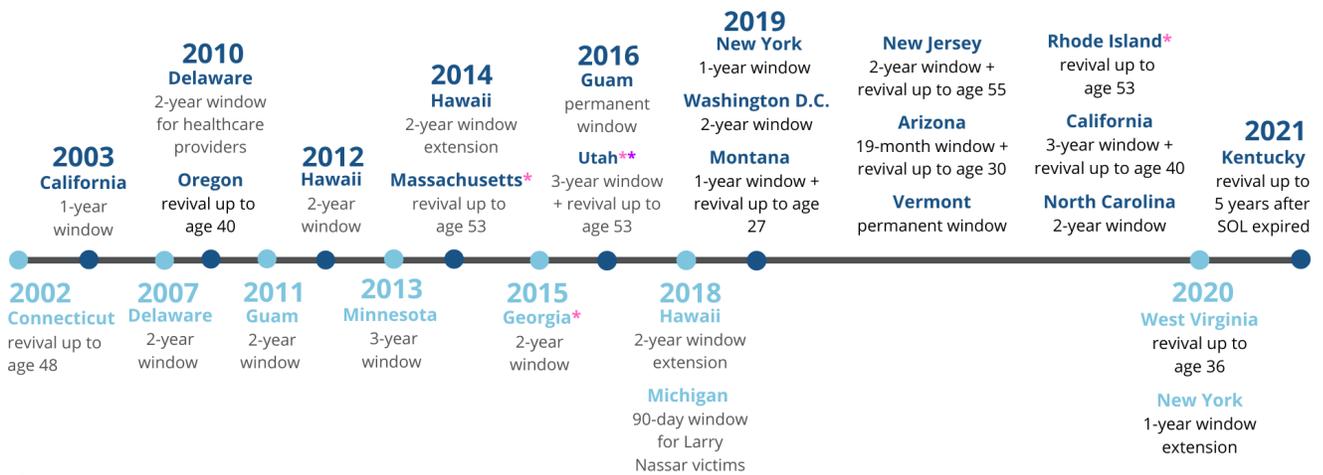


Revival and Window Laws Since 2002

19 States, Washington D.C. & Guam Revived Previously Expired Child Sex Abuse Claims with a Civil Revival or Window Law Since 2002

Updated March 26, 2021

A BRIEF HISTORY OF SOL REVIVAL LAWS FOR CHILD SEX ABUSE



* Revival law was invalidated
 ** Revival only applies for claims against perpetrators

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I. State-by-State Overview of All Revivals Laws Since 2002

A full list of the revival laws in 19 states, Washington D.C., and Guam is provided in the following chart.*

State	Date	Revival Law Type	Revival Law Description
Arizona	2019	19-Month Window & Age 30 Limit	Permanently revived SOL up to age 30 and 19-month window opened on May 27, 2019 for expired claims against perpetrators, private organizations and government. <i>(2019-20 window closed)</i> . ¹
California	2003 2019	1-Year Window, 3-Year Window & Age 40 Limit	1-year window revived SOL against private organizations only. <i>(2003-04 closed)</i> . In 2019 permanently revived SOL up to age 40 and 3-year window opened on January 1, 2020 for expired claims against perpetrators, other individuals, private organizations and government <i>(2020-22 window open)</i> . ²
Connecticut	2002	Age 48 Limit	Permanently revived SOL up to age 48 against perpetrators, other individuals, private organizations and government. ³
Delaware	2007 2010	2-Year Window 2-Year Window	2-year window revived SOL against perpetrators, other individuals, private organizations and government. <i>(2007-09 window closed)</i> . In 2010 added 2-year window for claims against healthcare providers because original window did not apply to them. <i>(2010-12 window closed)</i> . ⁴
Georgia	2015	2-Year Window	2-year window revived SOL against perpetrators only. <i>(2015-17 window closed)</i> . ⁵
Guam	2011 2016	2-Year Window Permanent Window	2-year window revived SOL for expired civil claims. <i>(2011-2013 window closed)</i> . [†] Revived SOL with permanently open revival window on September 23, 2016 for all expired claims against perpetrators, other individuals, private organizations, and government. <i>(window open)</i> . ⁶
Hawaii	2012 2014 2018	2-Year Window 2-Year Window 2-Year Window	In 2012, 2-year window revived SOL against perpetrators, other individuals and private organizations. In 2014 extended original window for another 2 years and expanded to include claims against the government. <i>(2012-16 window closed)</i> . In 2018 extended window again for another 2 years. <i>(2018-20 window closed)</i> . ⁷
Kentucky	2021	Limited Window	Limited window reviving SOL up to 5 years after the date the SOL previously expired opened on March 23, 2021. ⁸
Massachusetts	2014	Age 53 Limit	Permanently revived SOL up to age 53 against perpetrators only. ⁹

