



## CIVIL STATUTE OF LIMITATIONS

### SUMMARY OF FINDINGS FROM DIALOGS WITH STATE SEXUAL ASSAULT COALITIONS

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WCSAP sent out a request for information to 50 State Sexual Assault Coalitions inquiring on their current state civil SOL.

Questions and results are below:

**What brought your state to review your civil statute of limitation law or to come to its current status? Check all that apply and please provide narrative.**

- [4] legislative inquiry
- [4] coalition concern
- [7] victim access needs to remedy outside of criminal system (monetary or non-monetary)
- [ ] inadequate restitution
- [1] enhancement of state victim rights
- [3] media coverage
- [3] to increase offender accountability
- [2] Other: State survey (1), scandal involving Catholic Church (1)

**Additional Narrative:**

- A very high-profile sexual abuse case brought to light that the laws were arbitrary in nature
- To increase victim rights and hold offenders accountable
- The fact that victims may not come forward otherwise
- Re-evaluation of current statutes to make sure they reflect current trends related to victim issues, offender accountability and changing jurisprudence

**What considerations did your state make or were necessary for the review process? Check all that apply please include some narrative.**

- [5] comparison with criminal statute
- [1] joint and several liability
- [4] victim impacts cost and process
- [6] Other: Church (5), state constitution (1)

**Additional Narrative:**

- Anticipated opposition from religious community
- Needed to review our state constitution

**Did you encounter barriers to policy change? Please explain.**

- Significant opposition from the Catholic Church
- “ We became buried by the unexpected and vociferous opposition from the Catholic Church and – more potently – the insurance industry.” The opposition was too strong and the bill to change the civil SOL failed.
- The legislature was interested in how the proposed extension compared to the civil SOL for other torts
- Concern with retroactivity. State has a constitutional provision that bars retroactivity so it was a prospective change
- Civil and criminal SOL had equality. We sought to eliminate the civil SOL. Legislative response, “...if the child sexual abuse was serious enough to warrant a lawsuit, the

law should also consider it serious enough to be prosecuted". *Comment on only eliminating civil.*

- Challenges from stakeholders in Judiciary committee and some attorneys
- Opposition from American Tort Reform Association

**Have the changes your state made to civil SOL increased suits? In what areas have you seen most damages sought in?**

- No notable change if filing of lawsuits reported (3)- appears to be linked with states that also eliminated criminal SOL so there is likely less reason to pursue a civil case
- Most damages sought in injury cases

**Response Rate:**

Response rate: 10 coalitions replied- a response rate of 20%. Information was collected from email response and internet survey. Due to nature of the request, data received was anecdotal in nature.

- Of the states who replied the primary reasons for a review of statute of civil statute of limitations was due to 1) victim access needs to remedy outside of the criminal system (monetary or non-monetary) 2) Legislative inquiry 3) Coalition concern
- A significant portion of respondents reported that the biggest challenge in getting an extension or removal of the civil statute of limitations was opposition from the Catholic Church. A common standing argument was that time elapsed would make it near impossible for the church to "defend itself" against claims.
- No states reported an increase in filed civil cases. This was attributed to the fact that the state also had significantly expanded or eliminated the criminal SOL.