

NEW YORK PASSES THE ADULT SURVIVORS ACT – EVERY ORGANIZATION SHOULD PREPARE NOW

Hodgson Russ Business Litigation Alert
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On May 24, 2022, Governor Hochul signed the [Adult Survivors Act](#) into legislation. Much like the Child Victims Act, the Adult Survivors Act creates a one-year lookback window for survivors of sexual assault, but this time the window applies to anyone who was 18 or older. Individuals will now be permitted to sue abusers, as well as employers or institutions associated with the abuser, even if the statute of limitations on those claims have previously expired.

The Adult Survivors Act revives claims for individuals who suffered physical, psychological, or other injuries as a result of sexual offenses, as defined under Article 130 of the Penal Law; or, as a result of incest, as defined in Sections 255.26 or 255.27 of the Penal Law. Sexual offenses include, but are not limited to, sexual misconduct, rape, and sexual abuse. The claims can be brought against the person who committed the sexual assault, as well as the person's employer, for negligent or intentional acts. This means any individual, institution, or company can now be sued for any sexual offense committed against an adult no matter how long ago the assault occurred.

The one-year window will open on November 24, 2022. The time to start preparing for these claims is now.

When the window for the Child Victims Act opened in 2019, it resulted in more than 10,000 lawsuits being filed, according to the Office of Court Administration. The Adult Survivors Act is anticipated to generate as many or even more lawsuits than the Child Victims Act. Hodgson Russ has defended more than one hundred Child Victims Act cases over the past two years which makes our team uniquely poised to handle the next wave of litigation under the Adult Survivors Act.

Companies and institutional defendants should begin preparing now by identifying all historical insurance policies, witnesses, and relevant records. For assistance in readying your company or institution for the opening of this window, please contact [Julia M. Hilliker](#) at 716.848.1547 or by email, jhillike@hodgsonruss.com.

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