



Legislation Text

File #: Res 0243-2018, **Version:** *

Res. No. 243

Resolution calling upon the New York State Legislature to pass and Governor Cuomo to sign the Child Victims Act.

By Council Members Rosenthal and Levin

Whereas, According to the National Sexual Violence Resource Center, one in four girls and one in six boys will be sexually abused by their 18th birthday, and nearly three-quarters of all reported sexual assault victims are children; and

Whereas, In 2015, New York State had nearly 2,000 reported cases of child sexual abuse, according to the latest data by the United States Department of Health and Human Services; and

Whereas, Numerous studies have shown that rape and sexual assault are under-reported and that most victims of child sexual abuse do not report their abuse until adulthood; and

Whereas, The National Sexual Violence Resource Center indicated that 63% of sexual assaults are not reported to police, and only 12% of child sexual abuse is reported to the authorities; and

Whereas, Victims of child sexual abuse may pursue justice through both the criminal and civil justice systems, but in many cases, by the time that victims recognize that they have been abused and are able to tell someone about it, the statute of limitations has already expired; and

Whereas, According to advocates, New York is one considered one of the worst states in the nation for child sexual abuse statutes of limitation; and

Whereas, Under current New York State law, victims of childhood sexual abuse have until age 21 to sue institutions where the abuse took place, such as a church or a school; and

Whereas, In addition, survivors of child sexual abuse have until age 23 to file a civil case against their

abuser, and criminal charges, with the exception of rape, must also be filed before a survivor turns 23; and

Whereas, Conversely, nationwide the median age of reporting child sexual abuse is 48, according to the national think tank organization Child USA, therefore, the statute of limitations under the current law is a disservice to survivors of child sexual abuse; and

Whereas, Unlike New York, many other states have been taking action to increase justice for child sex abuse victims since 2003; and

Whereas, At least 38 states have eliminated criminal statutes of limitations for child sex abuse, dozens have improved their civil statutes of limitations, and 8 have revived expired claims; and

Whereas, New York has recently seen growing support across the State to effectively change its current law; and

Whereas, S. 809, also known as the Child Victims Act, would make it easier for survivors of child sex abuse to bring criminal and civil cases as adults; and

Whereas, When passed into law, the Child Victims Act would raise the criminal statute of limitations for several child sexual abuse crimes to age 28, and raise the civil statute of limitations to age 50; and

Whereas, Additionally, this legislation would also create a one-year window for past victims of child sexual abuse to initiate lawsuits against their abusers, and hold public and private institutions to the same standard; and

Whereas, Under current law, those abused in a public setting, like a school, have only 90 days from when the incident occurred to formally file an intent to sue; and

Whereas, According to Child USA, there are about 2,000 victims who can no longer sue under the current law, but would be able to do so under the Child Victims Act; and

Whereas, In addition, advocates suggest that passage of the Child Victims act could result in a cost-savings to the State; and

Whereas, Advocates estimate that the State could save approximately \$250 million in Medicaid

expenses, because a portion of settlements or judgments recovered by victims would be used to repay Medicaid for past coverage of treatment for problems related to the abuse; and

Whereas, Medicaid repayment accounts for approximately 50% of a settlement; and

Whereas, For too many years, survivors of child sexual abuse in the State of New York had limited recourse in pursuing justice for the sexual violence committed against them, which only exacerbated the trauma they experienced; and

Whereas, It is of utmost importance that New York State recognizes and enacts the much needed, long overdue reforms to better support survivors and enable them to pursue justice in a dignified manner; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and Governor Cuomo to sign the Child Victims Act.

LS 5786
3/13/18
TC