983).
363. *President and Directors of Georgetown Coll v. Hughes*, 130 F.2d 810, 811 (D. D.C. 1942).
364. *Cevenini v. Archbishop of Wash.*, 707 A.2d 768 (D.C. 1998) (explaining that appellants only asserted that the Archdiocese failed to disclose information to them and that Archdiocese's policy of transferring an abusive priest from one parish to another operated to conceal prior allegations of abuse rather than alleging affirmative acts of concealment by the Archdioceses; the court suggests that had appellants requested information about the priests background from the Archdiocese and been refused access to it, that their decision might be different); *Estate of Chappelle v. Sanders*, 442 A.2d. 157, 158 (D.C. 1982) (citations omitted) (explaining that the running of the SOL is tolled when a defendant engages in affirmative acts to fraudulently conceal either the existence of plaintiff's claim or the facts forming the basis of plaintiff's cause of action). *See also Doe v. Kipp DC Supporting Corp.*, 373 F.Supp.3d 1 (D. D.C. 2019) (holding that the lulling doctrine did not apply to toll the SOL governing former students claims against teacher, school principal, and schools for assault and battery, arising out of teacher's sexual abuse of student while student was minor, absent any allegation that defendants did anything that would tend to lull student into inaction in pursuing claim).
365. D.C. coDe aNN. § 23-113.
366. am. samoa coDe aNN. § 43.1203(a), (b)(5).
367. *See id.* at §§ 43.1204, 43.1205; *Utu v. National Pac. Ins. Co.*, 9 Am. Samoa 2d 88 (Am. Samoa 1988) (finding that a minor's claim against the government is not barred if the action commences within one year of reaching majority or of the appointment of a guardian ad litem, notwithstanding the two-year SOL otherwise applicable to actions against the government).
368. am. samoa coDe aNN. § 43.1212.
369. *Id.* at § 43.0121 (stipulating, "[i]n actions for relief on the ground of fraud or mistake . . . the cause of action shall not be deemed to have accrued until the fraud, mistake, or trespass complained of shall have been discovered by the party aggrieved.").
370. am. samoa coDe aNN. §46.3106 (2004), available at [https://asbar.org/code-annotated/46-3106-time-limitations/#::~:~:text=\(a\)%20A%20prosecution%20for%20any,be%20commenced%20at%20any%20time](https://asbar.org/code-annotated/46-3106-time-limitations/#::~:~:text=(a)%20A%20prosecution%20for%20any,be%20commenced%20at%20any%20time).
371. 5 Guam coDe aNN. § 6105.
372. *Id.* at §§ 6106, 6201.
373. *Id.* at § 6301(b).
374. *See 7 Guam coDe aNN. § 11403* (defendant absence tolling); *Dewitz v. TeleGuam Holdings, LLC*, No. CV 11-00036, 2014 WL 1389326, at *6 (D. Guam Apr. 9, 2014) (finding that even if defendant made a misrepresentation, plaintiff did not reasonably rely upon it, therefore finding that equitable estoppel does not apply. The court also clarified that equitable estoppel in the limitations setting is sometimes called fraudulent concealment), *report and recommendation adopted*, No. 1:11-CV-00036, 2014 WL 3028660 (D. Guam July 3, 2014).
375. 8 Guam coDe aNN. § 65.55.
376. *Id.* at § 10.50.
377. *See 7 N. mar. i. coDe § 2922*.
378. *See id.* at §§ 2202(a), 2204(b).
379. *Id.* at § 2202(b).
380. *Id.* at § 2202(a)(1)-(2).
381. *Id.* at § 2503 (permitting an action to be commenced within prescribed time limits "after the person who is entitled to bring the same shall discover or shall have had reasonable opportunity to discover" that a defendant fraudulently concealed the cause of action from the person entitled to bring it); *Soloviev v. Markoff*, No. 1:14-CV-00019, 2015 WL 1746242, at *9 (D.N. Mar. I. Apr. 13, 2015) ("the concealment defense, unlike a fraud claim, may be based on even an unintentional deception.").
382. *See In re Buckingham*, No. 2012-SCC-0028, 2012 WL 6044832, at *5 (N. Mar. I. 2012) (reiterating that fugitive status is a question of fact involving two elements: 1) absence from the jurisdiction and 2) intent to avoid arrest or prosecution; mere absence from the Commonwealth does not necessarily make the defendant a fugitive and therefore does not automatically toll the SOL).
383. Pr. laWs. aNN. tit. 32, §§ 3077, 3081(d), 3088(a) & (c).
384. *Perez Aguirre v. E.L.A.*, 148 P.R. Dec. 161 (P.R. 1999) (finding that "the procedural requirement obligating minors to file claims within ninety days cannot prevail over the substantive disposition of [Pr. laWs. aNN. title 32, section 254], which establishes that the prescription does not run during a person's minority").
385. Pr. laWs. aNN. tit. 32, § 3077(a).

