



WSAJ Strongly Supports Eliminating the Civil Statute of Limitations for Child Sexual Abuse

2SHB 1618 (Rep. Farivar)

Summary

A civil statute of limitations sets the deadline for a plaintiff to file a legal action when they have been injured by someone else's conduct. 2SHB 1618 eliminates the civil statute of limitations for childhood sexual abuse. This bill acknowledges the unique challenges survivors face and recognizes that there should be no time limit to commence an action for injury suffered as a result of childhood sexual abuse. 2SHB 1618 will shift the cost burden of child sexual abuse from the victims and society at large to those who caused harm and hold perpetrators accountable.

This bill passed the House 82-14.

A delay in disclosure is typical for survivors of child sexual abuse.

Most victims of childhood sexual abuse never disclose the abuse at all. Data from the Department of Justice suggests that 86% of child sexual abuse goes unreported altogether. When a victim does report, it is likely they will delay disclosure well into adulthood. While we all hope that a survivor would disclose abuse when it happened, data reveals a different reality. In a study of over 1,000 survivors, the average age at the time of disclosing child sex abuse was about 52 years. The burden of proof to commence a claim still falls on the victim, and victims who can meet that burden should not have the door to justice closed on them.

The costs of child sexual abuse should be borne by the perpetrators – not the victims.

The costs of child sexual abuse impact Washington's health care, education, criminal justice, and social safety net systems. The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 is \$9.3 billion. The average cost per non-fatal female victim is estimated at \$282,734, and include averages of \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs. It is unfair for the victims, their families, and Washington taxpayers to be the only ones who bear this burden; this bill levels the playing field by imposing liability on the ones who caused the abuse and alleviating the burdens on the victims and taxpayers.

This bill will not create a flood of litigation.

Washington's "discovery rule" already permits many cases to be filed. Since the early 1990's, Washington has had a liberal "discovery rule." This rule recognizes that in the case of childhood sexual abuse, the victim may not recognize the nexus between the harm inflicted by the defendant and the impact they suffered until after the statute of limitations has expired. Recently, a court ruling, Wolf v. State (2022), has eroded this rule. Defendants are now using victims' medical and mental healthcare records to claim, not that the abuse didn't

occur, but that the statute of limitations has expired on their claims. Now, cases which would have been successful in the past are being denied on the grounds of the statute of limitations. It is because of this change in the discovery rule that we do not believe a barrage of new claims will commence, but that the few survivors ready to bring claims will not be unfairly barred.

Many other states are reforming statute of limitations laws for child sexual abuse.

18 US territories have already eliminated the statute of limitations for some or all child sexual abuse claims. 27 US territories have opened windows for retroactive claims. Washington has been at the forefront of reforming laws to be more victim centered, and 2SHB 1618 is a natural continuation of those efforts.

We are proud to support this legislation with a broad coalition including Legal Voice, CHLDUSA, Sexual Violence Law Center, King County Sexual Assault Resource Center, Planned Parenthood Alliance Advocates, Washington Association of Sheriffs and Police Chiefs, Children’s Advocacy Centers of Washington, National Crime Victim’s Bar Association, Associated Students of the University of Washington, Partners for Our Children, National Women’s Coalition Against Violence and Exploitation, Stand for Children, Children’s Campaign Fund, Washington State Coalition Against Domestic Violence

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