

CHILD USA

The Sean P. McIlmail Statute of Limitations Research Institute



SNAP

New York

Survivor Toolkit

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



WINDOW CLOSED

The window opens August 14, 2019 and closes August 13, 2021



What Is New York's Child Victims Act (CVA)?

The Law explained:

This new law will benefit **ALL** victims of child sex abuse in New York. Some parts of the law will be permanent going forward and some parts of the law are temporary and have a limited time for action. The law extends the statute of limitation (SOL) for filing civil claims to age 55 and opens a 2-year revival window for expired claims. It also extends, and in some cases eliminates, the SOL for prosecuting child sex abuse crimes.

New Civil SOL:

All survivors whose claims have not yet expired and future victims of child sex abuse will have until they reach **age 55** to file a lawsuit. Adults of all ages can file suit starting on August 14, 2019, while the **2-year window is open**, even if they were abused many years ago and their claim was already expired.

New Criminal SOL:

There is no time limit for prosecuting many 1st degree felony child sex abuse crimes, and an extended SOL ranging from when a survivor reaches age 25 to age 43 for prosecuting other child sex abuse crimes.

**THE WINDOW OPENS AUGUST 14, 2019
AND CLOSSES AUGUST 13, 2021**

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

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How Will New York's New Law Help You?

Are you a New York survivor of child sex abuse?

If you were abused in New York, you now have the right to file a civil lawsuit for your abuse against any party -- your abuser, another individual, organization, institution, or the government. Also, criminal prosecution of your abuser may be permitted for a longer period of time. The scope of your rights depends on your age.

If your birthday is on or after August 15, 1998:

You will benefit from the civil SOL extension and can sue any party for your abuse until your **55th birthday**.

If your birthday is before August 15, 1998, but on or after August 15, 1996:

You will benefit from the civil SOL extension for claims against your abuser and the revival window for claims against others. You can sue any party for your abuse during the **2-year window** that is open until August 14, 2021. Even after the window closes, you can sue your abuser until your **55th birthday**.

If your birthday is before August 15, 1996:

You will benefit from the 2-year revival window that is open and can sue any party for your abuse until August 14, 2021.

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10 Things to Remember

- 1 You are not alone.** About 1 in 5 girls and 1 in 13 boys are sexually abused. 86% of child sexual abuse is never reported and those who do report often cannot come forward until adulthood.
- 2 The brain adapts to trauma in order to cope,** and that coping may manifest in PTSD, depression, anxiety, or other ways.
- 3 It's never too late to report abuse.** You can contact the local police department in the town where you were abused and tell them what happened at any time.
- 4 Take good care of yourself.** Consider seeing a therapist and encourage loved ones to do the same. Practice self-care, like exercising regularly, mindfulness, limiting alcohol and recreational drugs, and seeking social support through a survivor support group.
- 5 The court system may not understand your needs.** Some officials will have received trauma-informed training, some will not.
- 6 The legal system is a lot of "hurry up and wait."** It is normal to be asked to produce information quickly, and then not hear from your lawyer for a while.
- 7 The litigation process can take time.** Your case may resolve quickly or slowly depending on your state and other factors.
- 8** There may be triggers during litigation that cause you to re-experience the initial trauma. This **re-traumatization can be treated** through proper therapy.
- 9 You control your story.** Your attorney and therapist will be bound by certain confidentiality rules and you may have the option to file a lawsuit under a pseudonym to protect your identity.
- 10 Your attorney works for YOU.** If you are offered a settlement, your attorney can only settle your case with your permission after you approve the monetary amount. If you receive settlement funds, this is American justice. You deserve to be compensated for harm.

10 Resources to Trust

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

10 Terms to Know

- 1 Child Sex Abuse (CSA):** Any sexual activity with a minor (like fondling, intercourse, exposing oneself, masturbating, obscene calls, messages, or digital contact, vaginal, anal, or oral sex, sex trafficking, producing or possessing child sexual abuse material (CSAM), or any other harmful sexual conduct).
- 2 Delayed Disclosure of Abuse:** the common phenomenon where survivors of child sex abuse wait for years, often well into adulthood, before telling anyone they were abused. The average age of disclosure is 52 years-old.
- 3 Statute of Limitation (SOL):** a law that sets the amount of time after a person is abused that: (1) the person can file a civil lawsuit for their injury, or (2) the government can criminally prosecute an abuser and others for their crimes.
- 4 Criminal Prosecution:** The state or federal government may prosecute by filing criminal charges against a person or entity for their crimes relating to child sex abuse. Punishment for criminals could involve jail time, fines, or restorative justice.
- 5 Civil Lawsuit:** A survivor of child sex abuse may file a claim against an abuser, other individual, entity or the government to recover money damages or seek other remedies for abuse-related injuries.
- 6 Discovery Rule:** A law that says the SOL time countdown doesn't begin until a person is aware of their injuries relating to child sex abuse or makes the connection that their injuries were caused by abuse.
- 7 Injuries Caused by Child Sex Abuse:** Injuries can include physical and mental health issues, like STDs, depression, anxiety, PTSD, addiction, and difficulty participating in relationships, work, or community.
- 8 Defendant:** A person or institution that is sued for child sex abuse. A defendant can be an **abuser**, a person who sexually abused a child, or other individuals or institutions that knew about or enabled the abuse. **Institutions** can be a private organization (like a business, non-profit company, or religious institution) or a public organization (like a government agency or public school).
- 9 SOL Extension or Elimination Laws:** Laws that change the SOL to give survivors more time to file claims for abuse-related injuries. **Extension** laws lengthen the SOL so that it expires later, while **elimination** laws completely remove the SOL so that there is no limit for when claims can be filed.
- 10 Revival Laws:** Laws that establish a specific period of time during which survivors can bring previously-expired civil claims to court. When the revival period is a set amount of time after the law is passed, it is called a **revival window**, and claims can be filed while the window is open. States have opened windows for a few years or permanently. When the revival period is set at a survivor's age, it is called a **revival age limit**, and claims can be filed until a survivor reaches that specific age. The age states choose ranges from 27-55.

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



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

ACCESS OUR MEMBERSHIP PORTAL

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



BECOME A COMMUNITY AMBASSADOR VOLUNTEER

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

JOIN THE SOL REFORM MOVEMENT

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

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

