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Assemblywoman Latrice Walker passes legislation giving voice to childhood sexual abuse victims

Child Victims Act helps more New Yorkers seek justice

Assemblywoman Walker (D-55th) announced that the Assembly passed legislation she supported to ensure victims of childhood sexual abuse have the opportunity to bring charges against their abusers in a court of law (A.5885-A). The Child Victims Act extends the civil and the criminal statute of limitations and also creates a one-year “window” in which past victims will be able to seek justice in court.

“Victims of childhood sexual abuse carry the trauma and pain with them for the rest of their lives,” said Assemblywoman Walker. “That’s why we must do all we can to empower victims, allow them more time to seek justice and help them move on with their lives. The time for talk is over. Failure to pass this law is inexcusable.”

With over 63,000 children sexually abused each year^[1] – and that’s just the number of cases that are actually reported – it’s imperative that victims have the support they need to recover and hold perpetrators accountable, noted Assemblywoman Walker. Childhood sexual abuse can leave lifelong scars. Victims are more likely to struggle with drug abuse, experience post-traumatic stress disorder (PTSD) and contend with severe depression.^[2]

The Assembly bill would amend the criminal procedure law by adding five additional years for criminal charges to be brought – starting the clock at age 23, rather than at age 18 – as well as pushing back the statute of limitations to permit civil actions to be brought up until the victim’s 50th birthday. The measure also creates a one-year window for past sexual abuse victims to commence a civil action. Most importantly, this one-year window would permit courts to consider claims by victims which were previously dismissed or were not brought at all due to the limitations previously contained in the law.

In addition, the Child Victims Act would treat public and private entities equally by removing the current notice of claim requirement for public entities. Under current law, an individual who plans to sue a public entity must notify the entity of the intent to do so within 90 days.

The legislation would also:

- require judges to undergo additional training for cases involving the sexual abuse of minors; and
- give these revived civil cases a trial preference so they are more rapidly moved forward in court. This recognizes that in many instances, these victims have already had to wait for years to be able to seek justice.

“We need to change our laws to reflect the fact that victims often take years to come to terms with what happened to them and disclose their past abuse,” said Assemblywoman Walker. “By passing this legislation, we are allowing child sex abuse victims to hold their abusers accountable as well as helping them heal. It’s now time for the Senate to help ensure justice is always served and join us in passing this

crucial legislation.”

[1] rainn.org/statistics/children-and-teens

[2]