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FACT SHEET: NEW YORK ADULT SURVIVORS ACT

New York's Adult Survivors Act (ASA) was signed into law by Governor Kathy Hochul on May 24, 2022 and went into effect immediately. The Act provides a one-year look-back window for adult victims of sexual misconduct to pursue civil claims against their abusers and those who enabled them, regardless of when the abuse took place. In other words, for a specified one-year period, individuals can file civil sexual misconduct claims even if the applicable statute of limitations – or time for filing such a claim – has long since expired. This includes individuals who previously had their lawsuits dismissed as time-barred – the ASA allows them to sue again.

The one-year look-back period begins on **November 24, 2022** and lasts through **November 23, 2023**.

What Kind of Sexual Misconduct Is Covered by the ASA?

The ASA applies to every civil cause of action alleging intentional or negligent acts or omissions by a person or entity that caused physical, psychological or other injury as a result of conduct that would constitute a criminal offense under Article 130 of New York's Penal Law. Article 130 sets forth approximately 20 sexual offenses, including forcible touching, criminal sexual acts, and rape. For a full list of offenses under Article 130, click [here](#).

There is no requirement under the ASA that an individual pursued criminal charges in the past or that they do so now in order to file a claim. However, the conduct must have occurred in New York State and the victim must have been 18 or older at the time of the misconduct.

Who Can a Lawsuit Be Filed Against?

Claims revived by the ASA can be filed against an individual's direct abuser, and may also be filed against entities who enabled the abuse, including companies, educational institutions, religious organizations, sports clubs, hospitals, and other organizations, for their negligent acts or omissions. Entities may be considered negligent when they knew, or should have known, about the sexual misconduct.

Contact Shihata & Geddes LLP to explore whether you have a viable ASA claim at info@shihatageddes.com or (646) 974-1143.