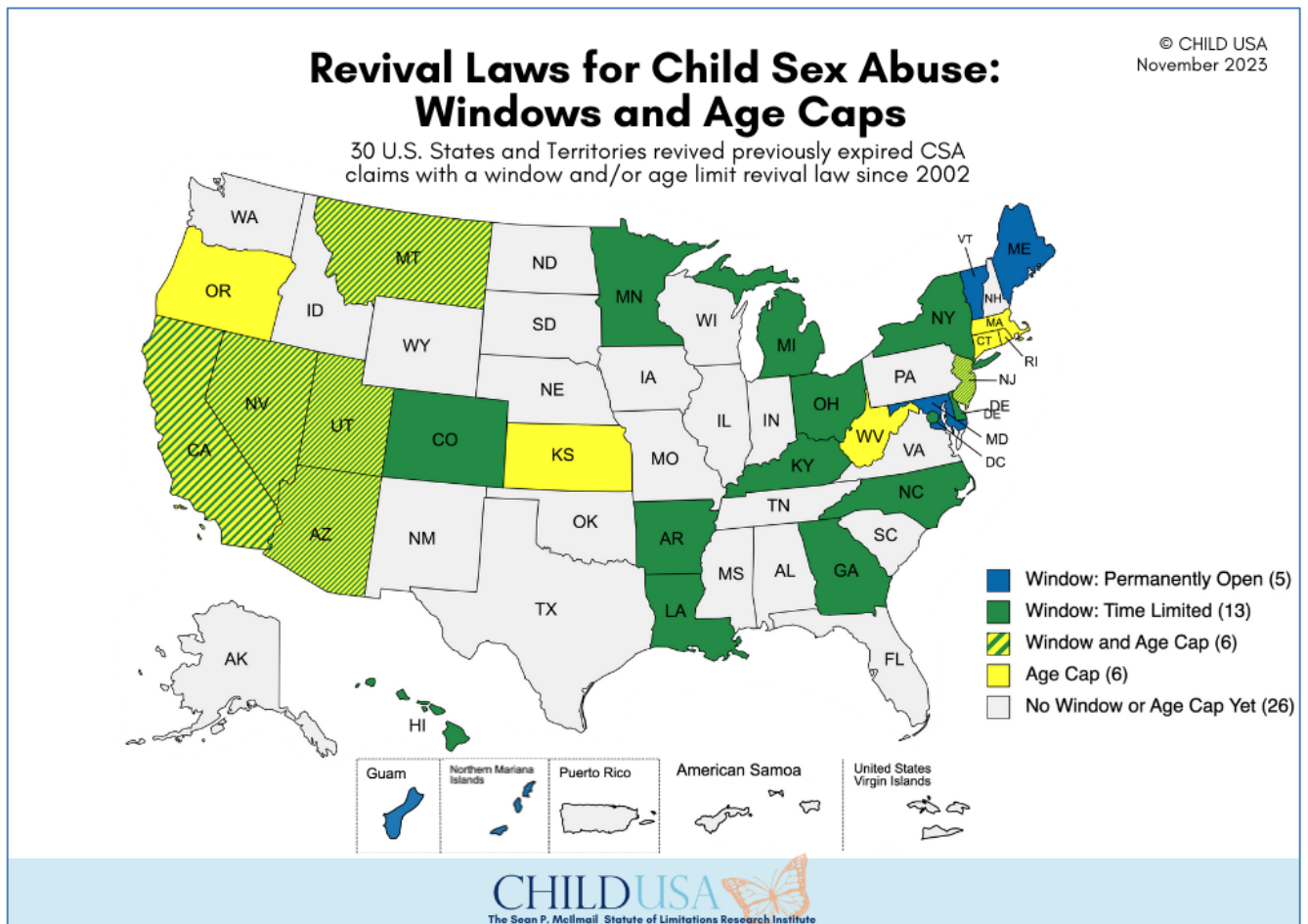


Revival Laws for Child Sex Abuse

30 U.S. States & Territories Revived Previously Expired Child Sex Abuse Claims with a Window and/or Age Limit Revival Law

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CHILD USA and CHILD USAAdvocacy are leading the vibrant national and global movement to eliminate civil and criminal SOLs and revive expired civil claims as a systemic solution to the preventable CSA epidemic.