* Description only indicates that a law revives against the government if the statute explicitly mentions public entities or case law clearly supports that conclusion. This list also does not include revival via delayed discovery rule.

† Tit. 7 G.C.A § 11306 (2011).

Michigan	2018	90-Day Window	90-day window revived SOL for victims of Larry Nassar only. <i>(2018 window closed)</i> . ¹⁰
Minnesota	2013	3-Year Window	3-year window revived SOL against perpetrators, other individuals and private organizations. <i>(2013-16 window closed)</i> . ¹¹
Montana	2019	1-Year Window & Age 27 Limit	Permanently revived SOL up to age 27 and 1-year window opened on May 7, 2019 for expired claims against perpetrators and entities. <i>(2019-20 window closed)</i> . ¹²
New Jersey	2019	2-Year Window & Age 55 Limit	Permanently revived SOL up to age 55 and 2-year window opened on December 1, 2019 for expired claims against perpetrators, other individuals, private organizations and government. Window applies to child sex abuse victims and those sexually assaulted as adults. <i>(2019-21 window open)</i> . ¹³
New York	2019 2020	1-Year Window 1-Year Window	1-year window opened on August 14, 2019 for expired claims against perpetrators, other individuals, private organizations and government. In 2020 extended original window by one year to be open until August 14, 2021. <i>(2019-21 window open)</i> . ¹⁴
North Carolina	Nov. 7, 2019	2-Year Window	2-year window opened on January 1, 2020 for expired civil claims. <i>(2020-21 window open)</i> . ¹⁵
Oregon	2010	Age 40 Limit	Permanently revived SOL up to age 40 against perpetrators, other individuals and private organizations. ¹⁶
Rhode Island	July 1, 2019	Age 53 Limit	Permanently revived SOL up to age 53 against perpetrators only. ¹⁷
Utah*	2016	3-Year Window & Age 53 Limit	Permanently revived SOL up to age 53 against perpetrators or persons criminally liable and 3-year window opened on May 10, 2016 for expired claims against perpetrators and persons criminally liable. ¹⁸ The revival was held unconstitutional.
Vermont	May 28, 2019	Permanent Window	Revived SOL with permanently open revival window on May 28, 2019 for all expired claims against perpetrators, other individuals, private organizations and government. <i>(window open)</i> . ¹⁹
West Virginia	March 25, 2020	Age 36 Limit	Permanently revived SOL up to age 36 against perpetrators and private organizations. ²⁰
Washington D.C.	May 3, 2019	2-Year Window	2-year window opened on May 3, 2019 for expired claims against perpetrators, other individuals and entities. Window applies to all child sex abuse victims up to age 40 and, in some circumstances, older victims and those sexually assaulted as adults. <i>(2019-21 window open)</i> . ²¹

II. A Focus on SOL Revival Laws, Including Windows, Since January 2002

There is only one way to restore justice to adult victims of child sex abuse whose civil SOL has expired, and that is to revive their civil claims. In other words, to fix the wrongs done to them, they deserve the opportunity to file civil lawsuits if they so choose. Revival laws are not solely about justice for victims; there are also important public safety reasons for allowing older claims of abuse to proceed. When victims are empowered to disclose their abuse and sue for their injuries, the public benefits from finding out who the perpetrators are, the cost of abuse is shifted to those who created it and it learns how to prevent child sex abuse.

