



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

## Senate Majority Stands Up For Survivors, Passes Child Victims Act

ANDREA STEWART-COUSINS January 28, 2019

| ISSUE: **CHILD VICTIMS ACT**

Albany, NY- The Senate Majority Conference today passed the Child Victims Act (S.2440) and reformed New York State's outdated statute of limitations for child sexual abuse. The Child Victims Act will raise the criminal statute of limitations for child sexual abuse crimes by five years and raise the civil statute of limitations for causes of action brought by someone seeking redress for physical, psychological or other injury caused by child sexual abuse to age 55. Additionally, this legislation will create a one-year window, starting six months from the effective date of the bill, for past victims of child sexual abuse to initiate lawsuits against their abusers and the public and private institutions that let the abuse happen. The bill will eliminate onerous "notice of claim" requirements that create hurdles for victims to sue public institutions that negligently allowed the abuse to occur, during both the revival window and going forward.

"When we took up this fight for the Child Victims Act, none of us thought it was going to be this tough or take this long," Senate Majority Leader Andrea Stewart-Cousins said.

"Government has a responsibility to stand up for the survivors of these heinous crimes. That is why the Senate Democratic Majority has been fighting alongside survivors and advocates for years to pass the Child Victims Acts and remove the barriers that have been protecting predators. I've been proud to work with Senator Brad Hoylman, who has championed and

shepherded this legislation, and I commend him on its passage. Justice is finally being delivered.”

Bill Sponsor, Senator Brad Hoylman said, “For years, survivors of child sexual abuse have looked to Albany for justice but their pleas have gone unanswered in the New York State Senate. The impasse ends today under Senate Leader Andrea Stewart-Cousins. Finally, survivors will have the opportunity to seek justice against their abusers and hold any institutions who harbored them accountable. We would not be here today without the fierce advocacy of survivors across New York State. When the political leaders in this state refused to listen, you bravely told your stories. You demanded action. You created a movement. Now, as you seek justice, New York will stand with you.”

The Child Victims Act passed by the Senate Majority will:

- Extend the criminal statute of limitations for child sexual abuse offenses by five years, giving survivors until age 28 to press charges for felonies and age 25 for misdemeanors.
- Extend the statute of limitations in civil actions arising from child sexual abuse, which currently range from one to five years at most, to allow survivors to bring suits until they reach age 55.
- Create a one-year window during which presently time-barred civil claims could be revived.
- Permit claims against both public and private institutions by explicitly eliminating the notice of claim requirement for bringing suits against public institutions both prospectively and during the revival window.
- Provide training for judges handling cases involving the sexual abuse of children.

Senate Deputy Leader Michael Gianaris said, "Protecting the most vulnerable in our society is the moral test of leadership. By passing the Child Victims Act, the new New York Senate is standing up for people who have been denied a chance for justice."

Senator Jamaal Bailey said, "The passage of the Child Victims Act is crucial for the thousands of New Yorkers that are survivors of child sexual abuse. It is never easy for a child to speak about their abuse, especially at a young age. Raising the statute of limitations is necessary in order for victims of child sexual abuse to be able to seek and have the justice they deserve. I want to thank Senator Hoylman and the conference for their fight to have this passed."

Senator Brian Benjamin said, "The passage of this bill is a huge step forward for the survivors of childhood sexual abuse, many of whom have worked bravely and tirelessly to make its passage a possibility. I am proud to be a part of the Democratic Majority that is delivering justice and hope to survivors, and to be a partner and neighbor to bill sponsors Senator Hoylman and Assemblymember Rosenthal."

Senator Alessandra Biaggi said, "Anyone who has survived traumatic abuse as a child should have the opportunity to seek justice and support. Yet New York State law places an unreasonable deadline on survivors' decision to come forward and address the past. By passing CVA, New York is taking a stand for survivors and making our state safer for everyone."

Senator John Brooks said, "Today we have taken a long overdue step forward in protecting our children from predators and giving survivors of sexual abuse a greater chance to take their lives back. By passing the Childhood Victims Act we are sending a strong message that the voices of abuse victims will not be shut out of the pursuit of justice for these crimes."

Senator David Carlucci said, “Finally, in New York we are empowering the survivor and correcting a grave injustice. The Child Victims Act will allow survivors who were sexually abused as children to seek the justice they so rightfully deserve and no longer stay silent.”

