



# CHILD SEX ABUSE STATUTES OF LIMITATION



## Statistics on Statutes of Limitation (SOL) for Child Sex Abuse

There are two paths to justice for children who have been sexually abused: criminal prosecution and civil lawsuits.

Unfortunately, the vast majority of child sex abuse victims cannot prosecute or file civil lawsuits because they missed the arbitrary procedural deadline—the statute of limitations (“SOLs”)—for their claims.

Most victims miss the statute of limitations because of the disclosure delay that is common among child sex abuse victims.

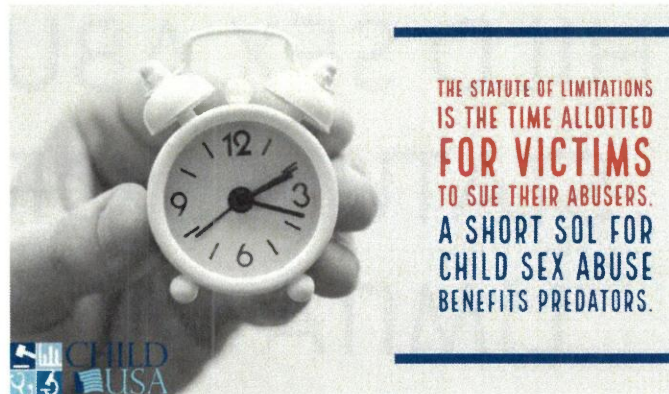
Statistically, 1/3 of the victims of child sex abuse disclose as children and another 1/3 never disclose. Studies show that the average age to disclose is 52, with the median age 48.

The reasons for delay are specific to each individual, but often involve disabilities that result from the trauma (e.g., depression, PTSD, substance abuse, and alcoholism). The institutional sex abuse scandals have revealed callous disregard for the welfare of children.



the victims and simultaneously protect the perpetrators and institutions.

There are two groups of sex abuse victims to consider:



- (1) the victims whose claims have expired and
- (2) the children currently being abused.

Thirty-eight states including the District of Columbia, or 75%, have amended their child sex abuse statutes of limitation since January 2002. Yet, with all of the activity in the states since 2002, no state has reached the pinnacle of SOL reform, which is to simply eliminate the civil and criminal SOLs backwards and forwards.

### The future of statutes of limitation

This movement has been very active across the United States since January 2002, when the Boston Globe's Spotlight team first disclosed institution-based sex abuse in a trusted institution, the Boston Archdiocese. The movement has been mobilized by the appearance in the public square of victims of child sex abuse who were previously invisible to the public.

With 1 in 4 girls and 1 in 6 boys sexually abused, the United States is home to millions of victims, and most, even today, have not disclosed the abuse to the public.

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immense movement and a steady stream of victims coming forward, lawmakers are likely to continue to focus on SOL reform. The pace of change, based on these child sex abuse statistics, is unlikely to slow down anytime soon.

The next frontier for CHILD USA is to study what happens when statutes of limitations are reformed and the actual effects on justice and the victims.

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#### Definitions:

- Window = a law that eliminates the civil SOL for all victims, even if the SOL has expired
- Retroactive = applicable to acts that occurred before the date of enactment of the law
- Civil Elimination = elimination of civil SOL; goes into effect according to the terms of the statute (can be retroactive or only prospective)
- Civil Extension = extension of civil SOL by a set number of years
- Criminal Elimination = elimination of SOL for crimes; starts running on the date the law goes into effect
- Criminal Extension = extension of the SOL for crimes by a set number of years; starts running on the date the law goes into effect



**2019  
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Professor Marci Hamilton discusses child sex abuse statutes of limitations (SOL) and SOL Reform, the most effective vehicle for justice for victims.

**CHARTS**

