

# civil statute of limitations for sexual assault



In 2019, New Jersey expanded its civil statute of limitations for sexual assault. ***This means more survivors of sexual violence in N.J. have the option to access the civil justice system than ever before in our state's history.***

## WHAT HAPPENED TO NEW JERSEY'S CIVIL STATUTE OF LIMITATIONS?

Prior to the reform of N.J.'s civil statute of limitations, survivors of sexual assault had a limited timeframe of *two years* to seek justice through civil litigation (or, for survivors of sexual abuse during their childhood, two years after age 18).

Under the new, extended statute of limitations, **all victims of sexual assault have seven years** to pursue civil action against the person who harmed them. Adult survivors of childhood sexual abuse have until the **age of 55** to bring a civil case *or seven years* from the time that they became aware that their trauma is linked with financial harm. The law also creates a **one-time, two-year look-back window** that allows survivors to bring lawsuits that were time-barred under the previous statute of limitations. The window took effect on **December 1, 2019**.

### ▶ statute of limitations:

determines the amount of time a person has to pursue legal action against the individual(s) or entity that caused them harm.

## HOW TO FILE A CIVIL LAWSUIT

Consulting with a qualified lawyer can help you navigate the challenges presented by litigation.

- For free referrals to attorneys for consultation, call the **National Crime Victim Bar Association** at (844) LAW-HELP or visit [victimsofcrime.org/our-programs/national-crime-victim-bar-association/for-victims](https://victimsofcrime.org/our-programs/national-crime-victim-bar-association/for-victims)
- For information about low-cost or pro bono civil legal assistance, contact your local legal services program at [LSNJ.org/LegalServicesOffices](https://LSNJ.org/LegalServicesOffices)

Once you have obtained legal representation, they will help you decide who to sue and which claims to bring against the defendant(s).

### ADDITIONAL RESOURCES:

- "A Survivor's Guide to Filing a Civil Lawsuit" by the Washington State Coalition of Sexual Assault Programs
- "Civil Justice for Victims of Crime in New Jersey" by the National Crime Victim Bar Association

# WHY WAS EXPANDING THE CIVIL STATUTE OF LIMITATIONS IMPORTANT?

Delayed reporting is common for survivors of sexual violence. One national study of female adult survivors of child sexual abuse found that nearly half did not disclose the abuse to anyone for over five years.<sup>1</sup> Another study using data from a sexual assault hotline found that the average age of callers reporting child sexual abuse was 52 years old.<sup>2</sup> Research demonstrates that adult survivors of sexual violence also often delay reporting.<sup>3</sup>

Sexual assault takes a financial toll on survivors. A 2017 CDC study found that the lifetime cost for sexual violence is \$122,461 per victim.<sup>4</sup> Research further shows that victimization in adolescence can lead to reduced income in adulthood, with an estimated lifetime income loss of \$241,600 for survivors of sexual abuse during adolescence.<sup>5</sup>

By extending the civil statute of limitations for sexual assault, New Jersey recognizes this reality of delayed reporting and maximizes opportunities for victims to pursue justice and seek compensation for the financial impacts of sexual assault.



CRIMINAL CASE	CIVIL CASE
Goal is to hold the defendant accountable to the <i>state</i> .	Goal is to hold the defendant accountable to the <i>survivor</i> .
State prosecutes and controls the case.	Survivor initiates and controls the case.
Victim is a witness and does not have the right to direct the prosecution of the case or to veto the prosecutor's decisions.	Survivor is a part of the case and entitled to all important information relating to the case and can make decisions about the direction of the case, such as a settlement of a claim.
Defendant is presumed innocent until proven guilty.	Both parties appear before judge as equals.
If defendant is found guilty, they are subjected to punishment such as probation or prison. The survivor will not obtain money unless the court orders the defendant to pay restitution for the victim's out-of-pocket expenses. The court cannot order restitution for non-economic damages.	If the defendant is found liable, they will owe an obligation to the survivor, such as money to compensate for medical and therapy expenses, psychological damage, damage to family relationships, and lost wages. The court can order the perpetrator to pay for non-economic damages, such as pain and suffering.

Table adapted from the National Center for Victims of Crime

## REFERENCES

<sup>1</sup> Smith, D., Letourneau, E., Saunders, B., Kilpatrick, D., Resnick H., & Best, C. (2000). Delay in disclosure of childhood rape: results from a national survey. *Journal of Child Abuse & Neglect*, 24(2).

<sup>2</sup> Spröber, N., Schneider, T., Rassenhofer, M., Seitz, A., Liebhardt, H., & König, L. (2014). Child sexual abuse in religiously affiliated and secular institutions: a retrospective descriptive analysis of data provided by victims in a government-sponsored reappraisal program in Germany. *BMC Public Health*, 14(282).

<sup>3</sup> Archambault, J., & Lonsway, K.A. (2019). *Dynamics of sexual assault: What does sexual assault really look like?* End Violence Against Women International.

<sup>4</sup> Peterson, C., DeGue, S., Florence, C., & Lokey, C. N. (2017). Lifetime economic burden of rape among U.S. adults. *American Journal of Preventive Medicine*, 52, 691-701.

<sup>5</sup> MacMillan, R. (2000). Adolescent victimization and income deficits in adulthood: Rethinking the costs of criminal violence from a life-course perspective. *Criminology*, 38, 553-588.

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The New Jersey Coalition Against Sexual Assault (NJCASA) is the statewide organization representing 21 county-based rape crisis centers and Rutgers University's Office for Violence Prevention and Victim Assistance. NJCASA elevates the voice of survivors and service providers through advocacy, training, and support for efforts to create safer communities for all people.

