

Retroactive Revision of Statutes of Limitation

Criminal





The SOL **cannot** be suspended to retroactively apply to cases for which it has already passed. Once a statute of limitations expires, a perpetrator cannot be criminally charged.

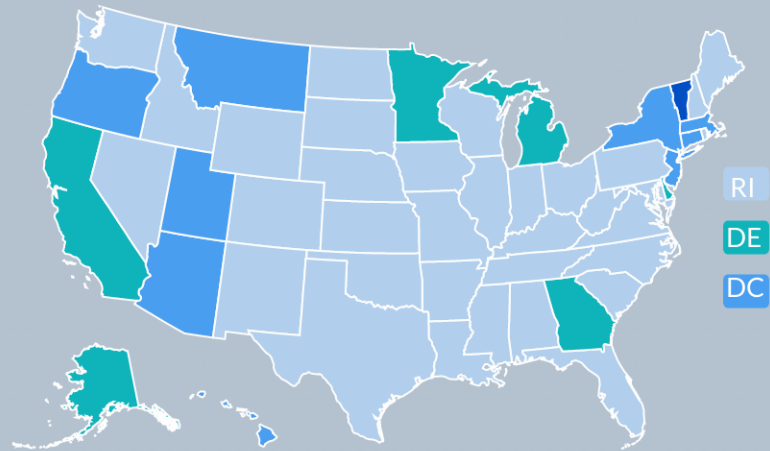
Civil

The SOL **can** be suspended retroactively at the will of the legislature.
"Window Legislation" is one way in which a legislature may suspend the civil SOL.

"Window Legislation"

Allows for the filing of civil suits despite a civil statute of limitation having previously expired. "Windows" may be limited to a specific period of time, subject to plaintiff age limitations, restricted to certain defendants, or even suspended indefinitely.

-  Total retroactive civil SOL repeal (VT)
-  Window currently open with limitations (AZ, CT, HI, MA, MT, NJ, NY, OR, UT, VT, DC)
-  Prior window has expired (CA, DE, GA, HI, MI, MN)
-  No Civil SOL window



* As of Oct. 2019

State Civil Window Highlights

VT	As of 2019 all expired claims against perpetrators, private and government organizations were revived indefinitely
AZ	19 month window 5/27/19 - 12/31/20 against perpetrators, private organizations and government organizations
CT	As of 2002, retroactively eliminated in cases with felony convictions. All others revived until victim age 48
HI	For the 3rd time, extended a 2-year window against perpetrators and private institutions. Window closes 4/24/20
MA	As of 2014, revived civil claims against perpetrators only, for victims up to age 53
MT	1-year window opened 5/7/19 for claims against perpetrators and private organizations
NJ	2-year window opened 12/1/19 for claims against perpetrators, private organizations, and government organizations
NY	1-year window opened 8/14/19 for claims against perpetrators, private organizations, and government organizations
OR	As of 2010, retroactively revived claims against perpetrators and private organizations for victims up to age 40
UT	As of 2016, revived civil claims for victims up to age 53
DC	2-year window opened 5/3/19 for victims up to age 40 against perpetrators and private organizations
CA	In 2003, opened a 1-year window against private organizations only
DE	In 2007 opened 2-year window vs. private and govt. orgs; and a 2010, 2-year window vs. certain health care providers
GA	In 2015, opened a 2-year window against perpetrators only
MI	In 2018, opened a 90-day window for claims against Larry Nassar only
MN	In 2013, opened a 3-year window for claims against perpetrators and private organizations
UT	In 2016, opened a 3-year window for claims against perpetrators only

Conclusion

A statute of limitation is an arbitrary barrier to justice for survivors of child abuse. Lack of legal recourse deters survivors from disclosing, thereby empowering perpetrators and perpetuating abuse. The SOL landscape is rapidly evolving, but challenges remain, particularly on the civil side. Civil SOL reform and retroactive window legislation may be the best path to combating and preventing systemic institutional child abuse. SOL reform requires state by state effort. Child advocates should monitor and support SOL reform in their respective states.

For more information on Statutes of Limitation in your state visit www.childusa.org
To further discuss Statutes of Limitation and CACs, contact Will Laird at wlaird@nca-online.org