

THE CHILD VICTIMS ACT – WHAT SHOULD YOU BE DOING NOW?

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The Child Victims Act was passed by the New York State Legislature and signed by Governor Cuomo on February 14, 2019. Among other things, this legislation revived, for a one-year period, any civil actions alleging sexual offenses which were previously barred by the existing statute of limitations. The one-year window period for revival of such claims opens today (August 14, 2019).

As we previously noted in our client alert issued March 18, 2019, there are a number of immediate practical implications that school districts should consider in order to prepare for potential claims.

First, if there is any institutional knowledge of any alleged conduct involving sexual offenses, your district should pull together any materials regarding the student(s) and staff member(s) involved and retain such records in a secure spot.

Second, your district should discontinue any routine document destruction policies that relate to student or staff records, as you now have reason to retain everything until the one year window has closed.

Third, to get ahead of any potential claims that may be threatened or presented against your district, you may wish to go through your historical records to try to identify every insurance carrier the district has had, going back as far as you are able.

Of course, should you be presented with a threatened or actual claim, the appropriate carrier(s) must be immediately notified. In addition, there are additional specific actions that may be appropriate based on the particular circumstances of any such claims or threatened claims.

Please contact one of the attorneys listed in this alert if you have any questions regarding this legislation or if you would like to further consider your district's approach to preparing for potential claims.

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