

July 10, 2007 - Delaware gives pedophilia victims more time to file lawsuits
By Randall Chase, AP, Dover, DE

DOVER, Del. (AP) - Gov. Ruth Ann Minner on Tuesday signed one of the toughest laws in the nation aimed at protecting the legal rights of victims of child sexual abuse.

The law abolishes Delaware's two-year statute of limitations on personal injury lawsuits for victims of child sex abuse. It also allows a two-year "lookback" period during which lawsuits previously barred by the statute of limitations can be brought anew.

"It will give people time to heal themselves and then take action," Minner said. "This legislation will allow them their day in court to confront their abusers."

While more than 20 states have revised their civil statutes of limitations in response to the church sex abuse scandal within the Catholic church, Delaware has gone the furthest, said Marci Hamilton, a professor at the Cardozo School of Law in New York and an expert on clergy sex abuse.

"Delaware is now the leader of the country," she said.

Delaware is unique in both abolishing the statute of limitations for future abuse cases and allowing a two-year lookback period for past cases that is more generous "than any other state has had the guts to do," Hamilton said.

California was the first state to allow a lookback window, in 2003, but it expired after only one year, she said.

Roughly a dozen other states are considering revising their statutes of limitations, and some are looking at windows of three to five years, Hamilton noted.

The chief sponsors of the legislation, Sen. Karen Peterson, D-Stanton, and Rep. Deborah Hudson, R-Wilmington, said advocacy from victims, their families and support groups such as Voice of the Faithful was critical to passage of the bill.

"This law belongs to the children of Delaware, and to those who as children had no voice," Peterson said. "Now, they have a voice."

Representatives of some nonprofit agencies expressed concern that a provision allowing institutions that employ pedophiles to be sued if they were grossly negligent in allowing the abuse could leave them in financial ruin. But the voices of victims and their supporters carried more weight, Hudson said.

"It was because of the people in this room that we won," she said at the bill-signing ceremony.

Also on hand was Rep. Greg Lavelle, R-Wilmington, who came under criticism by Peterson and others for an unsuccessful amendment to the legislation that would have waived immunity from lawsuits for state and local government entities, including school districts.

As the law now stands, public school teachers can be sued individually for child sex abuse, but their employers may be able to claim immunity in some situations.

After his amendment was defeated, Lavelle introduced a separate bill that was passed by the House but not considered by the Senate before lawmakers adjourned for the year last week. Lavelle said he hopes the Senate will take up the bill when lawmakers reconvene in January.

"It is a real issue," he said, noting that four Delaware public school employees were arrested within the past year and charged with sexually abusing children.