386. *Tavarez v. San Juan Lodge*, 68 P.R. 681 (1948); *Gas & Coke Co. v. Frank Rullan & Associates*, 189 F.2d 397 (1st Cir. 1951).
387. *Lalo's Cash & Carry, Inc. v. Scotiabank de Puerto Rico*, No. K DP2012-0789, 2016 WL 1359461, at *7 (P.R. Cir. Feb. 18, 2016) (explaining that this doctrine may be invoked to prevent one party "from benefiting from their fraudulent acts," and to prevent a plaintiff from being "required to exercise their cause of action within the prescriptive term.").

388. v.i.coDe aNN. tit. 33, § 3408(b).
389. *Id.* at § 3409(c).
390. *Id.* at § 3411(c).
391. *Soto v. Bradshaw*, 351 F.Supp. 602 (D. V.I. 1972); *Joseph v. Church of God (Holiness)*, No. CIV. 338/2001, 2006 WL 1459505 (V.I. May 12, 2006).
392. v.i.coDe aNN. tit. 27, § 166 (SOL). *See also Frederick v. Ellet*, No. ST-11-CV-381, 2014 WL 785051, at *2 (V.I. Feb. 14, 2014) (explaining that it must determine that the defendant “took affirmative steps to conceal the wrongful conduct, and whether there was actual concealment,” before applying the fraudulent concealment doctrine to toll an SOL.).
393. v.i.coDe aNN. tit. 5, § 3541(b), (c).
394. 20 U.S.C. § 1681 (sex); *Bougher v. University of Pittsburgh*, 882 F.2d 74, 77 (3d Cir. 1989) (determining that “[w]e therefore must ‘borrow’ the state SOLs in the cause of action most similar to the plaintiff’s Title IX claim”).
395. *See* 28 U.S.C.A. § 1346; *Doe v. United States*, 381 F.Supp.3d 573 (M.D. N.C. 2019) (holding that certain claims against military elementary school officials for CSA were barred by the intentional tort exception to the Federal Tort Claims Act, while other claims were barred because there was no analogous duty established in North Carolina state law; however, allegation of failure to report, which violated the child abuse reporting statute, could support a Federal Tort Claims Act claim because of North Carolina’s analogous state law requiring school principals to report abuse to law enforcement).
396. 28 U.S.C.A. § 2401. *See Brown v. United States*, 353 F.2d 578, 579–80 (9th Cir. 1965) (noting that “minority does not toll the limitations period prescribed in the Federal Tort Claims Act.”); *Booth v. United States*, 914 F.3d 1199, 1207 (9th Cir. 2019) (concluding that “minority alone does not merit equitable tolling of the FTCA’s SOLs.”).
397. *See, e.g., Rotella v. Wood*, 528 U.S. 549, 560–61 (2000) (concluding, “[i]n rejecting pattern discovery as a basic rule, we do not unsettle the understanding that federal statutes of limitations are generally subject to equitable principles of tolling” (internal citation omitted)); *Klehr v. A.O. Smith*, 521 U.S. 179, 194 (1997) (discussing collection of cases); *Evans v. Ariz. Cardinals Football Club, LLC*, 761 F. App’x 701, 703–04 (9th Cir. 2019) (noting, “[t]o establish equitable tolling, a plaintiff must plead with particularity that the defendant actively misled her, and that she had neither actual nor constructive knowledge of the facts constituting her [] claim despite her due diligence in trying to uncover those facts.”) (citing *Grimmett v. Brown*, 75 F.3d 506, 514 (9th Cir. 1996)); *Crowe v. Servin*, 723 F. App’x 595, 597 (10th Cir. 2018) (holding the district court did not “abuse its discretion in refusing to equitably toll the SOLs[.]” but noting that “[a] litigant seeking equitable tolling must show ‘(1) that [s]he has been pursuing [her] rights diligently, and (2) that some extraordinary circumstances stood in [her] way.’”) (quoting *Barnes v. United States*, 776 F.3d 1134, 1150 (10th Cir. 2015)); *Forbes v. Eagleson*, 228 F.3d 471, 486–87 (3d Cir. 2000) (holding that “plaintiff has the burden of proving fraudulent concealment. The plaintiff must show active misleading by the defendant and must further show that he exercised reasonable diligence in attempting to uncover the relevant facts.”) (internal citations omitted); *J. Geils Band Emp. Benefit Plan v. Smith Barney Shearson, Inc.