House Democrats Introduce Survivors Empowered Package to Expand Civil Statute of Limitations for all Survivors of Sexual Assault

- Under Michigan law, the civil statute of limitations expires at age 28 for survivors of sexual abuse. Studies have found the average age for childhood survivors to report abuse is age 52, and even adults wait many years before disclosing.

- Michigan House Democrats working with survivors, domestic and sexual abuse advocacy groups introduced legislation to eliminate the civil statute of limitations in cases with a criminal conviction and to extend the statute of limitations to age 48 or seven years from the time the survivor realized they were abused, whichever is later.

- The package would give all survivors who were failed by Michigan's narrow statute of limitations a second opportunity to file claims against their abusers and those responsible by establishing a two-year revival window.

LANSING, Mich., Sept. 22, 2020 — Michigan's civil statute of limitations is among the narrowest in the country. As survivors of sexual assault often do not disclose their abuse until decades after the assault, Michigan House Democrats introduced a bill package to expand the opportunity for all survivors of sexual assault to file civil claims.

Last session, Michigan established a narrow revival window, giving Nassar survivors who had their statute of limitations expire a second chance to file claims within 90 days, but it did not give any other survivors access to justice. Michigan's civil statute of limitations revival law is the narrowest in the entire country by far, according to Child USA, a non-profit group dedicated to protecting children and preventing abuse.

State Reps. **Julie Brixie** (D-Meridian Township), **Laurie Pohutsky** (D-Livonia) and **Nate Shannon** (D-Sterling Heights) introduced a package of bills to ensure all survivors of sexual assault in Michigan receive the justice they deserve. House Bills 6252 (Brixie), 6253 (Pohutsky) and 6254 (Shannon) would eliminate the civil statute of limitations if there is a criminal conviction. It also enables all survivors to file claims against their abusers up to age 48 or seven years from the time the survivor realized they were abused, whichever is later.

The package would give all survivors who were failed by Michigan's narrow statute of limitations a second opportunity to file claims against their abusers and those responsible by establishing a two-year revival window.

“Michigan is the only state to pass a law restricting access to justice for survivors based on who the abuser was,” said Brixie. “It’s not about who committed the abuse. It’s about the those who overcame it. The Legislature should not be dictating which survivors have access to justice. It’s time to empower all survivors.”

Studies have found the average age for childhood survivors to report abuse is age 52, and even adults wait many years before disclosing, according to Child USA. Under current law, the statute of limitations expires at age 28, over two decades before childhood survivors reach the average age of disclosure.

“Fixing our laws is a critical first step. We must make it right for the countless survivors who have been failed by our laws in the past,” said Pohutsky. “Our package would give all survivors a second opportunity to file claims against their abusers and those responsible. No survivor should be left behind, and no abuser should be protected by our laws.”

The Survivors Empowered package is part of the Michigan House Democrats’ Equal Justice for All initiative and is supported by a variety of advocacy groups and survivors, including Rachael Denhollander and Amanda Thomashow.

“For far too long, archaic and outdated legal systems have kept the doors of justice closed to survivors of sexual assault,” said Rachael Denhollander, a survivor, attorney and author who advocated for broader reforms last session. “These laws have allowed abusers to assault young men, women and children with no fear of accountability, knowing that survivors face an often-impossible path to justice. This package of legislation, firmly rooted in the best data, created with the input of a wide range of legal experts and advocates, is an essential step forward for Michigan. The citizens of Michigan, our children, sisters and brothers, deserve access to our court system."

Last week, the introduction of a narrowly focused set of legislative bills only extends the window to seek justice to those abused by doctors. While any sexual abuse must be addressed, it is imperative that all survivors receive the same protections. The bills unveiled are, of course, a step in the right direction for specific cases, but we must broaden that scope and ensure all survivors are afforded those same rights.

"Our laws are a direct reflection of what we value in our society," said Amanda Thomashow, a survivor and activist who founded the non-profit Survivor Strong. "This package sends the message that we, the state of Michigan, recognize that every single survivor deserves the power to decide and define what justice means to them. Though

we still have a long way to go, this is one step closer to a future of healing and justice for all."

“Over the past few years we have unfortunately seen many heartbreaking examples of how our system has failed survivors when it comes to sexual assault,” said Shannon. “We need to do everything we can to encourage reporting and make it as easy as possible for survivors to seek the justice they deserve.”

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For interviews, please contact:
Aneta Kiersnowski
akiersnowski@house.mi.gov
(708) 691-8615