



Courageous Conversations, Critical Choices

WHAT THE DC SEXUAL ABUSE STATUTE
OF LIMITATIONS AMENDMENT ACT
MEANS FOR YOU

The Zero Abuse Project Thanks
At-Large Councilmember David Grosso
for being a champion for kids

Forum Objectives

Understand prevalence and dynamics of child sex abuse

Explore basic remedies for survivors under criminal and civil systems

Review statutory changes under the CVA

Appropriate role of victim-serving professionals

Informational and referral resources

SHARE YOUR THOUGHTS ON SOCIAL MEDIA: **#CVATalks & @ZeroAbuseProj**

During the presentation take out your phone and post:

- Interesting facts, statistics, and takeaways;
- Photos from the event;
- Key quotes;
- Any questions you have;
- And more!

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@ZeroAbuseProj



facebook.com/zeroabuseproj

About Zero Abuse Project

Committed to transforming institutions in order to effectively prevent, recognize, and respond to child sexual abuse

OUR PROGRAMS :

- Child Advocacy Studies (CAST)
- Child First
- Jacob Wetterling Resource Center (JWRC)
- Zero Abuse Project at Mitchell Hamline School of Law
- Voces Latinas

Our Speakers

Jeff
DION

Al
CHESLEY

Co-Director of Legal Programs
Kristin
ELIASON

Definitions of Child Sex Abuse

Any sexual contact with a minor, committed by a man, woman or juvenile.

As a matter of law, children lack the legal capacity to consent to sex.

Prevalence of Child Sex Abuse

UNH Crimes Against Children Research Center reports that **1 in 4 girls** and **1 in six boys** will be a victim of sexual abuse before they turn 18.

A 2007 Virginia Dept. of Health study found that **25%** of those surveyed were **victims of childhood sex abuse.**

The US Dept. of HHS reported that in 2017 alone, **XXXX DC children** were sexually abused.

Who are the Perpetrators?

Most is committed by family and household members since they have the greatest access (Parents, step-parents, grandparents, older siblings, mom's boyfriend, etc.)

Someone the child trusts or who is in a position of authority

Abusers who do not have access to kids seek out jobs or volunteer activities that give them access to kids.

Smallest percentage are committed by strangers

What is the impact?

Abuse survivors are more likely to abuse or be addicted to drugs, alcohol, sex, etc.

Higher incidence of depression, suicide and posttraumatic stress

Family and relationship dysfunction

Often the harm does not manifest until adulthood

Understanding Delayed Disclosure

Kids are forced into secrecy with shame.

They fear they won't be believed.

Perpetrators threaten victims, victims' families, even their pets.

Kids don't know that they have been harmed.

Dynamics of abuse

Predators groom victims by gaining their trust and slowly escalating the manner and incidence of touching.

Children lacking attention or close adult relationships may be vulnerable to “special attention” from a perp, which can also isolate the victim from other children.

Abuse of groomed children is usually coerced rather than forced.

Coerced sex leads to shame because victims believe since they were not physically forced, they are at fault.

Where is abuse occurring and why is that important?

- In the home
- Schools & camps
- Faith Communities
- Youth Sports
- Youth-serving organizations
- Performing Arts
- Criminal Justice System
- In the course of medical/mental health treatment
- Particular vulnerabilities of children with disabilities

