

LITIGATION INFORMATION MEMO

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New York Enacts the Adult Survivors Act

On May 24, 2022, Gov. Kathy Hochul signed the Adult Survivors Act (ASA) into law. The ASA allows victims of sexual abuse that were 18 years or older at the time of the alleged abuse to now commence otherwise time-barred civil suits concerning the abuse.

The ASA amends the New York Civil Practice Laws and Rules to create a one-year lookback window - set to begin on Nov. 24, 2022 – during which adult victims can bring a claim against an abuser or third party for any intentional or negligent acts or omissions causing physical, psychological or other injury. These suits could be related to acts of incest or any sexual offense that falls into the definition of Section 130 of the New York Penal Law.

This legislation comes on the heels of the Child Victims Act, which was enacted in 2019 under Gov. Cuomo. The Child Victims Act (CVA) similarly included a one-year lookback window that was eventually expanded to two years due to COVID-19. By the time the window closed in August of 2021, over 10,000 CVA cases were pending in courts across New York. Because the ASA lookback window allows for filing of any time-barred claim relating to sexual abuse, it is likely that New York will again see a wave of revived claims that are many decades old.

While the CVA resulted in lawsuits against primarily youth-centered organizations such as schools, the ASA will generate lawsuits against businesses and organizations of all kinds. For example, a restaurant may be sued for negligent hiring, supervision or retention of an alleged abuser from 1985; an accounting firm may see a claim of abuse of an employee by a supervisor from 1993. Due to the length of time between the abuse and the filing of the claim, defending these suits can be challenging, and insurance coverage for such claims may be difficult to secure or may not exist at all. It is important that businesses ensure that proper record retention policies are in place to prevent the loss of potentially relevant historical records in anticipation of possible litigation.

The attorneys at Bond are monitoring developments related to this new law and have extensive experience in handling cases of this kind. If you have any questions regarding the ASA or defense of claims brought thereunder, please contact [Michaela Mancini](#) or reach out to any of the experienced attorneys in Bond's [Litigation](#) practice.