It is a medical fact that victims of child sex abuse often need decades to come forward. They are traumatized from the abuse, incapable of processing what happened to them, and often dependent on the adults who perpetrated or caused the abuse. Based on the best science, age 52 is the average age of disclosure for victims of child sex abuse. By the time most victims are ready to come forward, the courthouse doors are locked. Revival laws honor and empower the victims of child sex abuse who had faced locked courthouse doors due to unfairly short SOLs.

There are three compelling public purposes served by revival laws: (1) they help identify previously unknown predators and institutions responsible to protect abuse in the future; (2) they shift the cost of the abuse from the victims back to those who caused it; and (3) they educate the public about the prevalence and harm from child sex abuse so that families and the legal system can protect victims more effectively, with the goal of prevention.

HOW REVIVAL WINDOW/LAWS HELP EVERYONE



Identifies previously unknown predators and institutions responsible

to the public, shielding other children from future abuse.



Shifts the cost of abuse

from the victims and society to the perpetrators and the institutions that enabled them.



Educates the public

about the prevalence and harm from child sex abuse so that families and the legal system can prevent abuse.



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A. Analysis of SOL Revival Laws

This section analyzes the 21 jurisdictions that, since 2002, have enacted laws that revive civil suits for victims of child sex abuse whose SOL has already expired. There are two types of revival laws: (1) revival windows, open permanently or temporarily, and (2) revival laws that have an age cap. So far, the most popular means of reviving for states has been with a revival “window.” A window is a law that eliminates the civil SOL for a set period of time after the law takes effect for victims whose claims have already expired. Similarly, a revival age limit law removes the civil SOL until the victim reaches a certain age that is set by the state. Some state revival laws include both windows and age limits, while some states have chosen to revive via one or the other. Both types of law enable adult victims of child sex abuse to sue their abusers and/or the institutions responsible years after they were abused. These revival laws have been instrumental in giving thousands of victims across America a long overdue opportunity for justice and educating the public about hidden predators and responsible institutions in their communities.

1. Explanation of Revival Window Laws

California became the first state to enact revival legislation to help past victims of abuse with its 1-year revival window in 2003. Since then, 12 more states—Delaware, Hawaii, Minnesota, Georgia, Michigan, New York, Montana, New Jersey, Arizona, Vermont, North Carolina, Washington D.C. and Kentucky—have opened revival windows. These windows have varied in length and by the types of defendants that are permitted to be sued.

The most effective way to remedy the wrong of having unreasonably short SOLs for so long is to completely revive all expired claims with a permanently open revival “window.” This is exactly what Guam did in 2016 and Vermont did the same in 2019. Now any person that was sexually abused as a child in Vermont or Guam may sue their abuser or any responsible person or institution when they are ready. In effect, the law was shifted to accommodate the inherent barriers to disclosure.

The next best windows are those in California, Delaware, Hawaii, New Jersey and New York because the windows are open for 2 or more years and apply to claims against any type of defendant: perpetrators, individuals, institutions and the government. The less effective windows are those that only revived claims against perpetrators like Georgia’s and Utah’s. The least generous window is Michigan’s, which only helped victims of Dr. Larry Nassar and left a gaping hole of injustice for all other Michigan victims of child sex abuse.



Window Report Card

A window is a law that revives expired civil claims and allows adult survivors to sue for child sex abuse they endured years ago while the window is open

A+	Vermont & Guam	Window permanently open for claims against <u>all</u> types of defendants
A	California, Delaware, Hawaii New Jersey & New York	Window open for 2 or more years for claims against <u>all</u> types of defendants
B	Arizona, Minnesota & North Carolina	Window open for more than 1 year, but not explicitly applicable to claims against all types of defendants
B-	Montana	Window open for 1 year only
C	Kentucky & Washington D.C.	Window open only for claims by survivors under a certain age, with exceptions
C-	Georgia & Utah*	Window open for claims against perpetrators only
D	Michigan	Window open for claims of abuse by perpetrator doctors only (Larry Nassar)
F	All Other States	No window, hidden predators are protected

