

Assembly Bill 452

Justice for Survivors Act

Assemblymember Dawn Addis & Senator Nancy Skinner

SUMMARY

AB 452 removes the statute of limitations for civil cases involving the sexual abuse of a minor, therefore allowing survivors to seek justice years later. **AB 452** thus establishes parity for state law with existing federal law in California.

BACKGROUND

Statutes of limitations exist for both civil and criminal [causes of action](#), and begin to run from the date of the injury, or the date it was discovered, or the date on which it would have been discovered with reasonable efforts. Historically, statutes of limitation (SOLs), the arbitrary deadlines for prosecuting crimes and filing civil claims, have been unfairly short.

In California, the length of the statute of limitation varies depending on the act or crime committed. In the case of sexual abuse, the minimum standard is 10 years. In 2019, California passed [AB 218 \(Gonzalez\)](#) which extended the statute of limitations for survivors of child sexual abuse to allow survivors to take civil action against their abusers up to the day they turn forty years old. The bill also included a provision allowing survivors who were already above the age limit to sue their abuser within three years of the bill's passage.

Therefore, for acts of abuse against minors, a survivor typically has until their [40th birthday](#) to file suit against any person who sexually assaulted them or entity that was negligent or engaged in concealing this abuse (Code of Civil Procedure, Section 340.1).

PROBLEM

For millions of survivors, the SOLs on their claims expired long before they were able to come forward to seek justice. Short SOLs have kept the truth from the public by silencing survivors and perpetuating the harm caused by their abusers.

For most survivors, disclosing their abuse is a long and painful process. Numerous factors prevent children from reporting their abuse including: the inability to recognize they were abused; feelings of shame; lacking trusted adults and opportunities to

disclose; fear of additional victimization and/or not being believed; etc. Even once survivors become adults, various societal, institutional, and psychological barriers impede their ability to report their abuser. This unfortunately results in the vast majority of survivors never disclosing their abuse.

Most survivors therefore miss the deadline to obtain justice because trauma affects them in a way that causes them to delay disclosure of their abuse until they are older. According to [Child USA](#), over half of Child Sex Abuse (CSA) survivors first disclose they were abused at age 50 or older. Another [study](#) suggests that 44.8% of adult survivors of CSA never disclose abuse.

SOLUTION

It is an unacceptable tragedy that victims of abuse are unable to hold their abuser accountable simply because the law arbitrarily says their time to report has run out. **AB 452** ends California's arbitrary civil statute of limitations for minors who have experienced sexual abuse and removes barriers that prevent survivors from seeking justice against their abusers and the institutions that concealed or ignored their claims.

Last year, President Joe Biden signed the [Eliminating Limits to Justice for Child Sex Abuse Victims Act](#), which removed statute of limitations for people who were sexually abused as minors to file civil claims in federal courts. Subsequently, numerous states, including Alaska, Delaware, Maine, and Utah have eliminated the statutes at the state level.

With **AB 452**, California will join the federal government and others in taking action for survivors. This will codify a survivor's right to justice, regardless of their age or how long it took them to come forward. In doing so, California will stand with all survivors, at all ages.

SUPPORT

Child USA
SNAP Network

CONTACT

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