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## Landmark Pennsylvania Superior Court Decision Opens Doors to Previously Timed Barred Child Sexual Abuse Cases

In *Rice v. Diocese of Altoona-Johnstown* a three-judge panel overturned a lower court's decision dismissing a church sex abuse case thought to be barred by the statute of limitations. In the groundbreaking decision on June 11, the *Rice* court set precedent that could lead to a significant influx in child sexual abuse cases previously believed to be precluded under the statute of limitations law.

In *Rice*, the Superior Court cited a 2016 grand jury report that found widespread abuse in the Altoona-Johnstown Diocese that the claimant was a member of at the time of the abuse. While the claimant alleges she was last abused in 1981, an investigation did not take place until roughly 5 decades later. That investigation brought about the 2016 grand jury report. Due to the grand jury report, the panel held the victim's time to bring civil claims of conspiracy and concealment within the church did not begin to run until the report came out in 2016. It ruled she should not be precluded from bringing a claim because evidence of conspiracy was unavailable to her until 2016.

While the Superior Court decision is currently binding precedent, the defendants have an opportunity to appeal. If they do not appeal, it will set the law throughout Pennsylvania.

**Comment:** Amidst present efforts by the Pennsylvania Legislature to significantly expand the statute of limitations law for claims involving child sexual abuse, the Superior Court's landmark ruling in *Rice* could bring about even more claims thought to be barred. With this recent decision, victims of child sexual abuse from decades ago will be permitted to bring civil claims of conspiracy and fraudulent concealment against institutions, so long as there is newly discovered evidence (i.e. in a grand jury report) previously unavailable to those victims. To best prepare for and defend against the influx of cases that may now arise, it is important to consider keeping files organized and readily accessible. This includes files from years ago, such as those related to prior training, previous incidents and even former employees. If investigations are being conducted by police and state agencies into past incidents, it is advisable to speak to a lawyer to assist with these investigations and ensure your institution is prepared if claims arise.