

New Jersey Joins New York in Amending Statute of Limitations for Child Sexual Abuse Claims

By: Karen H. Moriarty and Brian A. Bonser

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New Jersey joins New York and other states in amending its statute of limitations for child sexual abuse claims.

On May 13, 2019, New Jersey Governor Phil Murphy signed legislation dramatically expanding the time by which victims of child sexual abuse may sue perpetrators and institutions that negligently employed and supervised the perpetrators. Under prior New Jersey law, victims of child sexual abuse had only until age 20 to commence a civil action. New Jersey's new statute of limitations will allow victims of child sexual abuse to commence a civil action until the victim reaches the age of 55, or within 7 years of their discovery that the abuse caused them harm, whichever date is later. *N.J. Stat. §2A:14-2a*. The statute also addresses adult victims of sexual assault, expanding the time by which such victims may commence civil actions to 7 years from the time the cause of action arises. Critically, the New Jersey statute, which goes into effect on December 1, 2019, also temporarily revives previously time-barred claims during a two-year "lookback window." *N.J. Stat. §2A:14-2b*. Therefore, previously-expired child sexual abuse claims may be filed in New Jersey from December 1, 2019 to November 30, 2021.

New York also recently reformed its statute of limitations for child sexual abuse claims. On February 14, 2019, New York Governor Andrew Cuomo signed the Child Victims Act, which extends the statute of limitations for civil actions by victims of child sexual abuse. The amended statute of limitations will allow survivors of child sexual abuse until the age of 55 to bring civil suits against the perpetrators and the perpetrators' employers. *CPLR § 208(b)*. Additionally, previously time-barred civil actions will be temporarily revived during a one-year "lookback window," which opens on August 14, 2019. *CPLR § 214-g*. Therefore, victims of child sexual abuse whose claims were previously barred by the statute of limitations may file civil actions in New York from August 14, 2019 to August 13, 2020.

In recent years, numerous other states have also expanded their statute of limitations for child sexual abuse claims. However, relatively few states, including California, Delaware, and Minnesota, have created "lookback windows" to temporarily revive previously-expired claims. Similar bills seeking to amend statutes of limitations for child sexual abuse claims are currently under consideration in other states, including Connecticut, Maryland, Massachusetts, and Pennsylvania.

Coughlin Midlige & Garland LLP has extensive experience representing insurers in coverage disputes involving sexual abuse claims located nationwide. For more information about our work, please contact the authors.