

Federal and International Child Sex Abuse Statute of Limitations Reform



Prof. Marci A. Hamilton

CEO & Founder
CHILD USA

Fels Institute of Government
University of Pennsylvania

Curriculum

I. Federal SOL Reform

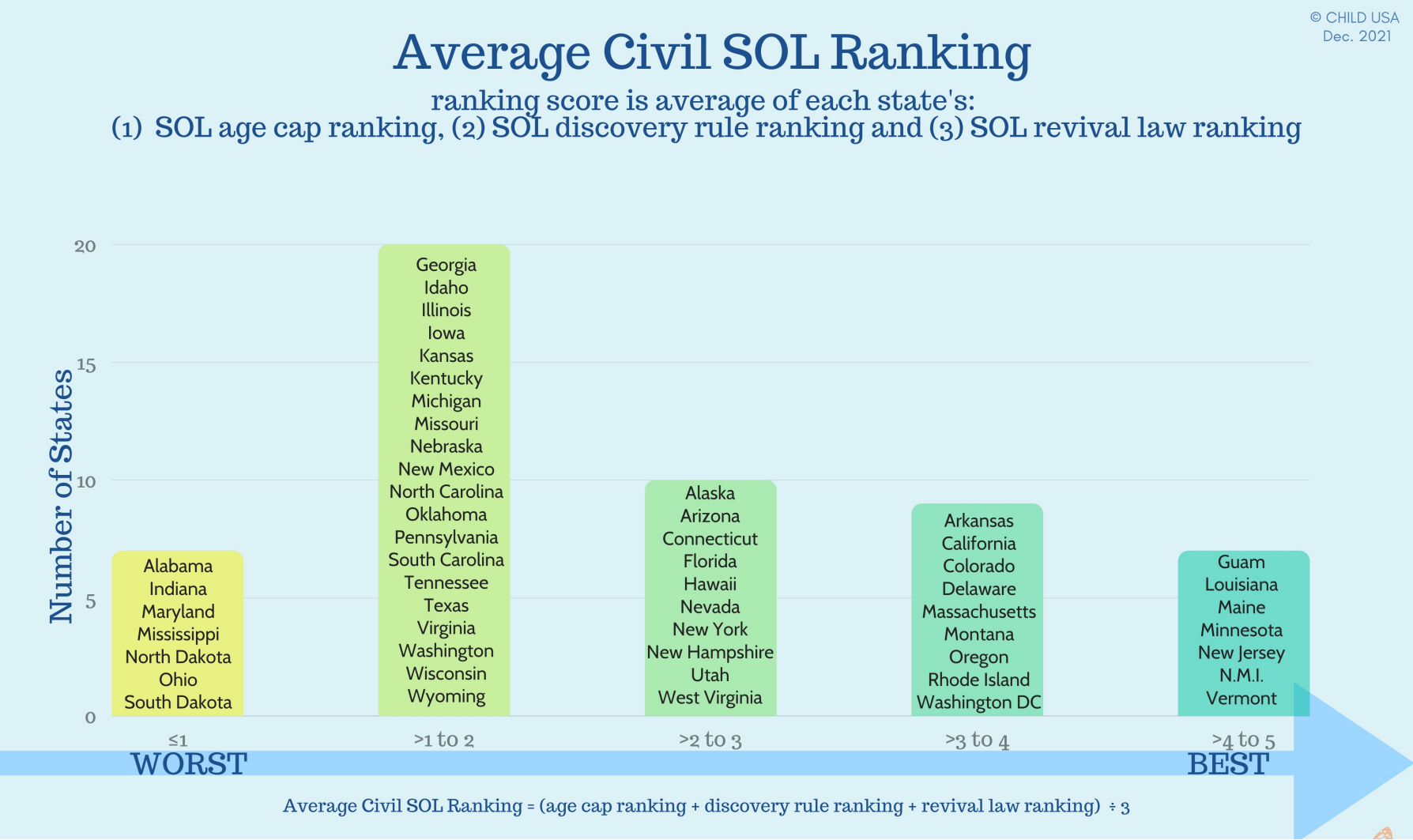
II. International SOL Reform