I. What Are Revival Laws and Why Do We Need Them?

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. In a study of survivors of abuse in Boy Scouts of America, 51% of survivors disclosed their abuse for the first time at age 50 or older. One-third of CSA survivors never tell anyone they were abused. By the time many victims are ready to come forward, the courthouse doors are locked because the statutes of limitations (SOL) for claims expired. Revival laws honor and empower the victims of child sex abuse who faced locked courthouse doors due to unfairly short SOLs.

There is only one way to restore justice to adult victims of child sex abuse whose civil and criminal SOLs have expired, and that is to revive their civil claims. This is because the U.S. Constitution prohibits revival of criminal prosecutions, but allows revival of civil causes of action. 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 in many ways. Revival laws serve three compelling purposes: (1) they help identify hidden child predators and institutions that endanger children to the public, shielding other children from future abuse; (2) they shift the cost of the abuse from the victims and taxpayers to those who caused it; and (3) they educate the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.

HOW REVIVAL LAWS HELP EVERYONE



Identifies Hidden Child Predators and the Institutions that Endanger Children

to the public, shielding other children from future abuse.



Punishes Bad Actors & Shifts the Cost of Abuse

from the victims and taxpayers to those who caused it.

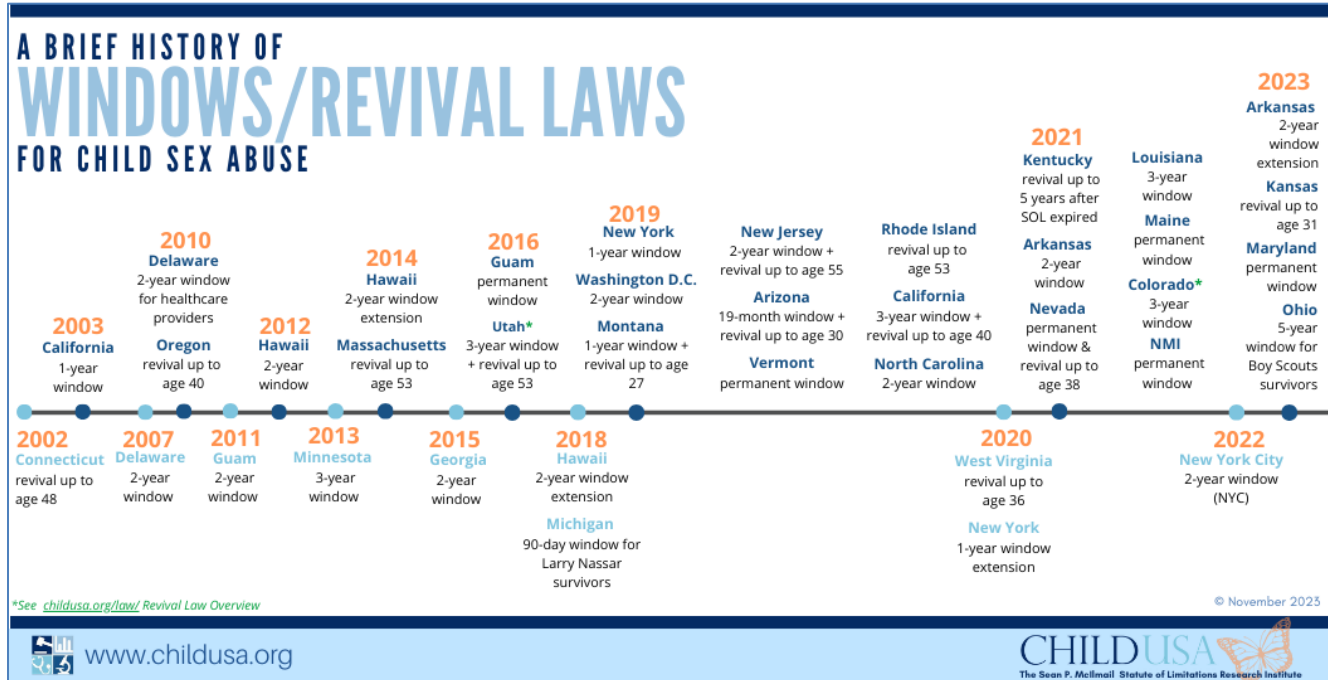


Prevents Further Abuse

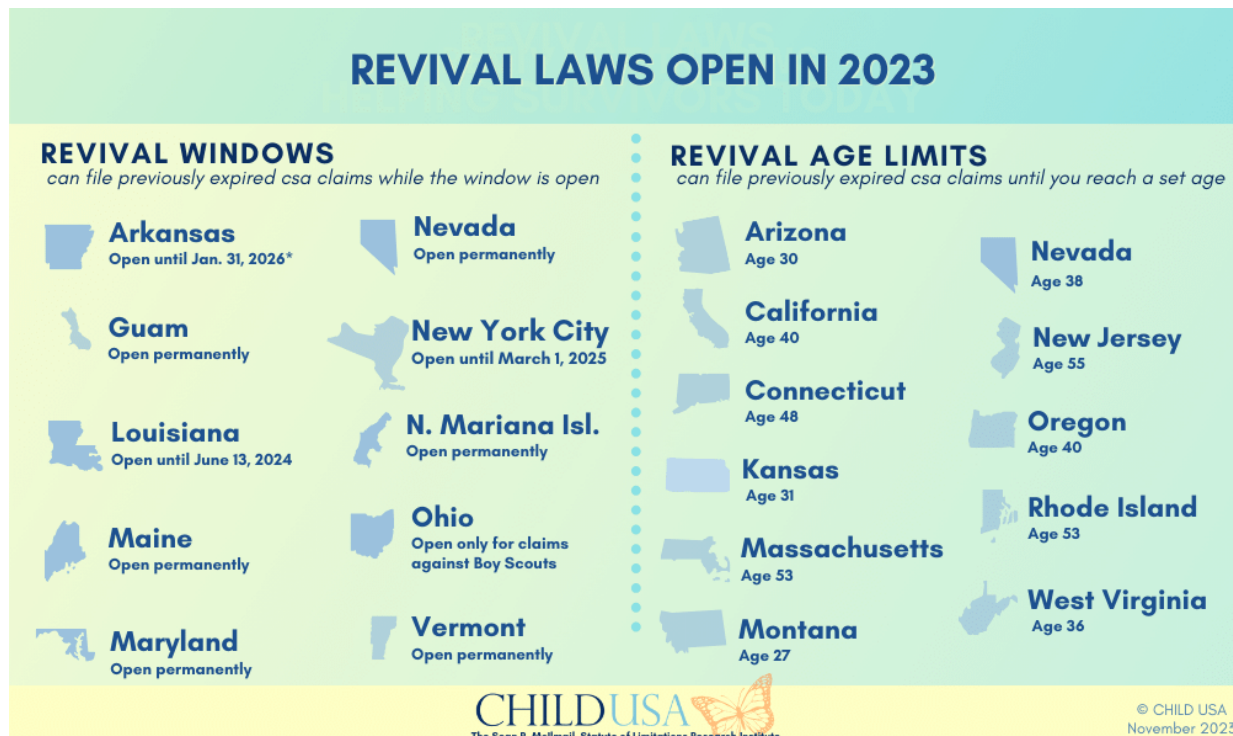
by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.

