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Statute of limitations

Justice Paul Pfeifer
Ohio Supreme Court

The question in this case – which involved a young woman named Watkins – was which statute of limitations applied to her claims against the state. Watkins alleged that between April 2, 2000, and April 2, 2001 – while she was in custody at the Scioto Juvenile Correctional Facility in Delaware, Ohio, run by the Department of Youth Services ("DYS") – two employees sexually abused her.

Watkins was about 14 at the time.

On July 31, 2012, Watkins filed a complaint in the Ohio Court of Claims against DYS and the two employees. The court dismissed the two employees from the suit because, according to Ohio law, only state agencies and their instrumentalities can be sued in that court.

DYS moved to dismiss the complaint, asserting that Watkins's complaint was barred by the two-year statute of limitations for civil actions against the state set forth in Ohio law. The court granted the motion, asserting that Watkins's complaint was barred by the two-year statute of limitations for civil actions against the state because she filed her complaint more than two years after reaching the age of majority, or legal age.

The court explained that it is "well-settled that the limitations period set forth" in the pertinent law applies to all actions against the state in the Court of Claims and "takes precedence over all other statutes of limitation in the Revised Code."

Watkins appealed, but the court of appeals affirmed the judgment of the Court of Claims.

After that, she brought her case before us – the Ohio Supreme Court.

Watkins maintained that the Ohio Legislature intended that the limitations period in the pertinent law dealing with child sexual abuse should apply to all claims of childhood sexual abuse, whether the person committing the acts was a private citizen or state employee.

In a case from 1994, called Ault v. Jasko, our court addressed the statute of limitations for sexual-abuse claims in cases where victims of childhood sexual abuse repressed memories of that abuse.

We held that the "discovery rule" applied in such cases.

What is the "discovery rule?"

We explained that the statute of limitations period for sexual abuse in Ohio "begins to run when the victim recalls or otherwise discovers that he or she was sexually abused, or when, through the exercise of reasonable diligence, the victims should have discovered the sexual abuse."

In that case, we determined that the statute of limitations – tempered by the discovery rule – applied to claims against public as well as private actors.

In 2006, the Legislature enacted new legislation – Senate Bill 17 ("S.B. 17") which substantially rewrote the child sexual abuse law, setting a firm accrual date as the date on which the victim attains the age of majority for claims based on childhood sexual abuse. It also greatly expanded the limitations period for such claims – from one year to 12 years.

The question that we faced in Watkins's case was whether the General Assembly – by enacting S.B. 17 – intended to change the statute of limitations only for claims against private citizens and not for claims against the state.

There is another law that deals with claims against the state. That law states provides that civil actions against the state shall be commenced "no later than two years after the date of accrual of the cause of action."

By a four-to-three vote, we concluded that S.B. 17 changed the statute of limitations to 12 years for claims against both private citizens and against the state. S.B. 17 stated that the changes in the law "shall apply to all civil actions for assault or battery brought by a victim of childhood sexual abuse…and to all civil actions brought by a victim of childhood sexual abuse for a claim resulting from childhood sexual abuse…"

In that language, the Legislature allowed for no distinction between private citizens or public employees.

Additionally, one of the forms of childhood sexual abused defined in the amended law is sexual imposition committed in certain specified circumstances, one of which occurs when "the victim is confined in a detention facility," and the person

committing the act is an employee of that detention facility.

In addition to the acts of detention-facility workers, the law also applies to acts committed by other persons who could be employees of the state – for example, teachers, coaches or administrators.

Thus, the very definition of childhood sexual abuse includes the wrongful conduct of state employees. The plain language of the law that resulted from S.B. 17 reveals the legislature's intent that claims against the state resulting from childhood sexual abuse are subject to a 12-year statute of limitations and an accrual date of the age of majority.

But, the statute of limitations created by S.B. 17 conflicts with the two-year limitations period in the law concerning civil actions against the state. How to resolve that? When there's a conflict of that sort between two laws, the one enacted later in time than a preexisting law will control. Therefore, as the more recent and more specific enactment, S.B. 17 provides the limitations period for claims against the state resulting from childhood sexual abuse.

The only remaining question was whether the statute of limitations for Watkins's claims had expired by the August 3, 2006 effective date of S.B. 17. That issue was not considered by the trial court or the court of appeals. Which statute of limitations applies to Watkins's claims depends on when she discovered that she had been sexually abused.

In any event, we determined that the law resulting from the enactment of S.B. 17 is the statute of limitations for claims against the state resulting from childhood sexual abuse. The court of appeals erred in holding that a claim resulting from childhood sexual abuse cannot be pursued against the state more than two years after the claim accrued.

Therefore, we reversed the court of appeals' judgment and sent the case back to the trial court for further proceedings.

NOTE: The case referred to is: Watkins v. Dept. of Youth Servs., 143 Ohio St.3d 477, 2015-Ohio-1776. Case No. 2013-0824. Decided May 14, 2015. Majority opinion written by Justice Paul E. Pfeifer.

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