III. Q & A



I. Federal SOL Reform

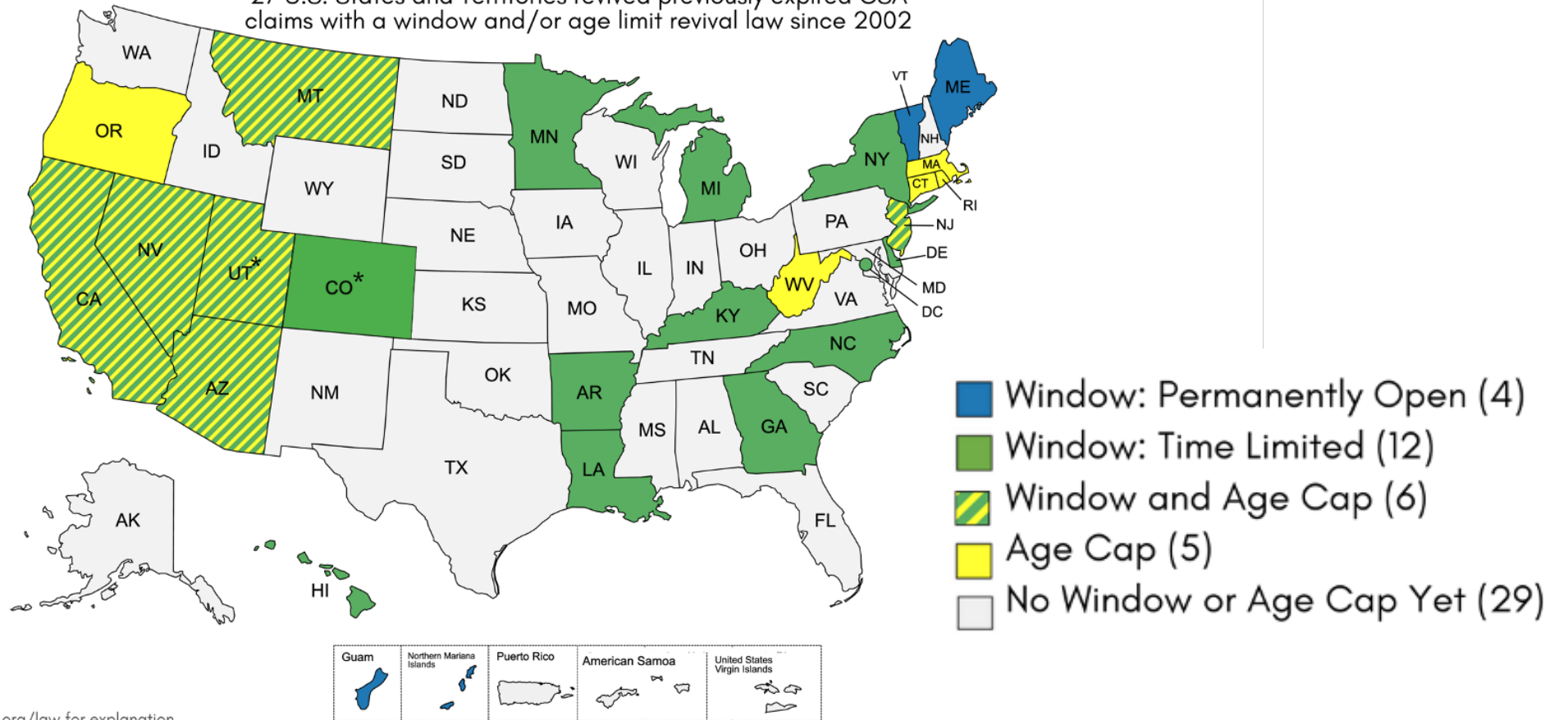
State Overview I



State Overview II

Revival Laws for Child Sex Abuse: Windows and Age Caps

27 U.S. States and Territories revived previously expired CSA claims with a window and/or age limit revival law since 2002

