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H.8

Introduced by Representative Austin of Colchester

Referred to Committee on

Date:

Subject: Court procedure; statutes of limitations; civil actions based on  
childhood emotional abuse

Statement of purpose of bill as introduced: This bill proposes to repeal the  
statute of limitations for civil actions based on childhood emotional abuse and  
permit such actions to be brought at any time.

An act relating to repealing the statute of limitations for civil actions based  
on childhood emotional abuse

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The General Assembly finds that Adverse Childhood Experiences (ACES)  
research indicates that childhood emotional abuse can have lasting negative  
effects on health, well-being, and life opportunities, and increase chronic  
health problems, mental illness, and substance use problems in adolescence  
and adulthood.

1       Sec. 2. 12 V.S.A. § 522 is amended to read:

2       § 522. ACTIONS BASED ON CHILDHOOD SEXUAL ~~OR~~, PHYSICAL,  
3               OR EMOTIONAL ABUSE

4           (a) A civil action brought by any person for recovery of damages for injury  
5       suffered as a result of childhood sexual ~~or~~, physical, or emotional abuse may  
6       be commenced at any time after the act alleged to have caused the injury or  
7       condition. The victim need not establish which act in a series of continuing  
8       physical abuse ~~or~~, sexual abuse, or emotional abuse or exploitation incidents  
9       caused the injury.

10          (b) If a complaint is filed alleging an act of childhood sexual ~~or~~, physical,  
11       or emotional abuse, the complaint shall immediately be sealed by the clerk of  
12       the court. The complaint shall remain sealed until the answer is served or, if  
13       the defendant files a motion to dismiss under Rule 12(b) of the Vermont Rules  
14       of Civil Procedure, until the court rules on that motion. If the complaint is  
15       dismissed, the complaint and any related papers or pleadings shall remain  
16       sealed. Any hearing held in connection with the motion to dismiss shall be in  
17       camera.

18          (c) As used in this section:

19           (1) “Childhood sexual abuse” means any act committed by the  
20       defendant against a complainant who was under 18 years of age at the time of  
21       the act and which act would have constituted a violation of a statute prohibiting

1 lewd and lascivious conduct, lewd or lascivious conduct with a child, felony  
2 sexual exploitation of a minor in violation of 13 V.S.A. § 3258(c), sexual  
3 assault, or aggravated sexual assault in effect at the time the act was  
4 committed.

5 (2) “Childhood physical abuse” means any act other than an attempt  
6 committed by the defendant against a complainant who was under 18 years of  
7 age at the time of the act and which act would have constituted a violation of a  
8 statute prohibiting aggravated assault in effect at the time the act was  
9 committed.

10 (3) “Childhood emotional abuse” means an act that:

11 (A) was committed against a child who was under 18 years of age at  
12 the time of the act;

13 (B) was committed by a person other than a parent who was in a  
14 position of power, authority, or supervision over the child by virtue of the  
15 person’s undertaking the responsibility, professionally or voluntarily, to  
16 provide for the health or welfare of minors, or guidance, leadership,  
17 instruction, or organized recreational activities for minors; and

18 (C) caused harm that impaired the child’s social, emotional, and  
19 cognitive development.

20 (d) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to  
21 childhood sexual abuse that occurred prior to July 1, 2019, irrespective of any

1 statute of limitations in effect at the time the abuse occurred. In an action  
2 based on childhood sexual abuse that would have been barred by any statute of  
3 limitations in effect on June 30, 2019, damages may be awarded against an  
4 entity that employed, supervised, or had responsibility for the person allegedly  
5 committing the sexual abuse only if there is a finding of gross negligence on  
6 the part of the entity.

7 (e) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to  
8 childhood physical abuse that occurred prior to July 1, 2021, irrespective of  
9 any statute of limitations in effect at the time the abuse occurred. In an action  
10 based on childhood physical abuse that would have been barred by any statute  
11 of limitations in effect on June 30, 2021, damages may be awarded against an  
12 entity that employed, supervised, or had responsibility for the person allegedly  
13 committing the physical abuse only if there is a finding of gross negligence on  
14 the part of the entity.

15 (f) Notwithstanding 1 V.S.A. § 214, this section shall apply retroactively to  
16 childhood emotional abuse that occurred prior to July 1, 2023, irrespective of  
17 any statute of limitations in effect at the time the abuse occurred. In an action  
18 based on childhood emotional abuse that would have been barred by any  
19 statute of limitations in effect on June 30, 2023, damages may be awarded  
20 against an entity that employed, supervised, or had responsibility for the person

- 1 allegedly committing the physical abuse only if there is a finding of gross
- 2 negligence on the part of the entity.
- 3 Sec. 3. EFFECTIVE DATE
- 4 This act shall take effect on July 1, 2023.