



NEW YORK STATE SENATOR

Alessandra Biaggi

Gaughran, Biaggi Introduce Bill to Establish a Legal Fund to Assist Child Victims of Sexual Assault with Lawsuits

ALESSANDRA BIAGGI November 13, 2019

(Syosset, NY) Today, Senators Jim Gaughran and Alessandra Biaggi announced they have introduced legislation, S.6847, which will establish a fund to assist victims of childhood sexual assault with civil legal services and fees. This will build upon the historic passage of the Child Victims Act, which opened the statute of limitations for victims of childhood sexual abuse to initiate civil claims against those responsible for the abuse. This will ensure that the victims of childhood sex abuse who fought so courageously for passage of this landmark law are able to fully pursue justice without the tremendous barriers of costly litigation fees. The legislation will be sponsored by Assemblymembers Charles Lavine and Yuh-Line Niou in the Assembly.

Senator Alessandra Biaggi said “Seeking justice in New York comes at an expensive cost, often deterring low-income survivors from bringing their case to court – if we want the Child Victims Act to serve all survivors of child sexual abuse, then we need to create avenues for financial accessibility to match. The fund will in part be comprised of fines against those found guilty of child sexual abuse, creating a meaningful pathway for abusers to be held accountable for relieving some of the financial burden survivors face bringing their case to court. I am grateful to partner with my colleague Senator Jim Gaughran on this bill, and look forward to working together to see it over the finish line.”

Senator Jim Gaughran said “This year we passed landmark legislation to give long-awaited justice to countless victims of child sex abuse. Unfortunately, many victims are now facing barriers to pursuing justice against their alleged abusers. I am proud to work side-by-side with these brave victims, including my colleagues Senator Biaggi and Assemblywoman Yuh-Line Niou, to establish a legal fund to ensure that every victim of child sex abuse has access to funding for legal services to seek the justice they deserve.”

Assemblyman Charles Lavine said “For too long, the child victims of sex crimes have suffered long painful years of emotional distress when they became victims of sick and abusive adults. The establishment of the Child Victim Foundation Fund will help achieve some level of economic justice to these victims by creating a legal fund to help cover the burdensome financial costs involved with commencing civil actions against their perpetrators. In partnership with Senator Gaughran, I am committed to garnering the support needed in the Assembly to help empower victims and help them in this difficult journey of justice.”

Assemblywoman Yuh-Line Niou said “This year we passed landmark legislation, the Child Victims’ Act, which is an unprecedented step in securing justice for sexual abuse survivors. Over 900 cases have been filed since the legislation took effect in August but there are still many barriers to reporting, even with the one year look back. Currently, a lack of necessary resources for victims in filing and litigating claims stands in the way of survivors seeking action against their abusers. I am proud to work with my colleagues, Senator Biaggi, Senator Gaughran, and Assemblymember Lavine to introduce legislation that establishes a child victims’ foundation fund that will provide resources to help survivors throughout the legal process. No one should be excluded from seeking justice. With this new fund and the Child Victims Act, we will be able to help every survivor have a fair chance to achieve justice and closure.”

Since passage of the Child Victims Act and the beginning of the one-year lookback window, numerous victims have come forward to share difficulties in retaining counsel, because of costly legal fees or a reluctance from private law firms to take on cases that did not occur in an institutional setting. The intent of the Child Victims Act was to give every survivor their day in court, regardless of who their abuser was. This legislation establishes a fund to assist not-for-profits who are providing civil legal services on behalf of these victims, and those victims who will come forward in the future. The Child Victim Foundation Fund, comprised of monies donated by taxpayers, and fines assessed against persons convicted of enumerated offenses against children, will help to ensure that all those who seek justice, can have their day in court.

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