Senator Leroy Comrie said, “The long-deferred Child Victims Act is about making sure that those who suffered grave abuse during their most vulnerable stages of life have a proper opportunity now to get the redress and justice that they so rightfully deserve. We cannot in good faith ignore the wrongdoings of individuals who used their positions of authority to take advantage of children.”

Senator Jim Gaughran said, “Passage of the Child Victims Act will finally give justice to the many victims who have long demanded the ability to face their abuser. Today we stand on the side of children, not the predators. This bill was long overdue.”

Senator Andrew Gounardes said, “I’m proud to support the Child Victim’s Act. This long-stalled piece of legislation will finally allow victims of child abuse to seek civil justice against their abusers and the institutions that harbored them regardless of how long ago the crimes occurred. This bill is a true victory for survivors of these heinous crimes and again delivers on our promise to protect and defend all New Yorkers and give voice to the voiceless.”

Senator Pete Harckham said, “Childhood sexual abuse survivors have been denied justice for far too long. I’m proud that one of my initial votes as a Senator will give victims the ability to file a lawsuit against their attackers and any institutions that failed to protect them. We finally have a chance to right a terrible wrong.”

Senator Robert Jackson said, “Today marks a win for the rights of survivors. The passage of the Child Victims Act brings New York’s laws closer into alignment with the groundswell of survivor activism we have seen in the #MeToo movement of the past couple years. While we

must continue to do more at the state level to support survivors of abuse, especially those who experienced these traumas early in life, this bill is an important start.”

Senator Todd Kaminsky said, “Today is a new day for survivors of child sexual abuse in New York State. The Child Victims Act will not only give victims a chance at justice, it will also protect our communities from abusers. I am proud to co-sponsor this legislation and thank Leader Stewart-Cousins and Senator Hoylman for their steadfast support — no longer will New York protect abusers over the children they harmed.”

Senator Anna M. Kaplan said, “For far too long, survivors of childhood sex abuse have been denied justice in our state. These survivors have been repeatedly re-victimized by laws that do not take into consideration the complicated decision one must make before coming forward and speaking out about abuse. I’m proud to co-sponsor the Child Victims Act, which gives survivors an opportunity to have their day in court, confront their abusers, and hopefully find closure, because survivors deserve an opportunity for healing, and those who commit crimes against children must be held accountable.”

Senator Tim Kennedy said, “For years, we’ve stood side by side with survivors of childhood sexual abuse to demand the passage of the Child Victims Act, and with Democrats now in full control of the state legislature, we’re aggressively moving this priority forward. This vote was long overdue, and it will have a profound impact on those who for decades have been silenced from seeking justice. New Yorkers and Americans have spoken out and demanded better, and the Senate is prepared to deliver a strong message to survivors: we hear you, and your voices matter. I look forward to voting yes on this critical reform.”

Senator Liz Krueger said, “It is incomprehensible that until now New York State has failed to allow all victims of child sexual abuse to have their day in court. Thankfully, that changes today. By passing the Child Victims Act, we are ensuring that New York laws will not stand in

the way of the right of victims to seek justice. I commend the advocates and my legislative colleagues for their tenacity in this important fight.”

Senator John Liu said, “New York State has had one of the shortest windows, of any state, for victims to report abuse. With the passage of the Child Victims Act, adult survivors will have the necessary time to come to terms with the abuse and seek redress and New York can meaningfully bring justice to victims of child abuse.”

Senator Rachel May said, “Today's vote on the Child Victims Act is a major victory for survivors of sexual abuse. For too long our strict statute of limitations has prevented survivors from seeking the justice they rightly deserve. This measure will begin to rectify some of the wrongs of our justice system and provide those who suffered as children the ability to seek some closure. I am proud to support this bill and to support all of the brave survivors across our state.”

Senator Shelley Mayer said, “I am grateful that we have cleared a path to justice for the thousands of survivors of childhood sexual abuse by passing the Child Victims Act. The current law is thoroughly inadequate in that it requires survivors to file legal action well before most have come to terms with their abuse, leaving many survivors unable to file charges against abusers who continue to remain hidden and a threat to public safety. Survivors have waited too long for this day. I hope this bill will give survivors the tools to receive the treatment, peace of mind, and closure they deserve.”