Two Systems Of Justice

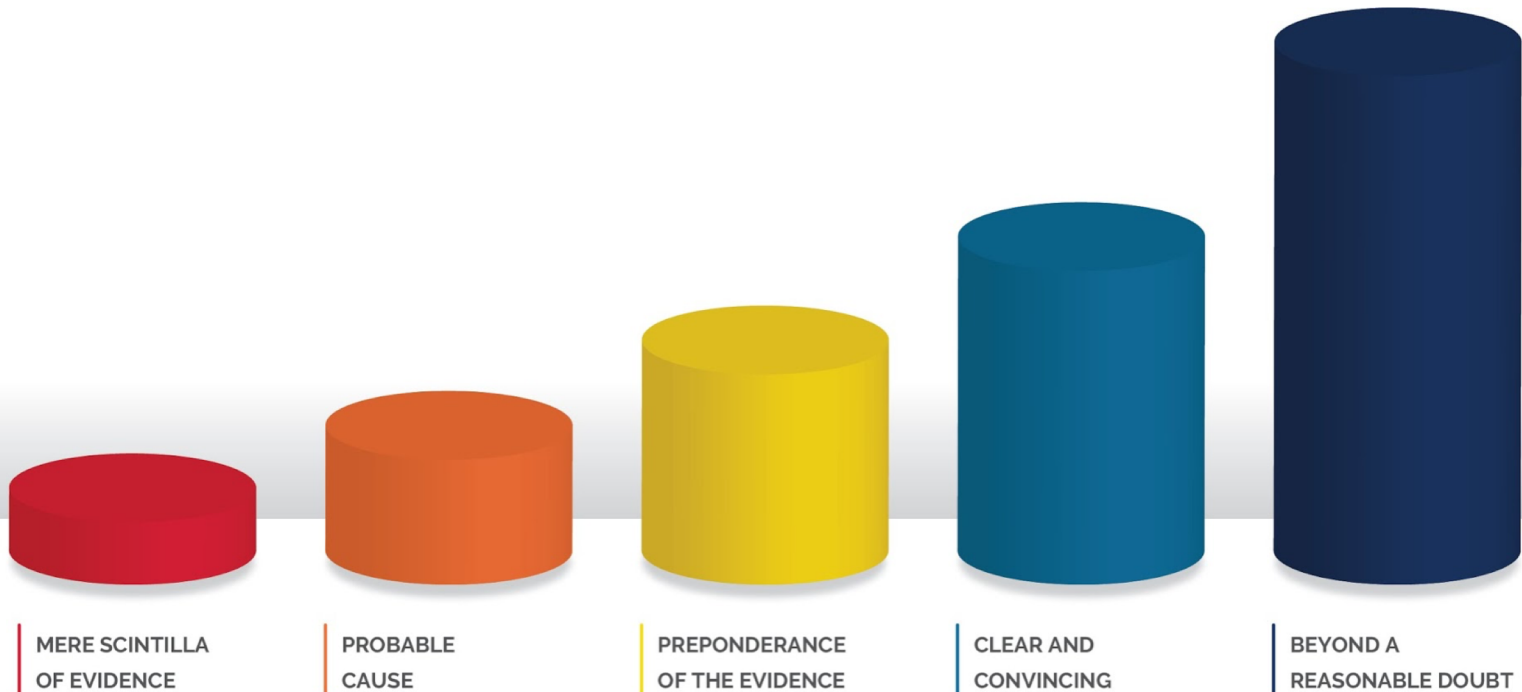
CRIMINAL

- *Offense against the state*
- *Usually a violation of statute*

CIVIL

- *Offense against an individual*
- *Usually a violation of common law*

Standards Of Proof



What is a Statute of Limitations?

A statute of limitation is like a legal stopwatch that counts down the time to file criminal charges or a civil lawsuit. It is important to know when the clock starts ticking, when the clock stops ticking and whether anything restarts the clock.

Criminal cases and civil cases have separate statutes of limitation.

If a case is filed after the statute of limitations has expired it will be dismissed.

Old Statute of Limitations for Criminal Sexual Abuse in DC

For adult sexual abuse:

- 1st and 2nd degree sexual abuse: 15 years
- 3rd and 4th degree sexual abuse: 10 years

For child sexual abuse:

- 1st and 2nd degree child sexual abuse: 15 years, starts when victim turns 21.
- Recording child pornography: 10 years
- 1st and 2nd degree sexual abuse of a ward, patient, or client: 10 years, starts when victim no longer ward, patient, client
- Incest: 10 years, starting when the victim turns 21.

Unlisted felonies: 6 years. Unlisted other crimes: 3 years.

Sexual Abuse Statute of Limitations Amendment Act of 2018

No Statute of Limitations for:

- 1st degree sexual abuse
- 2nd degree sexual abuse
- 3rd degree sexual abuse
- 4th degree sexual abuse
- Incest
- 1st and 2nd degree sexual abuse of:
 - a child
 - Minor
 - secondary education student
 - ward/patient/client/prisoner

Applicability:

"Shall apply to an offense committed before, on, or after the effective date of this act, unless the statute of limitations for the offense expired before the effective date of this act."

EFFECTIVE DATE: MAY 3, 2019

Additional Provisions

- Police must keep evidence related to sex offenses for 65 years from the date of first reporting to law enforcement.
- Some sex offenses still have a statute of limitation window of 10 years. For example: sex trafficking of children, abducting or enticing a child for prostitution, causing a spouse or partner to live in prostitution. However, for many of these, the SOL does not begin until the victim turns 21.
- For a list of all the sex offenses with this statute of limitations, consult DC Code § 23–113 (a)(3).

Which version of the law applies?

- The law that was in place *at the time of the crime*.
- Time begins to run the day after the offense was committed.
- This means if the statute of limitation has run out, it **cannot** be restarted. The police and prosecutors cannot investigate the crime and bring charges.