II. State-by-State Overview of All Revival Laws Since 2002

A timeline of all CSA revival laws enacted since 2002 is provided in the graphic below.



The graphic below shows the currently active CSA revival laws that are helping survivors in 2023.



A full list of the CSA revival laws in 30 U.S. States and Territories (27 States + 3 Territories) is provided in the following chart.*

State	Revival Law Type	Window Dates	Age Limit	Revival Law Description
Arizona	1.5-Year Window & Age 30 Limit (2019)	<i>Closed</i> 5/27/19-12/30/20	Age 30	Permanently revived claims up to age 30 and 1.5-year window for expired claims against all types of defendants closed on December 30, 2020. ¹
Arkansas	2-Year Window Extension (2023)	Opening Soon 2/1/24-1/31/26		2-year window extension for expired claims against all types of defendants will open on February 1, 2024 and close on January 31, 2026. ²
	2-Year Window (2021)	Open 2/1/22-7/31/23		2-year window for expired claims against all types of defendants opened on February 1, 2022 and closes on January 31, 2024. ³
California	3-Year Window & Age 40 Limit (2019)	<i>Closed</i> 1/1/20-12/31/22	Age 40	Permanently revived claims up to age 40 and 3-year window for expired claims against all types of defendants opened on January 1, 2020. ⁴
	1-Year Window (2003)	<i>Closed</i> 1/1/03-12/31/03		1-year window for expired claims against private organizations and non-perpetrator individuals only closed on December 31, 2003. ⁵
Colorado*	3-Year Window (2021)	<i>Closed</i> 1/1/22-12/31/24		3-year window for claims against perpetrators, private organizations, and government for abuse from 1960-2021 opened on January 1, 2022. The law is not a revival law—it is a new cause of action—but it is included because it opens a window to justice for many survivors whose common law claims have expired. ⁶ The law was held unconstitutional. ⁷
Connecticut	Age 48 Limit (2002)		Age 48	Permanently revived claims up to age 48 against all types of defendants. ⁸
Delaware	2-Year Window (2010)	<i>Closed</i> 7/13/10-7/12/12		2-year window for expired claims against healthcare providers was added in 2010 because original window did not apply to them. ⁹

* This list does not include revival via delayed discovery rule or criminal conviction revival provisions.

	2-Year Window (2007)	<i>Closed</i> 7/10/07- 7/9/09		2-year window for expired claims against all types of defendants closed on July 9, 2009. ¹⁰
Georgia	2-Year Window (2015)	<i>Closed</i> 7/1/15- 6/30/17		2-year window for expired claims against perpetrators only closed on June 30, 2017. ¹¹
Guam	Permanent Window (2016)	Open 9/23/16- never closes	No age limit	Permanently open revival window for all expired claims against all types of defendants opened on September 23, 2016. ¹²
	2-Year Window (2011)	<i>Closed</i> 3/9/11- 3/8/13		2-year window for expired claims against abusers only closed on March 8, 2013. ¹³
Hawaii	2-Year Window (2018)	<i>Closed</i> 4/24/18- 4/23/20		2-year window for expired claims against all types of defendants closed on April 23, 2020. ¹⁴
	2-Year Window (2014)	<i>Closed</i> 4/24/14- 4/23/16		In 2014 original window was extended for another 2 years and expanded to include claims against the government. ¹⁵
	2-Year Window (2012)	<i>Closed</i> 4/24/12- 4/23/14		2-year window for expired claims against perpetrators, other individuals, and private organizations closed on April 24, 2014. ¹⁶
Kansas	Age 31 Limit		Age 31	Revives SOL up to age 31 or 3 years after criminal conviction. ¹⁷
Kentucky	Limited Window (2021)	<i>Closed</i> 5 years after SOL expired		Limited window reviving expired claims for up to 5 years after the date the SOL previously expired opened on March 23, 2021. ¹⁸
Louisiana	3-Year Window (2021)	Open 6/14/21- 6/13/24		3-year window for expired claims against all types of defendants opened on June 14, 2021. ¹⁹
Maine	Permanent Window (2021)	Open 10/28/21- never closes	No age limit	Permanently open revival window for all expired claims against all types of defendants opened on October 18, 2021. ²⁰
Maryland	Permanent Window (2023)	Open 10/1/23- never closes	No age limit	Permanently open revival window for all expired claims against all types of defendants opened on October 1, 2023. ²¹

