

NYSCADV

NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

MEMORANDUM OF SUPPORT

S.6722 (Hoylman)/A.8421 (Rosenthal)

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 any time up to the age of 50 years. It will also start the statute of limitations for criminal suits at age 23 instead of 18, which is what it is currently. 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. Moreover, it will allow victims to file suits against institutions that covered abuse or were negligent. Judges will also be provided training on childhood sexual assault as a result of this legislation.

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. According to the Rape, Abuse, & Incest National Network (RAINN), as many as 93 percent of victims under the age of 18 know their abuser. Children are often afraid of further harm or unable to speak up about their abuse. Increasing the statute of limitations to 50 years of age will allow 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.

ABOUT THE NEW YORK STATE COALITION AGAINST DOMESTIC VIOLENCE

Established in 1978, the New York State Coalition Against Domestic Violence (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.

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