



## NYS Child Victims Act 2019

On February 14, 2019 the New York State Child Victims Act was signed and immediately went into effect. It creates new opportunities in the civil court system and the criminal court system for victims to pursue justice.

### What does the Child Victims Act change about the law?

- For victims who are interested in **criminal prosecution**:

The statute of limitations (**length of time when criminal charges can be filed**) has been **extended for victims of mid- and lower-level felonies** for any crimes occurring after February 14, 2019. There is **still no statute of limitations on the most serious felony sexual crimes against children**; victims can come forward to law enforcement at any age.

#### Before the Act:

Before, victims of child sexual abuse could only bring criminal charges against abusers until the victim turned 23 years old.

#### After the Act:

Now, **victims can be up to 28 years old and still bring criminal charges against their abusers.**

- For victims who are interested in pursuing **civil lawsuits**:

Victims can **now bring civil lawsuits against people and the institutions that protected/ supported/defended them until the victim turns 55 years old** for abuse that occurred after February 14, 2019. In addition, **for all victims whose cases would otherwise be too old to sue, the CVA opens up a one-year, one-time-only window to file a civil lawsuit**, regardless of how long ago the abuse happened. This **look-back period opens August 14, 2019 and closes January 14, 2021.**

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## What's the difference between criminal and civil?

### CRIMINAL

- In a criminal court, a victim can only bring the complaint against a particular perpetrator to law enforcement and request prosecution. The victim does not decide whether the case gets filed or whether the perpetrator gets a plea deal or whether it goes to trial or not. The victim does not need an attorney because the District Attorney prosecutes a case, if it is determined by law enforcement and/or the DA to have enough legal merit to proceed. Criminal charges can generally not be brought against an institution like a school or a religious institution; they have to be brought against a person or people individually. The only remedy in a criminal prosecution is some kind of criminal sentence, like probation or jail or prison.

### CIVIL

- In a civil court, a victim can file his or her own action against the perpetrator, usually with the help of an attorney. The victim decides what the complaint includes and doesn't include, and how the case proceeds, including whether a settlement will be offered or accepted. A victim usually hires an attorney to file and pursue the civil case, but typically the victim does not pay the attorney up front or as the case goes on. Typically a lawyer would offer a consult with a client (often for free) to hear about the case and then the lawyer would have the choice of whether or not to accept the case for representation. If the lawyer takes the case, typically the lawyer is paid on a contingency basis, which means that the lawyer only gets paid if and when the victim gets a settlement or a verdict at trial. Typically an attorney working on contingency will take one-third (33%) of the total settlement or verdict amount. If the victim's case is not successful, the attorney does not get paid. Victims can sue individual people and can also sue institutions such as schools and religious institutions. The only remedy of a civil lawsuit is a money judgment.

## How can Vera House help?

- Help finding an attorney to represent victims in civil cases: [The Legal Project at Vera House, Inc.](#) has trained local attorneys about abuse as well as how to represent survivors in a trauma-informed way (see Civil Attorney Preferred Providers info sheet).
- [Advocacy Services](#) - Vera House advocates can provide emotional support, accompaniment to court or to appointments with other service providers, and provide safety planning.
- [Clinical Services](#) - Vera House therapists are available to see clients for therapy.
- [Survivors' Network](#) - a group of survivors and staff who are committed to giving voice to all survivors and victims of sexual and domestic violence through community presence, advocacy, education, peer support and engagement while honoring all lived experiences Contact [survivorsnetwork@verahouse.org](mailto:survivorsnetwork@verahouse.org).

If you would like more information, please email the Legal Project at [legal@verahouse.org](mailto:legal@verahouse.org)