

WHAT YOU NEED TO KNOW ABOUT THE ELIMINATING LIMITS TO JUSTICE FOR CHILD SEX ABUSE VICTIMS ACT OF 2022 (S. 3103)

President Biden recently signed the [Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022](#) (the Act). The Act dramatically improves opportunities for justice for survivors by eliminating the statute of limitations (SOL) for federal civil claims related to federal child sex abuse crimes. CHILD USA and CHILD USA Advocacy were honored to work with bi-partisan leaders on the bill, including sponsors Sen. Marsha Blackburn (R., TN) and Sen. Dick Durbin (D., IL), and are proud to have played a major role in this significant expansion of the civil SOLs—for survivors, for child safety, and for justice.

Here we will answer some frequently asked questions about the new law. If you have any further questions about SOLs or the Act, please contact us at info@childusa.org.

Please note, the information provided does not, and is not intended to, constitute legal advice. It is for informational purposes only. To obtain legal advice or determine the applicable SOL with respect to a particular sex abuse case, an attorney should be contacted.

WHAT is a statute of limitation (SOL)?

An SOL is 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.

WHAT is the Act?

It is a new federal law that gives many current and future survivors of child sex abuse (CSA), child trafficking, and child sex abuse material (CSAM) the right to file civil claims for their abuse related injuries, pursuant to [18 U.S.C. § 2255](#), whenever they are ready by eliminating the previously applicable SOL.

HOW did the new Act change the old law?

It eliminated the federal SOL—the arbitrary legal deadline—for filing civil lawsuits for personal injuries arising from violations of federal sex crime laws. Before the Act, a survivor would have to file suit before their 28th birthday or within ten years after they discovered the crime or their injury. Now there is no SOL, and there is no time limit for filing lawsuits for abuse.



WHO does the Act help?

It will help all future victims of CSA, child trafficking, and CSAM, who will no longer be burdened by SOLs. It also helps many younger survivors whose claims were not already expired on September 16, 2022, when the new law went into effect—those under age 28 or who more recently discovered their abuse or related injuries. Unfortunately, the Act does not help older survivors of abuse whose claims have already expired because the new law does not revive expired claims.

A survivor whose birthday is before September 17, 1994: No, it does not help. There is still an SOL blocking federal civil claims. Though the SOL may be tolled for survivors who recently discovered their abuse or injuries.

Survivors whose birthday is on or after September 17, 1994: Yes, it does help. There is no longer a civil SOL. Survivors can file a lawsuit against any party for abuse related to federal child sex abuse crimes.

WHICH types of abuse are covered by The Act?

A child who is sexually abused or trafficked in violation of certain federal criminal laws has the right to file a federal civil claim against perpetrators and institutions for compensation for their injuries.

In general, the Act applies to survivors of three types of federal abuse related crimes: child sexual abuse, trafficking, and CSAM (previously known as “child pornography”). What makes certain abusive activities a federal crime hinges on whether the child was abused on federal property, whether the child was transported across state lines, whether the abuse was commercial, and what if any technology was used to carry out the abuse.

Child Sexual Abuse: CSA occurring wholly within a single state is generally not a federal crime. Yet, if the CSA occurs within a federal jurisdiction, like on federal lands (i.e., military bases or national parks), on an airplane, or on a boat at sea, then the crime would be federal, and there is no SOL for related civil claims.

Child Trafficking: Trafficking of children, including sex trafficking, is generally a federal crime, regardless of where it occurred, even if a victim did not cross a state or international border.

CSAM: CSAM or pornography crimes are federal when the offense occurs in interstate or foreign commerce. Using the internet for CSAM crimes almost always makes the crime federal. Mailing the illegal materials from one state to another or using a computer purchased on Amazon to download illegal materials also would violate federal law.