Massachusetts	Age 53 Limit (2014)		Age 53	Permanently revived claims up to age 53 against perpetrators only. ²²
Michigan	90-Day Window (2018)	<i>Closed</i> 6/12/18-9/10/18		90-day window reviving claims for victims of Larry Nassar only closed on September 10, 2018. ²³
Minnesota	3-Year Window (2013)	<i>Closed</i> 5/26/13-5/25/16		3-year window for expired claims against all types of defendants closed on May 25, 2016. ²⁴
Montana	1-Year Window & Age 27 Limit (2019)	<i>Closed</i> 5/7/19-5/6/20	Age 27	Permanently revived claims up to age 27 and 1-year window for expired claims against perpetrators and entities closed on May 6, 2020. ²⁵
Nevada	Permanent Window & Age 38 Limit (2021)	Open 6/2/21-never closes	Age 38	Permanently open revival window for all expired claims against perpetrators or persons criminally liable for sexual abuse or exploitation of a minor (including trafficking, prostitution, and pornography) and promoters, possessors, or viewers of CSAM (child sexual abuse material) opened on June 2, 2021. Also, permanently revives claims up to age 38 for CSA and sexual exploitation of a minor against other defendants. ²⁶
New Jersey	2-Year Window & Age 55 Limit (2019)	<i>Closed</i> 12/1/19-11/30/21	Age 55	Permanently revived claims up to age 55 and 2-year window for expired claims against all types of defendants closed on November 30, 2021. Window applies to child sex abuse victims and those sexually assaulted as adults. ²⁷
New York	2-Year Window (2022)	Open 3/1/23-3/1/25		2-Year window for expired gender-motivated violence, including CSA and sexual assault claims, will open on March 1, 2023 against all types of defendants for abuse that occurred in New York City—Manhattan, Queens, Staten Island, Brooklyn, and the Bronx. ²⁸
	1-Year Window (2020)	<i>Closed</i> 8/14/20-8/13/21		In 2020 extended original window by one year which closed on August 13, 2021. ²⁹
	1-Year Window (2019)	<i>Closed</i> 8/14/19-8/13/20		1-year window for expired claims against all types of defendants opened on August 14, 2019. ³⁰

North Carolina	2-Year Window (2019)	<i>Closed</i> 1/1/20-12/31/21		2-year window for expired civil claims against all types of defendants closed on December 31, 2021. ³¹
Northern Mariana Islands	Permanent Window (2021)	Open 11/10/21-never closes	No age limit	Permanently open revival window for all expired claims against all types of defendants opened on November 10, 2021. ³²
Ohio	5-year Window	Open October 12, 2023 until October 11, 2028		Opens 5-year revival window for CSA claims against a bankruptcy estate of an organization chartered under federal law, i.e. the Boy Scouts of America. ³³
Oregon	Age 40 Limit (2010)		Age 40	Permanently revived claims up to age 40 against all types of defendants. ³⁴
Rhode Island	Age 53 Limit (2019)		Age 53	Permanently revived claims up to age 53 against perpetrators only. ³⁵
Utah*	3-Year Window & Age 53 Limit (2016)	<i>Closed</i> 5/10/16-5/9/19	Age 53	Permanently revived claims up to age 53 and opened a 3-year window, both for claims against perpetrators or persons criminally liable. The revivals were held unconstitutional. ³⁶
Vermont	Permanent Window (2019)	Open 5/28/19-never closes	No age limit	Permanently open revival window for all expired claims against all types of defendants opened on May 28, 2019. ³⁷
West Virginia	Age 36 Limit (2020)		Age 36	Permanently revived claims up to age 36 against all types of defendants. ³⁸
Washington D.C.	2-Year Window (2019)	<i>Closed</i> 5/3/19-5/2/21		2-year window for expired claims against all types of defendants closed on May 2, 2021. Window applied to all child sex abuse victims up to age 40 and, in some circumstances, older victims and those sexually assaulted as adults. (2019-21 window closed). ³⁹

