Recent legislation signed into law by President Biden on September 16, 2022 abolishes the statute of limitations for over a dozen federal civil causes of action relating to child sex abuse, continuing the trend throughout the country to reform statutes of limitations relating to child sex abuse. Known as the “Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022” (Public Law No. 117-176), the Act abolishes the previous ten-year statute of limitations to commence a civil action for any person who, as a minor, was the victim of any of the offenses enumerated in the Act, including forced labor, sex trafficking of children, sexual abuse of a minor, sexual exploitation of children, and transportation of minors to engage in sexual conduct. The Act became effective on September 16, 2022.

The rationale for abolishing the statute of limitations for civil causes of action based on alleged child sexual abuse is that children often lack the knowledge needed to recognize and comprehend the abuse. Furthermore, survivors of childhood sexual abuse often wait years before disclosing the abuse to others due to the psychological and emotional trauma they have experienced.

Presently, the law is not retroactive and applies only to claims that have not yet expired as of the effective date of the legislation under the previous 10-year statute of limitations. However, advocacy groups intend to lobby Congress to provide a lookback window that would provide a temporary time period during which claims that were previously time-barred by the prior statute of limitations could be filed by alleged childhood abuse survivors.

Although the Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022 has no effect on state law claims, it is in many ways the federal counterpart to the numerous laws that have been enacted in various states throughout the last few years that provide lookback windows for survivors of childhood sexual abuse to file civil claims under applicable state laws and/or enlarge the statutes of limitations pursuant to which civil claims based on alleged child sexual abuse may be brought.
As we noted in a previous blog post, New York’s Child Victims Act (“CVA”) previously created a one-year lookback window for survivors of childhood sexual abuse to file claims under New York state law that would otherwise have been time-barred by the statute of limitations. During the lookback window of the CVA, over 10,000 cases were filed in New York state courts, some involving abuse dating back as far as the 1950s.

We expect the momentum on statute of limitations reform to continue and will be closely monitoring developments in the law.

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National Law Review, Volumess XII, Number 284