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Full List of Crimes Impacted by the Act

Federal Child Sexual Abuse Crimes			
Aggravated sexual abuse	18 U.S.C. § 2241(c)	Formerly age 28 or ten years after discovery	No SOL
Sexual abuse	18 U.S.C. § 2242	Formerly age 28 or ten years after discovery	No SOL
Sexual abuse of a minor, a ward, or an individual in Federal custody	18 U.S.C. § 2243	Formerly age 28 or ten years after discovery	No SOL
Federal Child Trafficking Crimes			
Forced labor	18 U.S.C. § 1589	Formerly age 28 or ten years after discovery	No SOL
Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor	18 U.S.C. § 1590	Formerly age 28 or ten years after discovery	No SOL
Sex trafficking of children or by force, fraud, or coercion	18 U.S.C. § 1591	Formerly age 28 or ten years after discovery	No SOL
Transportation generally	18 U.S.C. § 2421	Formerly age 28 or ten years after discovery	No SOL
Coercion and enticement	18 U.S.C. § 2422	Formerly age 28 or ten years after discovery	No SOL
Transportation of minors	18 U.S.C. § 2423	Formerly age 28 or ten years after discovery	No SOL
Federal CSAM Crimes			
Sexual exploitation of children (Production of CSAM)	18 U.S.C. § 2251	Formerly age 28 or ten years after discovery	No SOL
Selling or buying of children	18 U.S.C. § 2251A	Formerly age 28 or ten years after discovery	No SOL
Certain activities relating to material involving the sexual exploitation of minors (Possession, distribution, and receipt of CSAM)	18 U.S.C. § 2252	Formerly age 28 or ten years after discovery	No SOL
Certain activities relating to material constituting or containing child pornography	18 U.S.C. § 2252A	Formerly age 28 or ten years after discovery	No SOL
Production of sexually explicit depictions of a minor for importation into the United States	18 U.S.C. § 2260	Formerly age 28 or ten years after discovery	No SOL



DOES there need to be a criminal conviction to file a civil claim?

No. A Criminal conviction is not a prerequisite to filing a civil action for damages for federal child sex abuse crimes. The civil remedy is available to any victim able to show by a preponderance of the evidence that a defendant committed acts described in any of the federal criminal statutes listed in the table above. [See *Smith v. Husband*, 376 F.Supp.2d 603 \(E.D.Va.2005\)](#).

DOES this Act eliminate state civil SOLs too?

No. A survivor of abuse may also have a state law claim subject to a state civil SOL, but that state SOL is not impacted at all by the Act. To determine the civil SOL in any U.S. state or territory, please refer to [CHILD USA's 2021 SOL Report](#) or find your state on [CHILD USA's Map of SOL Laws](#).

WHAT about federal criminal SOLs?

It's never too late to report abuse to the federal government. Survivors can contact their local FBI field office and tell them what happened at any time. Currently, there is no SOL for many Federal CSA, trafficking, and CSAM crimes pursuant to [18 U.S.C. § 3299](#). However, for crimes committed decades ago, an SOL may still be in effect barring the government from being able to prosecute the federal crime. To calculate an applicable criminal SOL, refer to [CHILD USA's 2021 SOL Report](#) or see the [Federal CSA SOLs page](#).

WHY was the Act needed?

The short federal SOL of age 28 blocked most survivors from accessing justice because most survivors do not tell anyone they were abused until age 50 or older—a phenomenon known as [Delayed Disclosure of Abuse](#). Survivors delay disclosure because it takes years after the abuse ends for many individuals to understand and identify what they experienced as abuse, or to overcome powerful silencing factors of shame or fear. Historically, SOLs did not account for the impact of abuse on individual children, so many now-adult victims and survivors have not had a chance to bring their claims. Instead, **short SOLs for child sex abuse have benefitted predators and harmed the public.**

The Act will help remedy this injustice to survivors and the public by: (1) identifying hidden child predators and the institutions that endanger children to the public, shielding other children from future abuse, (2) punishing bad actors and shifting the cost of abuse from the victims and taxpayers to those who caused it, and (3) preventing further abuse by educating the public about the prevalence, signs, and impacts of child sex abuse so that it can be prevented in the future.

