

Governor Cuomo Signs the Child Victims Act Into Law

On February 14, 2019, Governor Cuomo signed the Child Victims Act into law. This legislation overhauls existing New York law concerning the time in which to bring claims for alleged childhood sexual abuse. It is anticipated that this new law may spur a significant number of lawsuits against entities such as schools, churches, and youth organizations.

Key elements of the new law include:

- An increase to the period of time during which perpetrators may be subject to criminal prosecution;
- The creation of a one-year window of opportunity in which to bring civil lawsuits for childhood sexual abuse claims that had otherwise previously expired under the prior limitations period;
- An increase to the period of time during which victims of childhood sexual abuse may commence a civil lawsuit, allowing such suits to now be brought at any time before the victim reaches 55 years of age;
- The elimination of the normal prerequisite of a “notice of claim” for childhood sexual abuse actions against public entities;
- A requirement for special judicial training with respect to crimes involving the sexual abuse of minors; and
- Authorization for the Office of Court Administration to promulgate new rules and regulations for the timely adjudication of “revived” claims of childhood sexual abuse.

We encourage all clients who may be impacted by this new law to take the following steps:

- Review your entity’s policies, procedures, and regulations regarding the prevention of childhood sexual abuse and the proper reporting of suspected childhood sexual abuse.
- Implement any updated training that may be necessary for staff, administrators, board members and volunteers regarding the prevention of childhood sexual abuse and the proper reporting of suspected childhood sexual abuse.
- Review applicable insurance policies to determine whether your entity has sufficient coverage for current or future claims regarding childhood sexual abuse. It is also important to locate and review old insurance policies in order to identify coverage going back as far as practical, as claims may now be brought that involve allegations dating back several decades. Identifying and communicating with the issuing insurance broker(s) may be helpful in locating applicable insurance coverage.
- Develop a formal protocol for response to claims. For example, there should be designated individuals who will be promptly notified of the claim, and only certain individuals should be authorized to respond to the claim. Prompt engagement of legal counsel is essential to address any such claims.
- Begin to develop a strategy for responding to press coverage in the event that a claim is made or one is reported in the press.

- Review your entity's document destruction policy and discuss the same with your legal counsel.
- Consider whether your entity's board of directors or leadership wants to form a risk committee that can assist in the event that a claim is reported.

Bond will be circulating additional information in the near future regarding this new law, such as additional client information memos or a webinar. We are also assembling a team of Bond attorneys from multiple practice groups (e.g., Litigation, Labor and Employment, School Districts, and Higher Education) who will stand ready to assist you with any questions that you may have regarding this new law.

If you have any questions in the interim, please feel free to contact one of the following Bond attorneys: [Candace J. Gomez](#), [Richard L. Weber](#), [Shelley Sanders Kehl](#), [Charles J. Sullivan](#), [Ingrid C. Palermo](#), [Jonathan B. Fellows](#), [Stephen A. Donato](#), [Monica C. Barrett](#), [Sara M. Richmond](#), or the attorney in the Firm with whom you are regularly in contact.



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