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Albany, N.Y. — January 30, 2019

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The New York State Legislature passed the Child Victims Act into law Jan. 28.

The Catholic Church in the state had removed its opposition to the Child Victims Act, or CVA, after the Legislature a week earlier expanded the retroactive window to include both private and public institutions, noting that the support for all victims – regardless of where the abuse occurred – had been a critical reason the bishops could not support past versions of the bill.

The Senate passed the act unanimously, while the Assembly voted 130-3 in favor of the measure.

It raises the statutes of limitations and creates a one-year "look-back window" to allow adults abused as children to file claims no matter how long ago they said the abuse occurred.

"I hope this brings some measure of relief and comfort to those who can make use of the CVA's provisions to seek justice and healing," Albany Bishop Edward Scharfenberger said in a statement on the passage of the legislation.

"Our efforts at education, prevention and restorative justice must continue as we accompany all survivors and many others in our community who have been wounded by the incidence of sexual abuse of minors and vulnerable adults," he said.

The bill was first proposed in 2006, but was unable to garner majority support in the state Senate, which had been long controlled by Republicans. It passed overwhelmingly in the Democrat-led Assembly several times. This year, with Senate control flipping to the Democrats, the bill was brought to the floor and passed unanimously in that house as well, sending it to Gov. Andrew Cuomo for his signature.

Cuomo, a Democrat and a Catholic, had vowed to get the Child Victims Act passed within the first 100 days of this legislative session, which opened Jan. 9.

New York state's bishops said in a statement issued by the New York State Catholic Conference: "Sadly, we in the church know all too well the devastating toll of abuse on survivors, their families, and the extended community. Every Catholic diocese in New York has taken important steps to support survivors of child sexual abuse, including the implementation of reconciliation and compensation programs."

It added, "We are proud that these pioneering programs have not only helped well more than a thousand survivors of clergy abuse in New York, but have also become a model for how to help survivors in other states and in other institutions."

The Child Victims Act will raise the statute of limitations for individuals to bring civil claims related to child sexual abuse from ages 23 to 55. Previously, New York state's statute of limitations for child sexual abuse was among the most restrictive in the nation.

The new law will increase the criminal statute of limitations for victims from 23 years of age to 28 after the incident of abuse occurred.

"We have long called for strengthening the Child Victims Act," the bishops' statement added, "and will continue to advocate for the elimination of the criminal statute of limitations, compensation programs for those who prefer it to litigation, and mandatory safe environment training for anyone who works with children, as we have implemented in the eight dioceses throughout New York state."

The Child Victims Act also creates a one-time "look-back" window of one year's duration during which adults who were abused as children may file claims, no matter how long ago the abuse allegedly occurred. This one-year window will open in six months, waiving the state's civil statute of limitations so that such claims can be made.

The state's Catholic bishops had opposed previous versions of the look-back provision because those bills would have permitted cases of long-ago abuse to be brought only against private institutions. The bishops contended that complaints against such entities as public schools would have remained barred by separate state law that requires plaintiffs to file a notice of intent to sue a public entity within 90 days of an incident having occurred.

But according to Dennis Poust, communications director for the New York State Catholic Conference, the state’s bishops are satisfied that the Child Victims Act now reads, in part: Eliminates the notice of claim requirements for such actions when the action is brought against a municipality, the state or a school district.

"The sponsors included language to make clear that a past failure to file a notice of claim is not a bar to cases being brought against public entities, which means that all entities, public and private, will be treated the same under the statute of limitations provision, both retroactively and prospectively,” Poust told the Catholic Courier, Rochester's diocesan newspaper.

He added that the Child Victims Act will override the notice of claim provisions of the state’s General Municipal Law.

In recent years, several Catholic dioceses around the country have filed for bankruptcy in states where a retroactive window has passed, allowing survivors to file lawsuits against the church for some decade-old cases of abuse.

The Albany Diocese has provided compensation to approximately 100 survivors of sexual abuse whose cases were beyond the statute of limitations, paying more than $9 million in direct compensation and counseling assistance to survivors. The Independent Mediation Assistance Program, which helped survivors take the first steps toward healing, was the first in the state and one of the first in the nation when introduced in 2004.

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