

New Legislation will Alter the Sexual Abuse Liability Landscape

What You Need to Know

In our recent article, *Allegations of Clergy Misconduct* (Winter 2018), we reviewed numerous public policy considerations regarding the proposed revival of previously time-barred sexual misconduct claims. More recently, a number of states have considered or passed revival statutes that will significantly alter the liability landscape for institutions that serve children and other vulnerable people, and their insurers.

The **New Jersey** Assembly recently passed a bill that extends the statute of limitations in civil actions for sexual abuse claims, and creates a two-year window for parties to bring previously time-barred actions based on sexual abuse.

In **New York**, the governor recently signed the Child Victims Act, which opened a one-year window for adult survivors of sex abuse to file claims against alleged perpetrators and those who employed them.

The **Maryland** General Assembly is considering similar legislation that would

remove the statute of limitations for all child sex-abuse cases and provide a two-year look-back window to allow those previously precluded by the statute of limitations from filing a claim.

In late 2018, the **Pennsylvania** House also voted overwhelmingly to enact a two-year window for litigation. Although the Pennsylvania Senate did not bring the bill to a vote prior to the end of the legislative session, the measure could be reintroduced in 2019.

In **California**, a bill has been reintroduced to create a new three-year look-back window for victims who could not take advantage of the one-year window in 2003. The former governor vetoed this legislation, but the new governor may be more likely to approve.

Minnesota lawmakers are considering a bill that could eliminate of the statute of limitations for these crimes.

In **Rhode Island**, a proposed bill would significantly expand the statute

of limitations from seven to 35 years and retroactively revive expired claims, regardless of when the alleged conduct occurred.

This recent spate of legislation will likely have significant consequences for educational, nonprofit and religious institutions, who may be sued because of the alleged sexual misconduct of an employee, volunteer or leader. By reviving time-barred claims, these institutions and their insurers will likely face increasing numbers of liability claims, relating to historical allegations where witnesses may not be found, memories may be faded and other evidence may be difficult to marshal. Having trusted counsel, experienced in evaluating, defending and resolving historical misconduct claims against institutions, is critical to appropriately address this dynamic liability landscape. ●

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