What is a statute of limitation?

A statute of limitation (SOL) is the maximum amount of time one has to bring a criminal charge or a lawsuit from the time of injury or criminal action. SOLs vary from state to state and from claim to claim. It may be different for specific crimes and the clock may begin running at differing times, usually either from the time of injury or from the time of discovery of the injury or action.

Why are statutes of limitation important in child sex abuse cases?

Research shows that most people who experience sexual abuse in childhood do not disclose until well into adulthood. Therefore, narrow statutes of limitation can prevent the punishment of perpetrators on the criminal side and prevent redress on the civil side.

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**CRIMINAL LAW**

- **Purpose**: crime and punishment
- **Suit origin**: the government
- **Plaintiff**: the government
- **Standard of proof**: beyond a reasonable doubt

**CIVIL LAW**

- **Purpose**: accountability and compensation
- **Suit origin**: a private party
- **Plaintiff**: alleged victim
- **Standard of proof**: a preponderance of evidence

*Civil and Criminal cases are not mutually exclusive. Both can be brought for the same act.*

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**Statutes of Limitation in the States**

**CRIMINAL**

- No SOL on most felony crimes against children
- SOL extends into adulthood with some limitations

**CIVIL**

- SOL prevents many adult survivors from seeking justice
- SOL prevents most adult survivors from seeking justice

*rankings adapted from www.childusa.org*
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

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 open 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](http://www.childusa.org)
To further discuss Statutes of Limitation and CACs, contact Will Laird at [wlaird@nca-online.org](mailto:wlaird@nca-online.org)