

12.02.19

Weber 
Gallagher

PA Governor Wolf Signs Bill Significantly Expanding the Time Permitted to File Lawsuits Pertaining to Claims Involving Child Sex Abuse

Last week, Governor Tom Wolf signed new laws that would significantly extend the amount of time plaintiffs have to file civil lawsuits involving claims of child sex abuse, and would completely eliminate any statute of limitations for criminal prosecution of child sex abuse related crimes.

Currently, child abuse victims have until their 30th birthday to file a civil suit. With the new bill that is one step closer to becoming law, potential plaintiffs will have until their 55th birthday to initiate such a civil suit. This applies to survivors of child sex abuse who are under 18 years old at the time the bill would be enacted into law. Notably, the bill does not include a previous proposal that would permit a two-year window to file claims barred by the current statute of limitations. The bill that was signed by Governor Wolf will now have to be passed by both the Pennsylvania House and Senate before it becomes law.

There has been in a movement across the country to expand these limitations periods in light of recent allegations of past child abuse, namely in religious institutions, most notably the Catholic Church. New Jersey recently passed a law, S-477, that goes into effect on December 1, 2019, which similarly extends the limitations period for civil child abuse claims to be brought until the victim turns 55, or seven years from the time the victim becomes aware of the injury, whichever is later. Not long ago, New York passed the Child Victims Act, which equally extends the limitations period to age 55 for related civil suits. Pennsylvania is now one step closer to joining these neighboring states.

Comment: While the statute of limitations period for child sexual abuse claims has not officially been extended, it is closer than ever before to becoming law. It is important to keep in mind that plaintiffs who claim they were abused sexually as a child will likely go after those purportedly in charge of the alleged abusers, such as their former employers. As such, Pennsylvania is likely to, in the very near future, see an influx of civil lawsuits not just against alleged abusers, but institutions claimed to be responsible for them at the time of the abuse. Accordingly, be as proactive as possible in gearing up for potential future suits by making sure any and all documentation is kept, organized, and readily accessible in the event your institution is named in a lawsuit. This documentation includes personnel files, disciplinary write-ups, background checks, training materials and policies.

Lawsuits impacted by the likely extended limitations period may materialize years if not decades later. All institutions should ensure they are in the best position possible if and when these lawsuits are filed.

For more information, please contact [Sean P. O'Mahoney](mailto:somahoney@wglaw.com) at somahoney@wglaw.com or 215.825.7217, or [Tracy A. Walsh](mailto:twalsh@wglaw.com) at twalsh@wglaw.com or 215.825.7224, or [David J. Rosenberg](mailto:drosenberg@wglaw.com) at 412.281.7651 or drosenberg@wglaw.com, or [Joseph Goldberg](mailto:jgoldberg@wglaw.com) at 215.825.7225 or jgoldberg@wglaw.com.