III. Analysis of SOL Revival Laws

This section analyzes the 30 jurisdictions that, since 2002, have enacted laws that revive civil suits for victims of child sex abuse whose SOL has already expired. Revival laws establish a specific period of time during which survivors can bring previously-expired civil claims to court. There are two types of revival laws: (1) revival windows and (2) revival age limits. 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.

So far, the most popular means of reviving has been with a revival "window". Some revival laws include both windows and age limits, while some jurisdictions have chosen to revive via one or the other. Both types of laws 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. They also make states a safer place for children by educating the public about hidden predators and institutions that endanger children in their communities.

a. 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, 20 more states—Delaware, Hawaii, Minnesota, Georgia, Utah, Michigan, New York, Montana, New Jersey, Arizona, Vermont, North Carolina, Kentucky, Arkansas, Nevada, Louisiana, Maine, Colorado*, Maryland, Ohio—Washington D.C., Northern Mariana Islands, and Guam have opened 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. Vermont did the same in 2019 and Maine and Northern Mariana Islands did too in 2021. Maryland opened a permanent revival window in 2023, but it is not as strong as the others because claims are subject to damage caps and deceased victims are excluded from the window. Now any person that was sexually abused as a child in Maine, Maryland, Vermont, NMI, 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 Arkansas, California, Delaware, Hawaii, Louisiana, 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 revive claims against perpetrators, like in Georgia, Nevada, and Utah. The least generous windows are in Michigan and Ohio. Michigan's window only helped victims of Larry Nassar, while Ohio's only helped victims of the Boy Scouts of America. Both left a gaping hole of injustice for all other Michigan and Ohio victims of child sex abuse.

States like Massachusetts, Pennsylvania, and Rhode Island do not yet have windows and are continuing to protect hidden predators and put children at risk.

Window Report Card

Window laws open access to justice for adult survivors of child sex abuse whose civil claims already expired. Survivors can sue while the window is open.

A	Maine, Vermont, Guam, & N. Mariana Islands	Window permanently open for claims against <u>all</u> types of defendants
A-	Maryland	Window permanently open for claims against <u>all</u> types of defendants, but has exclusion for deceased victims and damage caps
B	Arkansas, California, Delaware, Hawaii, Louisiana, New Jersey, & New York	Window for 2 or more years for claims against <u>all</u> types of defendants
C	Arizona, Colorado, Kentucky, Minnesota, Montana, North Carolina, & Washington D.C.	Window, but not explicitly for claims against all types of defendants
D	Georgia, Michigan, Nevada, Ohio, & Utah*	Window, but explicitly limited to claims against specific types of defendants, like perpetrators & Boy Scouts
F	Massachusetts, Pennsylvania, Rhode Island, & All Other States	No window, hidden predators are protected

b. 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.

c. *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 into court 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.

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.⁴⁰ 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. In 2021, Nevada opened a permanent revival window for claims against perpetrators only, and revived claims against other defendants up to age 38. New Jersey's law is the strongest of these hybrid laws because it empowers the most victims with its 2-year window and revival up to age 55. Arizona and Montana's revival laws are less effective with shorter windows and younger revival age limits, age 30 and 27, respectively.

d. *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 jurisdictions 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. Maine, Maryland, Vermont, NMI, and Guam have the best revival laws, because they are permanently open for claims against all defendants and Michigan and Ohio have the worst because they are limited to claims of abuse by Larry Nassar or within the Boy Scouts of America. The graphic below illustrates the rankings of each jurisdiction's civil SOL revival law for child sexual abuse claims.



