

MEMORANDUM OF SUPPORT

ADULT SURVIVORS ACT

A.648A Rosenthal/S.66A Hoylman

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to pass this legislation which would create a one-year window to allow adult survivors of sexual assault to pursue civil action against their abuser(s). This legislation is critical in upholding justice for sexual assault survivors.

Currently, in New York State, there is a statute of limitations for filing a civil claim against a perpetrator of a sex offense. After this arbitrary timespan has expired, the survivor cannot pursue a claim. In 2019, New York extended the statute of limitations for adults filing civil lawsuits for a select number of sex offenses. Although a step in the right direction, this change was not retroactive and left many adult victims of sexual violence behind.

Healing from sexual violence is a journey. For a variety of reasons, survivors of sexual assault may not come forward for several years following an attack. A majority of survivors know their abuser and may be reluctant to report the incident due to fear of retaliation or exposure of intimate details. They may also feel that they will be blamed, defamed, or won't be taken seriously if they report their experience. There is also a clear link between sexual assault and domestic violence- most survivors who are physically assaulted by an intimate partner also disclose experiencing sexual assault by that same partner. Sexual abuse is common in abusive relationships but is often not discussed. According to the Rape, Abuse & Incest National Network (RAINN), survivors may also experience negative long-term effects such as depression, post-traumatic stress disorder, and suicidal thoughts¹.

Protecting the rights of and providing justice for survivors of sexual assault must be one of our top priorities in New York. Abusers should never be able to evade legal consequences simply because an arbitrary time limit has expired. This legislation would amend the Civil Practice and Judiciary Laws to:

- Open a one-year window to allow adult survivors of sexual assault, currently barred from pursuing a civil claim as a result of the statute of limitations, to pursue a civil claim,
- Provide that the one-year window will begin six months after the legislation becomes law, and
- Give courts three months to prepare for the filing of cases resulting from the one-year window.

As a leader, New York must uphold its commitment to support survivors of sexual assault by expanding the statute of limitations for all sexual assault victims and providing avenues of justice to so many women, men, transgender, and non-binary survivors across our state.

NYSCADV urges the New York State Legislature to pass this legislation immediately to allow sexual assault survivors to pursue justice that was previously denied to them.

ABOUT NYSCADV:

1. *Effects of Sexual Violence*. RAINN. Retrieved January 19, 2022, from <https://www.rainn.org/effects-sexual-violence>.

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465

Revised: February 24, 2022