2. Explanation of Revival Age Limit Laws

The revival age limit laws have opened the courthouse doors to adult victims by allowing them to bring suits for previously expired claims up until they reach a certain age. The cutoff age varies from West Virginia's age 36 to Connecticut's age 48 and age 53 in Massachusetts and Rhode Island. The upside of these laws is that victims younger than the age limit are less pressured to bring claims within a set few years whether or not they are ready to come forward, which is the case with temporary windows. The downside is that older victims that are above the cutoff age are still shut out of court. These laws also vary by which defendants are open to suit, with Connecticut as the best one, reviving suits against any type of defendant, and Massachusetts and Rhode Island with worse versions that only revive claims against the perpetrator.

3. Explanation of Laws with Both Revival Windows & Age Limits

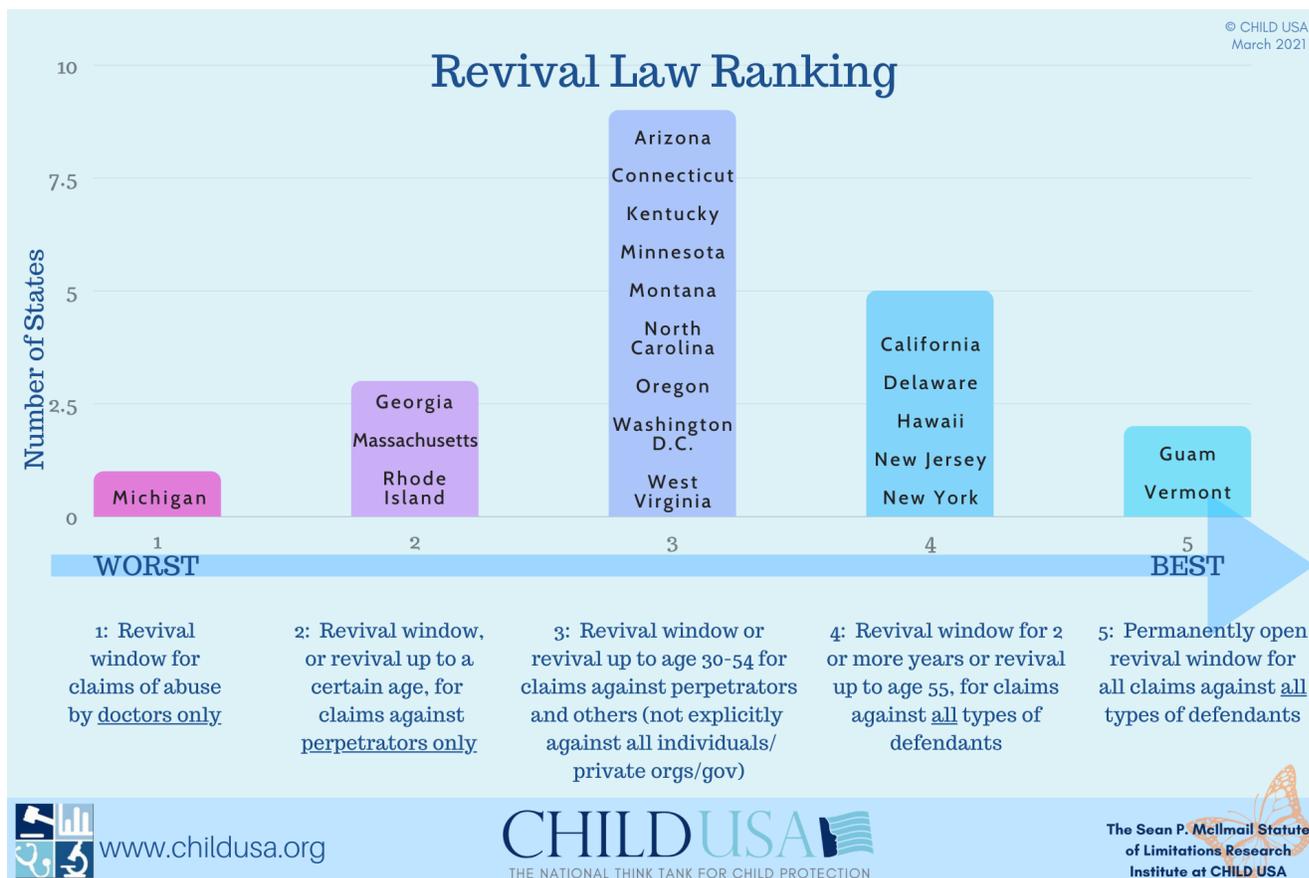
There is a growing trend to revive expired claims of abuse via laws that open temporary windows for victims of all ages and allow victims to file claims until they reach a certain age, even after the window closes. The benefit of this hybrid approach is that it gives victims of all ages an opportunity to file claims and allows more victims to sue on a schedule that fits their needs. This approach is particularly helpful for younger victims who are not fully aware of the abuse or its effects and have not disclosed it yet. It also benefits all victims younger than the age limit who, for whatever reason, are not yet ready to file a lawsuit against their abuser or those responsible for their abuse before the window closes. Revival via both a window and an age limit is a promising new trend in those states that set the age cap at or above the average age of disclosure, which is 52.