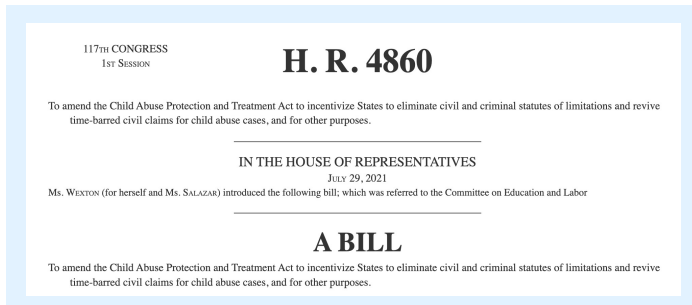


*See childusa.org/law for explanation

Pending Federal SOL Bills Incentivizing the States

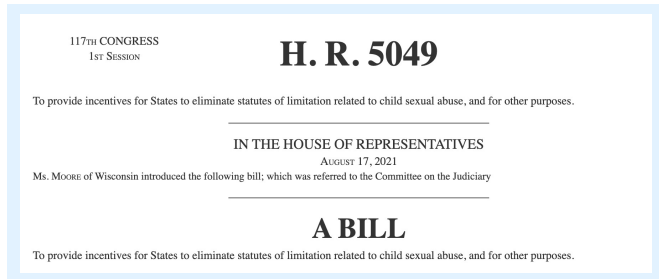
HR 4860, Statutes of Limitations for Child Sexual Abuse Reform Act

- Would amend the Child Abuse Prevention and Treatment Act (CAPTA) to incentivize states to **eliminate** civil and criminal SOLs for CSA and **revive** time-barred civil claims
- Allocation of federal funds would be tied directly to the number of reforms being sought and will be in addition to any funds States are eligible to receive under the current CAPTA provisions
- Introduced 07/29/2021
- Sponsor: Rep. Jennifer Wexton (D-VA)



Pending Federal SOL Bills Incentivizing the States

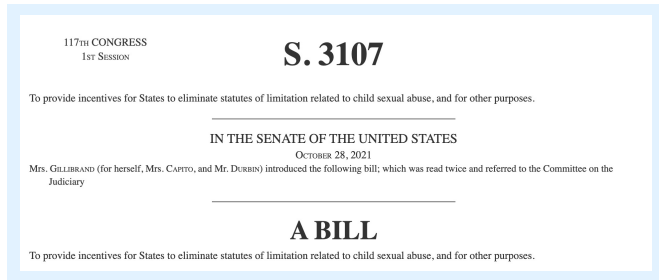
HR 5049, No Time Limit for Justice Act



- Would incentivize states to **eliminate** criminal and civil SOLs for child sex abuse
- Would provide states that eliminate SOLs for CSA cases with a 5% increase in federal grant awards under the Services, Training, Officers, Prosecutors (STOP) Program to train law enforcement and prosecutors handling CSA cases
- HR 5049
 - Introduced 08/17/2021
 - Sponsor: Rep. Gwen Moore (D-WI)

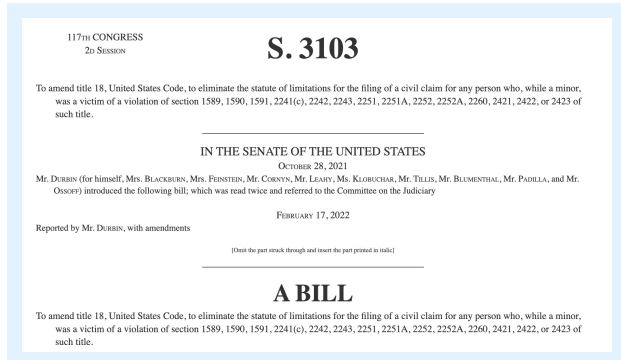
Pending Federal SOL Bills Incentivizing the States

S 3107, No Time Limit for Justice Act



- Would incentivize states to **eliminate** criminal and civil SOLs for child sex abuse
- Would provide states that eliminate SOLs for CSA cases with a 5% increase in federal grant awards under the Services, Training, Officers, Prosecutors (STOP) Program to train law enforcement and prosecutors handling CSA cases
- S 3107
 - Introduced 10/28/2021
 - Sponsor: Sen. Kirsten Gillibrand (D-NY)

Pending Federal SOL Bills



S 3013, Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2021

- Would eliminate SOL under 18 U.S.C. § 2255 for sex offenses against minors, including child sex abuse, sex trafficking, online exploitation, and child sexual abuse material
- Introduced 10/28/2021
- Passed out of S. Judiciary Comm., Feb. 10, 2022
- Sponsor: Sen. Richard Durbin (D-IL)

Bankruptcy Reform (supplementing SOL Reform)

