

NYSCADV

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

MEMORANDUM OF SUPPORT

S.809 (Hoylman)/No Same As

CHILD VICTIMS ACT

NYSCADV supports this legislation, which extends the timeline to file certain suits related to sex offenses.

Too often we see victims of childhood sexual abuse who, when they are able to come to terms with their abuse and are in a position where they can disclose it/pursue legal action, are unable to do so because of a statute of limitations placed on legal action. Upon implementation, this legislation will allow victims who are under the age of 18 when the abuse occurs to have the option of filing a civil suit or criminal charges at any time in the future. Additionally, it will create a one year window to file a civil suit or criminal charges for those who are currently barred doing so due to the current statute of limitations (a five year window after the victim reaches adulthood - defined as 18 years of age). This legislation will also eliminate the 90 day notice of claim (from the date of the incident in question, an unreasonable requirement in this case) that victims are required to file by the court of claims to bring litigation against public institutions, leveling the playing field for victims regardless of where the offense occurred.

For certain crimes, like rape, victims are able to bring charges forward without any restrictions on the amount of time that has passed since the crime. Child sexual abuse is a severely underreported crime. People who sexually abuse children are trusted not only by the children they harm, they are often trusted and respected members of their communities. They can have any relationship to the child. This can include an older sibling or playmate, family member, a teacher, a coach, a caretaker, or the parent of another child. According to the Rape, Abuse, & Incest National Network (RAINN), as many as 93 percent of victims under the age of 18 know their abuser.

There is no clear reason to limit the amount of time a victim has to come forward in cases where children are sexually assaulted. In fact, this protects the abuser by giving them cover. Children are often afraid of further harm or unable to speak up about their abuse. Eliminating the statute of limitations allows victims an opportunity to bring their abusers to justice.

NYSCADV supports this legislation extending the timeline in which survivors are able to bring abusers to justice.