

COVID-19's Deleterious Effect on Child Sex Abuse Survivors and the Critical Need to Pass a One-Year Extension of New York's Child Victims Act

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There is a group of victims in New York State that needs help as a result of the COVID-19 virus - but not in the way you may think. I'm talking about childhood sexual abuse survivors, many of whom, before the outbreak, were in the process of coming to grips with what happened to them and pursuing claims through New York's one-year statutory window opened by the Child Victims Act (CVA). With the shutdown of most of New York in the shadow of COVID-19 -- including state courts - child sex abuse survivors need their own relief -- more time to present and pursue their claims.

Now, more than ever, the Child Victims Act, opening a one-year window for child sex abuse claims to be filed in New York, needs to be extended for another year.

Last year, the New York legislature boldly opened the one-year window, starting August 14, 2019. During the past eight months, thousands of victims have come forward, many have filed lawsuits, and there has been a cascade of SOL reform around the country.

<https://www.childusa.org/sol-report-2019>. However, the CVA has turned out to be last year's shortest statute of limitations window across the country. New Jersey, North Carolina and D.C. passed two year windows; California passed a three year window; Vermont now has a permanent window. Other states, like Delaware and Hawaii, passed new windows for the second and third time.

The same leadership and forward thinking that Governor Cuomo has exhibited in response to the virus are warranted here. Due to the virus, the now-remaining four months of the CVA window have effectively been decimated. NY state courts are closed for all but essential services. Deadlines for on going litigation have been extended for 90 days. The NY court system is essentially at a standstill.

This curtailment of access to justice has left many victims re-experiencing feelings of aloneness and separation, of not being believed or heard. One survivor told me that he feels "trapped" in his "own mind." Another said the feeling that she is "not safe" has returned with a vengeance. The courage to come forward is fading in isolation and loneliness.

Many childhood sex abuse victims see the absence of an extension as a further unjust "victory" for their perpetrators, as well as the institutions that protected them or looked the other way -- including Rockefeller University and the Boy Scouts. As one plaintiff-victim has explained to me, he is concerned that the Catholic Church is going to "get away with it again". COVID-19 has provided a useful new "cover" for defendants -- delay, deflect, deny.

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The CVA brought hope of unity and justice. But COVID-19 has now wrought desolation and despair all too familiar to many survivors.

Many survivors are also concerned that they will not live long enough to see justice. Over the past year, a handful of our plaintiff-victims have died, and others have suffered from heart attacks, strokes, or other disabilities. The vast majority of victim-plaintiffs are over fifty years old, with many in their sixties and older. For some, an extension would offer time for recovery – both mental and physical. Sadly, many may still have their claims cut off abruptly by the virus.

We also know there are still survivors - particularly those currently living outside of New York – who have not yet heard of the CVA. I have worked with many Floridians, for example, who had no idea that the CVA even existed. The only reason that one of my neighbors, “Sarah” (not her name), knows is because when she heard about my work, she revealed that she and her brother had been abused. Another victim learned about the CVA through a recent Zoom chat with a grade-school buddy he hadn’t spoken to in years.

On a personal note, I feel a particular urgency to help victims in NY – where I grew up and spent many years. I applaud NY’s leadership for doing all possible to fight COVID-19. I urge Governor Cuomo, Senator Brad Hoylman, Assemblywoman Linda Rosenthal and others to also remember NY’s child sex abuse survivors and grant them more needed time to pursue their claims by passing a one-year extension of the CVA.