Utah was the first state to pass this type of revival law in 2016 when it attempted to open a 3-year window and revival until a victim reaches age 53 for claims against perpetrators only. However Utah's revival law was held unconstitutional.[‡] In 2019, Arizona, California, Montana and New Jersey improved on Utah's approach and all passed revival laws that included a window and an age limit for claims against perpetrators and other types of defendants. New Jersey's law is the strongest and empowers the most victims with its 2-year window and revival up to age 55. Second best is California's which has a 3-year window and revival until a victim reaches age 40. Arizona and Montana's windows are less effective with shorter windows and younger revival age limits, age 30 and 27, respectively.

4. Civil SOL Revival Law Ranking

This subsection takes a snapshot of all the jurisdictions that have revived claims for victims whose SOL had already expired. It analyzes all three types of revival laws with a focus on who they help and for how long. The states are ranked in the chart below based on what age or type of victims the revival law covers, the length of time the revival window is open, and which individuals and entities can be sued. Vermont and Guam have the best revival laws, because they are permanently open for claims against all defendants and Michigan has the worst because it was limited to claims of abuse by Larry Nassar. The graphic below illustrates the rankings of each state's civil SOL revival law for child sexual abuse claims.

[‡] *Mitchell v. Roberts*, 2020 UT 34, 469 P.3d 901, *reh'g denied* (July 13, 2020).



¹ H.B. 2466, 54th Leg., 1st Reg. Sess. (Ariz. 2019).

² CAL. CIV. PROC. CODE § 340.1.

³ CONN. GEN. STAT. § 52-577d.

⁴ DEL. CODE tit. 10, § 8145 and tit. 18, § 6856.

⁵ GA. CODE § 9-3-33.1.

⁶ tit. 7 G.C.A. § 11301.1(b).

⁷ HAW. REV. STAT. § 657-1.8.

⁸ HB 472 Effective, March 23, 2021.

⁹ MASS. GEN. LAWS ch. 260, § 4C.

¹⁰ MICH. COMP. LAWS § 600.5851b.

¹¹ MINN. STAT. § 541.073, 2013 Minn. Sess. Law Serv. Ch. 89 (H.F. 681).

¹² MONT. CODE § 27-2-216.

¹³ S. 477 2019 Gen. Assemb., Reg. Sess. (N.J. 2019).

¹⁴ N.Y. C.P.L.R. 214-g; Executive Order No. 202.29; S.B. 7082, 2020 Leg., Reg. Sess. (N.Y. 2020).

¹⁵ S 199, 2019 Leg., Reg. Sess. (N.C. 2019).

¹⁶ O.R.S. § 12.117.

¹⁷ tit. 9 R.I. GEN. LAWS § 9-1-51.

¹⁸ UTAH CODE ANN. § 78B-2-308.

¹⁹ B. 330, 2019 Leg., Reg. Sess. (Vt. 2019).

²⁰ W.V. Code §55-2-15; HB 4559, 2020 Leg., Reg. Sess. (W.V. 2020).

²¹ D.C. CODE § 12-301.