¹ Arizona: [AZ ST § 12-514](#); “Arizona Child Protection Act”, [H.B. 2466](#), 54th Leg., 1st Reg. Sess. (Ariz. 2019).

² Arkansas: [Arkansas Act 616; S.B. 204](#), 94th General Assembly, Reg. Sess. (Arkansas 2023); [ARK. CODE ANN. § 16-118-118](#). While there is legislative intent to extend the existing window by another two years, the amending language may have created a 6-month gap during which the window is closed from August 1, 2023 until January 31, 2024, before opening again on February 1, 2024.

³ Arkansas: “Justice for Vulnerable Victims of Sexual Abuse Act”, [Arkansas Act 1036; S.B. 676](#), 93rd General Assembly, Reg. Sess. (Arkansas 2021); [ARK. CODE ANN. § 16-118-118](#).

⁴ California: [CAL. CIV. PROC. CODE § 340.1 \(2020\)](#); “CHILD VICTIMS ACT”, 2019 CAL. LEGIS. SERV. CH. 861 ([A.B. 218](#)).

⁵ California: [CAL. CIV. PROC. CODE § 340.1 \(2002\)](#); 2002 CAL. LEGIS. SERV. CH. 149 ([S.B. 1779](#)).

⁶ Colorado: “Child Sexual Abuse Accountability Act”, [SB21-088](#), 73rd General Assembly, 1st Reg. Sess. (Colo. 2021) (Effective, January 1, 2022).

⁷ Colorado: See [Aurora Public Schools v. A.S., 2023 CO 39 \(Col. June 20, 2023\)](#).

⁸ Connecticut: [CONN. GEN. STAT. § 52-577D](#); 2002 CONN. LEGIS. SERV. P.A. 02-138 (S.H.B. 5680).

⁹ Delaware: [DEL. CODE tit. 18, § 6856](#); 2010 Delaware Laws Ch. 384 (H.B. 326).

¹⁰ Delaware: [DEL. CODE tit. 10, § 8145](#); “Child Victim’s Act”, 2007 Delaware Laws Ch. 102 (S.B. 29).

¹¹ Georgia: [GA. CODE § 9-3-33.1](#); “Hidden Predator Act”, 2015 Georgia Laws Act 97 (H.B. 17).

¹² Guam: Tit. 7 G.C.A §§ 11306 and 11301.1(b); Added by [P.L. 33-187:2](#) (Sept. 23, 2016).

¹³ Guam: 7 G.C.A. § 11306(2) (2011); [Public Laws No.31-06](#) (2011).

¹⁴ Hawaii: [HAW. REV. STAT. § 657-1.8](#); 2018 Hawaii Laws Act 98 (S.B. 2719).

¹⁵ Hawaii: [HAW. REV. STAT. § 657-1.8](#); 2014 Hawaii Laws Act 112 (S.B. 2687).

¹⁶ Hawaii: [HAW. REV. STAT. § 657-1.8](#); 2012 Hawaii Laws Act 68 (S.B. 2588).

¹⁷ Kansas: [S. Sub for HB 2127](#).

