Sexual Abuse of Children is a Public Health Epidemic

The Minnesota Department of Health 2013 Adverse Childhood Experiences (ACE) study shows that 10 percent of Minnesotans were sexually abused as children. Research indicates that survivors of childhood sexual abuse have an increased risk as adults of alcohol and substance abuse, depression, anxiety, eating disorders, posttraumatic stress and suicide. It can take several decades before victims recognize the abuse, recognize how they were harmed by the abuse, or simply find the strength to come forward. Those that do come forward find themselves barred by the legal technicality of a woefully short and arbitrary statute of limitation.

Giving Victims a Chance to Seek Justice

The Minnesota Child Victims Act makes it easier for victims to seek justice by allowing Minnesotans who were sexually abused as children to bring civil lawsuits at any time against their abuser or the institution that facilitated the abuse, no matter how long ago it occurred. This new law encourages victims of child sex abuse to come forward and potentially identify abusers who have never been caught and are still abusing children.

Victims would still have to prove that the abuse occurred, and, if applicable, that another person or organization who wasn’t the abuser is legally responsible, but would take away the arbitrary statute that perpetrators and those that protect them often use as a shield to hide behind.

Minnesotans are Concerned about Child Sexual Abuse

According to a recent survey by the National Center for Victims of Crime, more than three out of four Minnesotans are concerned about child sexual abuse. Sixty-three percent of Minnesotans believe child sexual abuse victims should have the right to directly sue their abuser or the institution that facilitated their abuse at any time.

“Child Sexual Abuse is a crime shrouded in shame and secrecy. Nearly every state recognizes the unique nature of sex abuse and has special laws for holding accountable perpetrators and other responsible parties. Eliminating the civil statute of limitations will allow all victims to be heard and to seek justice.”

–Kathleen Blatz,
Former Chief Justice of the Minnesota Supreme Court

Pass the Minnesota Child Victims Act.


www.VictimsofCrime.org/MN-ChildVictimsAct
Changing the criminal statute of limitations is not enough

- Criminal prosecutions can put abusers behind bars, but do nothing to hold the institutions that allowed the abuse to occur accountable.
- The U.S. Supreme Court ruled that it is unconstitutional to retroactively change the criminal statute of limitations. Only the civil statute of limitations can be changed retroactively.
- Eliminating the criminal statute of limitations only applies to acts of child sex abuse that occur after the law takes effect, and victims may not be ready to disclose the abuse for decades.
- Eliminating the civil statute of limitations for past sexual abuse cases allows survivors to come forward and identify abusers who have never been caught and may still be abusing kids. As a result, others currently experiencing abuse may be encouraged to come forward and those victims may still be under the protection of the criminal statute of limitation.

What have other states done to protect kids?

- 41 states recognize the unique nature of child sex abuse cases and have a separate statute of limitations for child sex abuse lawsuits
- Alaska, Delaware, Florida and Maine eliminated the civil statute of limitations for child sexual abuse, allowing victims to seek justice at any time, from the moment the law was enacted
- California, Delaware and Hawaii created a short-term window, allowing child sex abuse lawsuits to be filed no matter how long ago the abuse occurred, as long as the file date is within the window

History

A statute of limitations is like a legal stopwatch: when does the clock start ticking and when does the time to file a lawsuit run out? In 1989, Minnesota passed a law that started running the clock once the victim recognized that the harm they suffered was caused by child sex abuse. In 1996, the Minnesota Supreme Court interpreted that statute to mean that a child who is sexually abused immediately knows they are injured, and thus, has only until they are 24 years-old to file a lawsuit.