Civil Statute of Limitations

BEFORE THE DC SEXUAL ABUSE
STATUTE OF LIMITATIONS
AMENDMENT ACT

A civil lawsuit against the perpetrator had to be filed **before age 25 or 3 years since the victim discovered the abuse.**

Civil Statute of Limitations

AFTER THE DC SEXUAL ABUSE STATUTE OF LIMITATIONS AMENDMENT ACT

The amendment expands civil law suits to any sexual abuse not just acts of sexual abuse that occurred while the victim was a minor.

A civil lawsuit against the perpetrator or a negligent institution may be **filed before the victim reaches age 40 or 5 years from when the victim discovered the abuse.**

The amendment creates a **2-year window—open May 3, 2019 to May 3, 2021—**for previously expired claims of abuse as long as the **victim is still under 40 years old or within 5 years of when the victim discovered abuse.**



The Civil Window
is open **NOW** until
May 3, 2021

Who does the amendment apply to?

Anyone sexually abused as a child in the District

Role of Victim Service Professionals

The cornerstone
of increasing
awareness

Advise victims of
opportunity for:

- Accountability
- Child Protection
- Healing
- Information
- Compensation

Point them to
more information
for an informed
choice



| RESOURCES

National Sexual Assault Hotline

National Sexual Assault Hotline - No matter the stage of recovery, confidential, anonymous support is available 24/7 for survivors and loved ones.

Call: **1.800.656.HOPE**

Chat: **hotline.rainn.org/online**

National Crime Victim Bar Association Attorney Referral Service

Certified by the American Bar Association, NCVBA offers a referral service for survivors who would like to pursue civil suits. Referrals are based on type of case and location. Each survivor will be offered three referrals.

www.victimbar.org/referrals



**Office of Victim Services
and Justice Grants**



The mission of the Office of Victim Services and Justice Grants (OVSJG) is to develop, fund, and coordinate programs that improve public safety; enhance the administration of justice; and create systems of care for crime victims, youth, and their families in the District.

OVSJG funds a robust network of services for victims/survivors of sexual violence, including:

- crisis intervention
- medical forensic care
- advocacy
- counseling/therapy
- legal assistance

Mission



The DC Victim Hotline provides free confidential, around-the-clock information and referrals for victims of all crime in the District of Columbia.

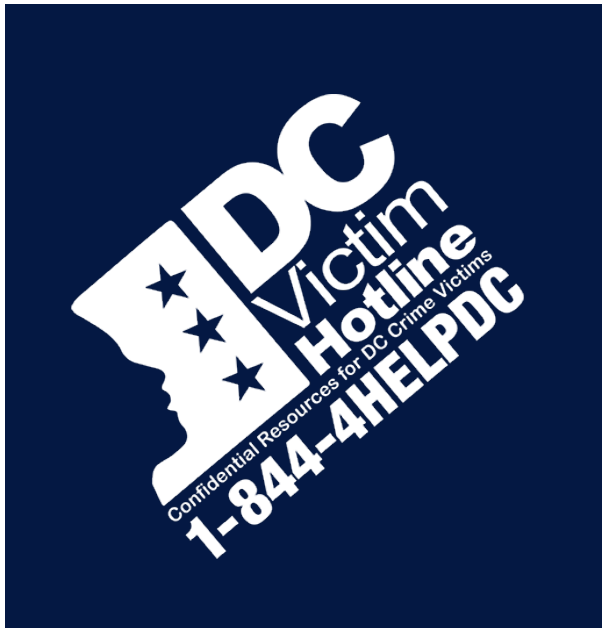


844-4HELPDC (844-443-5732)



www.dcvictim.org

DC Victim Hotline



844-4HELPDC
(844-443-5732)

www.dcvictim.org



DC Victim Hotline



www.vlndc.org

A network of legal service providers in DC that provide legal assistance to victims of crime. The network provides victims of crime with access to 16 different legal service organizations that can provide legal help in a variety of issues including (but not limited to) family law, immigration, and crime victims' rights.

Victim Legal Network of DC

Other Resources

For criminal assistance

The Network for Victim Recovery of DC

www.nvrdc.org

The Right Attorney

- | Has litigated child sex abuse cases against similar perpetrators and institutions
- | Understands the victim's needs and won't make it worse
- | Builds networks
- | Is the one who is right for that individual survivor

Considerations when hiring an attorney

Good clear communication is key

Understand all the details
of the retainer agreement

Case should be on a contingency,
don't give a lawyer any money

Consult with several lawyers
before selecting one



**Office of Victim Services
and Justice Grants**



nvrdc

Network for Victim Recovery of DC

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ZeroAbuseProject.org