Senator Jen Metzger said, “For too long adults who have caused devastating harm to children have used their power and connections to avoid the legal repercussions of their abhorrent actions. Because of this, abusers have been the ones protected. When we pass the Child Victims Act we will make clear that no one is above the law and perpetrators will be held accountable while survivors will finally have the opportunity for justice.”

Senator Zellnor Myrie said, "Anyone who has survived traumatic abuse as a child should have the opportunity to seek justice and support. Yet New York State law places an unreasonable deadline on survivors' decision to come forward and address the past. By passing CVA, New York is taking a stand for survivors and making our state safer for everyone."

Senator Kevin Parker said, "I applaud Senator Brad Hoylman and our new Senate Democratic Majority for doing what's right and passing the Child Victims Act. New York State can no longer allow victims to be silenced, and increasing the statute of limitations so that they can seek justice and closure for such a horrific experience is commonsense. Fortunately, under the leadership of Majority Leader Stewart-Cousins, this legislation has become a reality in our great state."

Senator Roxanne J. Persaud said, "The CVA is long overdue; finally, victims will get their rightful opportunity at justice. I cannot commend my colleagues enough for pushing this legislation and their advocacy for New York's brave survivors."

Senator Jessica Ramos said, "Survivors of child sexual abuse have fought for more than a decade for the passage of the Child Victims Act. It is time the New York State legislature hold abusers accountable and allow survivors the right to seek justice."

Senator Gustavo Rivera said, "Another week, another victory for New Yorkers. After years of Republicans blocking the Child Victims Act, we have finally brought it to the floor for a vote. This law will help thousands of victims of such a heinous crime seek the justice they deserve so they can move forward in their healing process."

Senator James Sanders Jr. said, "Children are among the most vulnerable members of the population and it is important that we do everything possible to protect their safety. I fully

support the Child Victims Act, which will allow greater provisions for young victims of sexual violence to seek justice.”

Senator Diane Savino said, “I started my career as an ACS caseworker where I encountered many dire situations of abuse almost daily. Today we are saying to thousands of victims of abuse across the State that we are standing by your side. These cases often take years to come forward, but now it is time that New York join the ranks of other states.”

Senator Luis Sepulveda said, “For too long, child survivors of sexual abuse have been denied an opportunity to seek justice because of our state's misguided statute of limitations. The Child Victims Act corrects this wrong by giving survivors better access to both criminal and civil redress. I couldn't be prouder to support this piece of legislation.”

Senator Jose Serrano said, “It can take many years for child sexual abuse victims to report their ordeal or even understand how they have been harmed. While we cannot change what they have endured, today's vote sends a message to every survivor that New York cares and will stand with them when they are ready to seek justice. It also sends a message to every predator that our laws will hold them accountable, regardless of the passage of time, and that we will do everything we can to protect our children from abusers. I commend Senator Hoylman for his commitment to passing this important legislation.”

Senator James Skoufis said, “This bill is about justice, period. It's downright disgusting that the Child Victims Act has languished for as long as it has. Victims deserve recourse and perpetrators deserve to be held accountable. The Child Victims Act speaks to who we ought to be as a society and I'm proud to strongly support it.”

Senator Toby Ann Stavisky said, “The passage of the Child Victims Act delivers long denied justice too many survivors in New York State. This legislation will finally give the child sex



abuse victims the due process they deserve and hold the perpetrators of these atrocious crimes accountable. I thank Assembly member Rosenthal and Senator Hoylman for their sponsorship but we must also recognize former Assemblywoman Margaret Markey. Her years of dedication, her tenacity, and steady support for the victims cannot be underestimated.”

Senator Kevin Thomas said, “I am proud to stand with my colleagues and survivors across our state in passing this long overdue legislation. For far too long, brave men and women who have sought justice have been denied their rightful opportunity to confront their attackers in court. As a representative, I can think of no social obligation more sacrosanct than the protection of our children and bringing all who have preyed upon our youth to justice. I am honored to have taken part in delivering justice to survivors through this legislation, and I celebrate this victory for New York.”

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#### RELATED LEGISLATION

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### **2019-S2440**

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Provides for the timeliness of commencing criminal and civil action for sexual offenses committed against children

January 24, 2019

Signed by Governor

Sponsored by **Brad Hoylman-Sigal**

Do you support this bill?