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## The Pennsylvania Legislature is Inching Closer to Extending the Time Allowed for Claims Involving Child Sex Abuse

Changes to the long-standing statute of limitations laws for claims brought by child sexual abuse victims have been sweeping the country, most recently in New York and soon expected to occur in New Jersey. Pennsylvania is following close behind, with two bills proposing changes to the time permitted to bring child sexual abuse claims in criminal and civil matters passing the House Judiciary Committee days ago, opposed by only one representative. The bills would get rid of any statute of limitations period to bring criminal charges involving sexual abuse (current law allows victims until the age of 50 to pursue criminal charges) and extend the limitations period for a victim to bring a civil suit 25 more years (current law permits victims to sue by their 30th birthday), until the victim's 55th birthday. The bills go to the full House next, where it is anticipated they will pass, then to the Senate, where their fate is more uncertain.

New York recently passed the Child Victims Act, which permits child sexual abuse victims to bring civil claims up to age 55. New Jersey is close to passing their own law, S-477, which also seeks to extend the limitation period until the victim's 55th birthday, or seven years from the time they become aware of the injury, whichever comes later. Both New York's new law and New Jersey's proposed law include a limited period of time for those victims to bring claims who were time-barred under prior laws. While the Pennsylvania bill encompasses a similar proposal (a two-year window to bring claims for those victims precluded from suing under the old statutes), this one-time window calls for amending the Pennsylvania constitution, which would require it to be passed by both chambers in two consecutive two-year sessions, then approved by voters. This will be a challenge.

The more likely (and more immediate) outcome is that the bills removing any limitations period in child sexual abuse criminal matters and extending the limitations period 25 years in civil matters will be passed. They have received support from both sides of the aisle and are on the road to becoming new laws in the near future.

**Comment:** In the event these bills pass, they could open the door to many more claims of child sexual abuse brought against the alleged abusers and those that may have employed them. As the time period for adults to bring civil suits who were sexually abused as children may extend 25 years, institutions need to be prepared to address claims well into the future. Civil suits claiming sexual abuse and employer/vicarious liability on the part of those that employed the accused could be brought decades after the abuse occurs. In the event claims are filed decades from now, your record keeping needs to be both organized and readily accessible. This includes training, background checks, personnel files (even of former employees), and incident reporting. Know where these documents are located, some may be offsite. Memories of witnesses fade and will be even more unreliable if the limitations period gets extended. Consider putting your institution in the best position to defend against any potential claims by ensuring past records are well kept and able to be accessed in the event these claims come about.

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