

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

Hodgson Russ Education Alert
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As communities struggled to cope with the fallout, the COVID-19 Pandemic ushered in a new era of government action. Since the COVID-19 crisis began, Governor Cuomo has exercised his Executive Powers with broad and far reaching effect. Noted in our previous alerts [here](#) and [here](#), the initial one-year revival window to file a civil action alleging sexual offenses which were previously barred by the existing statute of limitations was set to close August 14, 2020. The deadline to file claims has now been extended by Governor Cuomo until August 14, 2021.

At the outset of the pandemic Governor Cuomo issued a series of Executive Orders which significantly curtailed the courts, including the prohibition of individuals filing new civil actions deemed “non-essential.” Child Victims Act actions fell into the non-essential category. Recognizing the potential prejudice to victims, in early-May Governor Cuomo signed Executive Order 202.28, which, among other things, extended the time to file a Child Victims Act suit by an additional five months to January 14, 2021. The extension exceeded by three months the duration the courts were closed to new actions.

With the New York State Legislature returning to session, the houses have taken up a series of issues in response to the COVID-19 pandemic. Last week both the Assembly and Senate passed legislation providing victims additional time to file Child Victims Act claims by extending the CPLR 214-g window from August 14, 2020 to August 14, 2021. While the extension provides a reprieve to those victims whose ability to file a suit was curtailed during the pandemic, this action in effect extends the period of uncertainty for those entities and institutions against which a suit may be filed. Faced with an additional 14 months of such uncertainty, it is now more important than ever for potential defendants to be as proactive as possible, as detailed in our previous alert [here](#).

Please contact Seth Calleri (716.848.1639) or Julia Hilliker (716.848.1547) 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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