

## **Title 12 : Court Procedure**

### **Chapter 023 : Limitation Of Time For Commencement Of Actions**

#### **Subchapter 002 : Actions Limited**

(Cite as: 12 V.S.A. § 511)

- **§ 511. Civil action**

A civil action, except one brought upon the judgment or decree of a court of record of the United States or of this or some other state, and except as otherwise provided, shall be commenced within six years after the cause of action accrues and not thereafter. (Amended 1959, No. 261, § 3.)

(Cite as: 12 V.S.A. § 512)

- **§ 512. Assault and battery; false imprisonment; slander and libel; injuries to person or property**

Actions for the following causes shall be commenced within three years after the cause of action accrues, and not after:

(1) assault and battery;

(2) false imprisonment;

(3) slander and libel;

(4) except as otherwise provided in this chapter, injuries to the person suffered by the act or default of another person, provided that the cause of action shall be deemed to accrue as of the date of the discovery of the injury;

(5) damage to personal property suffered by the act or default of another.  
(Amended 1967, No. 32, § 2, eff. March 16, 1967; 1975, No. 248 (Adj. Sess.), § 2.)

§ 522. Actions based on childhood sexual abuse

(a) A civil action brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within six years of the act alleged to have caused the injury or condition, or six years of the time the victim discovered that the injury or condition was caused by that act, whichever period expires later. The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury.

(b) If a complaint is filed alleging an act of childhood sexual abuse which occurred more than six years prior to the date the action is commenced, the complaint shall immediately be sealed by the clerk of the court. The complaint shall remain sealed until the answer is served or, if the defendant files a motion to dismiss under Rule 12(b) of the Vermont Rules of Civil Procedure, until the court rules on that motion. If the complaint is dismissed, the complaint and any related papers or pleadings shall remain sealed. Any hearing held in connection with the motion to dismiss shall be in camera.

(c) As used in this section, "childhood sexual abuse" means any act committed by the defendant against a complainant who was less than 18 years of age at the time of the act and which act would have constituted a violation of a statute prohibiting lewd and lascivious conduct, lewd or lascivious conduct with a child, sexual assault, or aggravated sexual assault in effect at the time the act was committed.

Historical Citation

Added 1989, No. 292 (Adj. Sess.), § 2.

HISTORY

**Retroactive applicability.** 1989, No. 292 (Adj. Sess.), § 4(b) provided that section 2 of the act, which added this section, shall apply to all causes of action commenced on or after July 1, 1990, as long as either the act of sexual abuse or the discovery that the injury or condition was caused by the act of sexual abuse occurred on or after July 1, 1984, to which extent section 2 applies retroactively.

ANNOTATIONS

Application, 2  
Construction, 1  
Notice, 4

Particular cases, 5  
Retroactive effect, 3

**1. Construction.** Nothing in the statutory language of this section suggests that the Legislature intended to exclude nonperpetrators from the reach of the statute; the use of the

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