

Durbin, Blackburn Introduce Bipartisan Eliminating Limits To Justice For Child Sex Abuse Victims Act

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WASHINGTON – U.S. Senate Majority Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and U.S. Senator Marsha Blackburn (R-TN) today introduced bipartisan legislation to ensure that survivors of child sex abuse are able to seek justice under the federal civil remedy statute, 18 U.S.C. § 2255, without being barred by statutes of limitation. The *Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2021* would enable survivors who were victims of over a dozen federal child sex abuse offenses to seek civil damages in federal court no matter how long it has taken the survivor to process and disclose the abuse he or she suffered.

“Finally eliminating civil child sexual abuse statutes of limitations will allow survivors to have their day in court and a moment of healing,” Durbin said. “This is commonsense, bipartisan legislation and I encourage my colleagues on both sides of the aisle to support.”

“The statute of limitations for sexual abuse offenses should never prohibit young survivors from getting the justice they deserve,” said Blackburn. “The bipartisan effort to eliminate the civil child sexual abuse statute of limitations is a critical step to guarantee survivors their day in court.”

According to CHILD USA, the National Think Tank for Child Protection, data suggests that 86 percent of child sexual abuse goes unreported. For victims who do report their abuse, “delayed disclosure,” or the tendency of survivors of child sex abuse to wait for years before disclosing abuse to others, is common. One study of more than 1,000 survivors found that the average age of survivors at the time of disclosure was about 52 years old.

Historically, delayed disclosure has impacted survivors’ path to justice. Survivors often were barred from civil and criminal remedies at the time they disclosed their abuse due to statutes of limitations (SOLs) that did not take into account evidence regarding delayed disclosure. In recent years, however, many states have expanded opportunities for victims to access justice by lengthening SOLs. Since 2002, 48 states and Washington D.C. have amended their child sex abuse laws to expand or eliminate SOLs in varying degrees.

Under current federal law, no statute of limitations bars the prosecution of criminal offenses involving child sex abuse anytime while the child victim is alive or 10 years after the offense, whichever is later. However, statutes of limitations remain an obstacle for survivors under the federal civil remedy statute. While Congress in 2018 lengthened the SOL for federal civil child sex abuse claims until the victim reached age 28 or until 10 years from the discovery of the violation or injury, this SOL still does not reflect the current state of research on delayed disclosure.

“Bravo to Senator Durbin and Senator Blackburn on their bill to eliminate the statute of limitations for child sex abuse claims under § 2255. The science of traumatology is clear – it takes years for victims to come forward. As a survivor of child sexual abuse, I know well the silencing effects of fear, shame, anxiety, and PTSD. Child sexual abuse is at epidemic proportions with 1 in 5 girls and 1 in 13 boys being abused before their 18th birthday. We are amid a national movement to reform statute of limitations. This bill will honor basic notions of justice, it will prevent re-victimization of brave survivors while holding wrongdoers fully accountable. By addressing the unintended effects in 18 U.S. Code § 2255 that protects predators, victims can take a steady step towards healing,” said Kathryn Robb, Esq., Executive Director, CHILD USA Advocacy, and survivor of child sexual abuse.

“As the leading organization working to eliminate child sexual abuse statutes of limitations, CHILD USA enthusiastically supports Senator Durbin and Senator

Blackburn on their bill to eliminate the statute of limitations for child sex abuse claims under section 2255. A wave of statute of limitations reform has swept the States, in recognition of the reality that it takes many victims decades to come forward. Instead of being forced into court or missing their opportunity altogether, this change will allow victims of child abuse to bring claims when they are ready,” said Professor Marci Hamilton, CEO & Founder, CHILD USA.

Along with Durbin and Blackburn, the legislation is cosponsored by Senators Dianne Feinstein (D-CA), John Cornyn (R-TX), and Patrick Leahy (D-VT).

The legislation is endorsed by the following organizations: CHILD USA, RAINN, National Center for Missing and Exploited Children (NCMEC), and National Alliance to End Sexual Violence (NAESV).