- ¹⁸ Kentucky: “AN ACT relating to child abuse and declaring an emergency”, [2021 Kentucky Laws Ch. 89 \(HB 472\)](#); KRS 413.249 “Action relating to childhood sexual abuse or childhood sexual assault”.
- ¹⁹ Louisiana: [2021 La. Sess. Law Serv. Act 322 \(H.B. 492\)](#); [La. Stat. Ann. § 9:2800.9](#) “Action against a person for abuse of a minor”.
- ²⁰ Maine: [ME ST T. 14 § 752-C](#); “An Act To Provide Access to Justice for Victims of Child Sexual Abuse” 2021 Me. Legis. Serv. Ch. 301 (H.P. 432) (L.D. 589).
- ²¹ Maryland: The Child Victims Act of 2023, [2023 Maryland Laws Ch. 6 \(H.B. 1\)](#); [2023 Maryland Laws Ch. 5 \(S.B. 686\)](#).
- ²² Massachusetts: MASS. GEN. LAWS CH. 260, § 4C “SEXUAL ABUSE OF MINORS”; [2014 MASS. LEGIS. SERV. CH. 145 \(H.B. 4126\)](#).
- ²³ Michigan: [MICH. COMP. LAWS § 600.5851b](#); 2018 Mich. Legis. Serv. P.A. 183 (S.B. 872).
- ²⁴ Minnesota: [MINN. STAT. § 541.073](#), [2013 Minn. Sess. Law Serv. Ch. 89 \(H.F. 681\)](#).
- ²⁵ Montana: [MONT. CODE § 27-2-216](#) “TORT ACTIONS--CHILDHOOD SEXUAL ABUSE”; 2019 MONTANA LAWS CH. 367 (H.B. 640).
- ²⁶ Nevada: [2021 Nevada Laws Ch. 288 \(S.B. 203\)](#); NV ST §§ 11.215, 41.1396.
- ²⁷ New Jersey: N.J. STAT. ANN. §§ 2A:14-2A and 2A:14-2B; [2019 NJ Sess. Law Serv. Ch. 120 \(SENATE 477\)](#).
- ²⁸ N.Y.C. Administrative Code, § 10-1105; (Am. L.L. 2022/021, 1/9/2022, eff. 1/9/2022), available at <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCAadmin/0-0-0-7248>.
- ²⁹ New York: N.Y. C.P.L.R. 214-g; “Child Victims Act” 2019 Sess. Law News of N.Y. Ch. 11 ([S. 2440](#)); [Executive Order No. 202.29 \(2020\)](#); [S.B. 7082](#), 2020 Leg., Reg. Sess. (N.Y. 2020).
- ³⁰ Id.
- ³¹ North Carolina: NC ST § 1-17; [2019 North Carolina Laws S.L. 2019-245 \(S.B. 199\)](#).
- ³² Northern Mariana Islands: [2021 N.M.I. Pub. L. No. 22-12 \(HB 22-2, SDI\)](#) “To amend the Commonwealth Code to authorize civil claims for child sexual abuse to be commenced at any time; and for other purposes”.
- ³³ Ohio: [OH ST § 2305.111](#); [2023 Ohio Laws File 12 \(Am. Sub. H.B. 35\)](#) “Scout’s Honor Law”.
- ³⁴ Oregon: [O.R.S. § 12.117](#) “Child abuse”; 2009 Oregon Laws Ch. 879 (H.B. 2827).
- ³⁵ Rhode Island: [RI ST § 9-1-51](#); 2019 Rhode Island Laws Ch. 19-83 (19-H 5171B).
- ³⁶ Utah: [UTAH CODE ANN. § 78B-2-308](#); 2016 Utah Laws Ch. 379 (H.B. 279). See [Mitchell v. Roberts](#), 469 P.3d 901, 903 (Utah 2020).
- ³⁷ Vermont: [VT. STAT. ANN TIT. 12, § 522](#), “Actions based on childhood sexual or physical abuse”; 2019 Vermont Laws No. 37 (H. 330).
- ³⁸ West Virginia: [W.V. Code §55-2-15](#); 2020 West Virginia Laws Ch. 2 (H.B. 4559).
- ³⁹ Washington D.C.: [D.C. CODE § 12-301](#); [2018 District of Columbia Laws 22-311 \(Act 22-593\)](#).
- ⁴⁰ [Mitchell v. Roberts](#), 2020 UT 34, 469 P.3d 901, *reh’g denied* (July 13, 2020).