*, 76 F.3d 1245, 1252–55 (1st Cir. 1996); *Supermarket of Marlinton, Inc. v. Meadow Gold Dairies, Inc.*, 71 F.3d 119, 122 (4th Cir. 1995) (comparing the “affirmative acts[.]” “self-concealing[.]” and “separate and apart” standards for establishing fraudulent concealment). *See also Gilley v. Dunaway*, 572 F. App’x 303, 306, 309 (6th Cir. 2004) (recognizing equitable tolling applies if school “failed to report numerous incidents of sexual abuse,” “concealed secret files,” and “failed to inform students of any of these facts”); *Magnum v. Archdiocese of Philadelphia*, No. 06-CV-2589, 2006 WL 3359642, at *12 (E.D. Pa. Nov. 17, 2006), *aff’d*, 253 F. App’x 224 (3d Cir. 2007); *Redwing v. Catholic Bishop for Diocese of Memphis*, 363 S.W.3d 436, 465 (Tenn. 2012) (finding equitable tolling plausible where complaint alleges plaintiff was “misled by the Diocese with regard to the Diocese’s knowledge of [priest’s] history and propensity for committing sexual abuse”).
398. 18 U.S.C.A. § 3290. *See also Wallace v. Hunter*, 149 F.2d 59 (10th Cir. 1945); *Forthoffer v. Swope*, 103 F.2d 707 (9th Cir. 1939); *U.S. ex rel. Demarois v. Farrell*, 87 F.2d 957 (8th Cir. 1937) (defining a fugitive, in part, as one who departs his usual place of abode and conceals himself within the district), *motion denied*, 302 U.S. 683 (1937), *reh’g denied* 302 U.S. 775 (1937); *McGowen v. U.S.*, 105 F.2d 791 (D.C. Cir. 1939) (articulating that to be a “fugitive from justice” it is not necessary that the accused should have left the jurisdiction in which the crime was allegedly committed) *cert. denied* 308 U.S. 552 (1939); *U.S. v. Dooley*, 11 F.2d 428 (E.D. N.Y. 1926); *U.S. v. Greene*, 146 F. 803, 889 (S.D. Ga. 1906), *aff’d* 154 F. 401 (1907), *cert. denied* 207 U.S. 596 (1907); *U.S. v. O’Brien*, 27 F.Cas. 212 (C.C.D. Kan. 1873) (No. 15,908) (requiring a leaving of one’s home, residence, or place of abode within the district, or a concealing of oneself therein, to avoid detection or punishment for some offense against the United States, to constitute a “fleeing from justice.”); *U.S. v. White*, 689 A.2d 535 (D.C. 1997).
399. *Limitations Act*, RSA 2000, c L-12.
400. *Ibid*, s 3.1(l)(b)(i).
401. *Ibid*, s 3.1(l)(a).
402. Bill 2, *An Act to Remove Barriers for Survivors of Sexual and Domestic Violence*, 3rd Sess, 29th Leg, Alberta, 2017 (assented to 4 May 2017), SA 2017, c 7.
403. *AF v Alberta*, 2020 ABQB 268.
404. *Ibid* at para 73.
405. *Limitation Act*, SBC 2012, c 13.
406. *Ibid*, s.3(1)(i).
407. *CLH v KAG*, 2022 BCSC 994.
408. *Ibid* at para I.

409. *Ibid* at para 99.

410. *Ibid* at para 272.

411. *Limitations Act*, 2002 S.O. 2002, c.24, Sched. B.
412. 2018 ONSC 1126.
413. *Code civil du Quebec*, RLRQ c CCQ-1991.
414. *Ibid*, art. 2875-2933: "Book Eight: Prescriptions."
415. *Loi modifiant le Code civil pour notamment rendre imprescriptibles les actions civiles en matiere d'agression a caractere sexuel, de violence subie pendant l'enfance et de violence conjugate*, LQ 2020, c 13 [Translated : *An Act to amend the Civil Code, in particular to make civil actions for sexual aggression, violence suffered during childhood and spousal violence imprescriptible*, SQ 2020, c 13; Bill 55, 15¹ Sess., 42nd Leg].
416. *Stogner*, *supra* note 26.