Protecting Child Sex Abuse Victims in Chapter 11 Proceedings

1. Prohibit nonconsensual third-party releases in child sex abuse cases
2. Exempt child sex abuse cases from the automatic stay and expand the scope of discovery in the bankruptcy proceeding*
3. Provide an opportunity for victim impact statements prior to the confirmation of a reorganization plan
4. Require the use of forensic accountants to assess the debtor's estate (and where a non-debtor release is sought, the holdings of the non-debtor organization)



USA GYMNASTICS





II. International SOL Reform

Global Task Force to Abolish Statute of Limitations

Co-Chairs

Miguel Hurtado, Survivor and leader of Survivor Advocates Globally Empowered (SAGE), Spain

Prof. Marci Hamilton, CEO & Founder, CHILD USA

Charter Members:

- **Brisa de Angulo, Esq.**, CEO & Founder, A Breeze of Hope, Bolivia
- **Matthew McVarish**, Actor, Scotland
- **Vinka Jackson**, Psychologist, Chile
- **Jennifer Freeman**, Senior Counsel, Marsh Law Firm, U.S.
- **Dr. Ann Olivarius**, Chair of the Executive Committee, McAllister Olivarius, U.K.
- **Elyse Stolpe**, Assistant Commonwealth's Attorney, City of Waynesboro, U.S.
- **Jon Hatami**, Deputy District Attorney, Los Angeles County, U.S.
- **Alice Bohn, Esq.**, Staff Attorney, CHILD USA, U.S.

Global Task Force to Abolish Statute of Limitations

The Task Force will bring together CHILD USA, the leading think tank on SOL Reform, and the Brave Movement to end SOLs across the globe. Focused on transformational change, its members are bound by a common purpose: to create a world where children and youth can grow up happy and safe. CHILD USA will build the database for global SOL laws while the Barve Movement will take that knowledge and build a grassroots SOL movement.

Key Developments Internationally

Argentina

- Senator Sigrid Kunath introduced the first Argentinian legislation reforming SOL for CSA
 - New law passed in 2015
 - SOL of 15 years, tolled when reported to law enforcement and when the victim reaches age 18
- Efforts to eliminate the SOL are ongoing



Key Developments Internationally

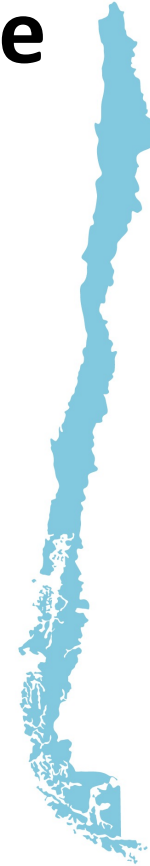
Scotland

- The SOL for personal injury claims is 3 years from when the offense occurred, which tolls at the age of majority and includes a discovery rule
- In 2017, the personal injury SOL was amended to exclude claims related to child abuse, including sexual, physical, and emotional abuse, and neglect
- This law applies retroactively, such that there is no civil or criminal SOL for CSA



Key Developments Internationally: Chile

- Chile prospectively eliminated the civil and criminal SOLs in July 2019 for rape, sexual abuse, production of pornographic materials, and prostitution involving children and adolescents
 - Victims can sue individuals or institutions that covered up sex abuse crimes
 - It does not apply retroactively, *but a window may be possible under a new Constitution.*
- Ongoing efforts to eliminate SOL for adult victims



Key Developments Internationally

Spain

- Spain approved the Rhodes Law, its first child violence protection law, in May 2021, voting 297-52
- The Rhodes Law extends the criminal SOL for prosecuting physical or sexual abuse of children by 17 years to age 40-55, depending on the crime
- Creates a special court for cases involving violence against children
- Provides that children under age 14 only need to testify once, in order to avoid re-traumatization



Key Developments Internationally

Bolivia

- The case of Brisa De Angulo
 - Survivor of rape by family member as a child
 - Set up charity A Breeze of Hope for sexually abused children in Bolivia
 - Has taken her rape case to the Inter-American Commission on Human Rights
 - Calling for the repeal of a legal provision in Bolivia known as “estupro”
 - Imposes lesser penalties for perpetrators who rape children between 14-18 years-old than those for younger children
 - Punishment ranges from 3-6 years’ imprisonment
 - It is estimated that [20 percent](#) of teenage pregnancies in Bolivia are the result of “estupro”
 - Her case will be heard by the Commission on March 29-30, 2022



Q & A



**For more information,
visit www.childusa.org**

Contact us: info@childusa.org