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Childhood sexual-abuse cases

Making sure victims are protected by the Legislature

By Nancy Peverini & Jacquie Serna

The 2025 California Legislature is currently examining a critical policy issue: how to balance the legal rights of children who have suffered abuse in schools with the fiscal impact of settlements and judgments on public entities. While many cases, including those revived under extended statutes of limitation, are covered by insurance, there is growing legislative concern regarding the financial burden on school districts. In response, the Legislature commissioned a report by the Fiscal Crisis and Management Assistance Team (FCMAT), released on January 31, 2025. The report has been widely disseminated and calls for an evaluation of a "victims' compensation fund" as well as deferred payment of claims for up to 20 years.

Consumer Attorneys of California has criticized the FCMAT report, highlighting the historical inefficacy of victims' compensation funds in adequately addressing victims' needs. Additionally, CAOC has expressed concern that delayed payments would significantly disadvantage plaintiffs, many of whom have already endured protracted delays in seeking judicial relief. The focus, CAOC argues, should be on preventing abuse and addressing the distinct needs of victims.

The California Legislature has consistently affirmed the rights of childhood sexual assault survivors to seek redress in the courts. In 2019, the Legislature passed Assembly Bill 218 (Gonzalez), which extended the statute of limitations for childhood sexual assault claims and temporarily revived previously time-barred claims. Specifically, AB 218 (Gonzalez, Chap. 861, Stats. 2019) amended California Code of Civil Procedure (C.C.P.) section 340.1 to establish a three-year "lookback window," effective January 1, 2020, allowing the revival of civil claims that had been previously barred due to expired statutes of limitation, claim presentation deadlines, or other time restrictions. (Code Civ. Proc., § 340.1, subd. (q).)

This legislative amendment provided survivors with an unprecedented opportunity to pursue civil justice, particularly in the wake of the #MeToo movement and the increased public awareness of the systemic nature of childhood sexual abuse. In addition to the revival window, AB 218 extended the statute of limitations for claims arising from childhood sexual abuse. Under the revised C.C.P. section 340.1(a), a survivor may bring a claim at any time before reaching the age of 40, or within five years from the date of discovery that the psychological injuries sustained in adulthood were caused by childhood sexual abuse, whichever occurs later. Prior to AB 218, the statute of limitations capped the age at 26, and the discovery rule provided only a three-year window.

Recognizing the unique barriers survivors face in reporting abuse, many states have moved toward abolishing statutes of limitation for childhood sexual assault claims. At least 15 states and two U.S. territories have eliminated statutes of limitation for civil actions involving childhood sexual assault, while 33 states, including California, have enacted revival windows for such claims.

Revival statutes serve three primary legal and policy objectives: (1) identifying previously concealed child predators and holding institutions accountable, thereby preventing future abuse; (2) shifting the financial burden from victims and taxpayers to the individuals and entities responsible for the abuse; and (3) fostering public awareness about the prevalence, indicators, and impact of childhood sexual abuse to aid in its prevention. At the federal level, the passage of the Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022, signed into law by President Biden, abolished the statute of limitations for federal childhood sexual assault claims. Similarly, California's AB 452 (Addis) eliminated the statute of limitations for civil claims arising from abuse occurring on or after January 1, 2024.

Litigation involving childhood sexual abuse claims against school districts presents unique complexities, necessitating meticulous attention to evolving statutes and survivor-centered legal strategies. While policy reforms aimed at financial sustainability merit discussion, any proposed solutions – such as victims' compensation funds or deferred payment structures – must be scrutinized to ensure they do not compromise the legal rights of survivors or diminish institutional accountability. Moving forward, the legal community must advocate for systemic reforms that prioritize survivor protections while ensuring that liable entities are held responsible for their role in perpetuating abuse.


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