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Cuomo Mum on Child Sex Abuse Bill as Deadline Nears

By [Sam Kestenbaum](#)

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New York Governor Andrew Cuomo has dodged repeated entreaties from advocates against child sexual abuse to support legislation that would enable many victims of this crime to seek justice from their abusers.

In a May 9 statement, Cuomo sidestepped pointed questions from the advocates, and from the press, about his willingness to push the state Senate to pass the Child Victims Act before the current legislative session ends June 16. The bill would eliminate New York's statute of limitations for sexual abuse, which is one of the shortest in the nation.

"Those guilty of sexual abuse need to be held accountable," a spokesman from Cuomo's office wrote in an email to the Forward. "We would support changes to help ensure victims have their day in court and maintain due process."

The Cuomo spokesman declined to clarify what kind of changes the governor supported or to state where he stood on the only bill now being considered, which is currently stalled in the state Senate.

Leaders of the Democratic party-ruled state Assembly have promised a vote on the measure before the end of the

legislative session and have a strong majority of supporters lined up to pass the bill. Advocates of the bill and a companion piece of legislation consider it their best chance so far to extend the state's narrow time frame for prosecuting child sex abusers criminally and for holding abusers and institutions that effectively protect them accountable through civil suits.

But the Republican-ruled Senate has so far declined to schedule a vote on the bill. Cuomo's refusal to publicly pressure the Senate to do so provoked scorn from anti-abuse advocates, including a significant contingent who claim to have been abused as children by rabbis, teachers and staff in yeshivas that ignored their pleas for help.

"Governor Cuomo cannot continue to ignore the cries of children and survivors," said Chaim Levin, a child abuse survivor and community activist in the Crown Heights section of Brooklyn. "There is no room for neutrality on an issue like this... The governor's silence on this issue makes one wonder who he is really protecting."

The Child Victims Act was first introduced by Margaret Markey, a New York State Assembly Democrat, in 2006, and has taken various forms over the years. Senator Brad Hoylman, a Democrat, co-sponsored the latest version.

While the legislation has been adopted in the Assembly four times, it has never made it to the floor of the state Senate.

"More than a third of the Assembly members are already co-sponsors of my bill in [the Assembly]," Markey said, "which will ensure its passage, I believe."

Under current state law, someone who is abused as a child has until the age of 23 to bring a civil lawsuit to court, as do prosecutors who want to press criminal charges. But experts say it can take decades — often, well into adulthood — for someone who has been abused as a child to understand what has been done to him, come to terms with it and come forward publicly.

In addition to lifting time limits for child victims to file civil suits against their alleged abusers, and against institutions that failed to act against abuse under their roofs, the current bill would provide a one-year window during which past victims who have already exceeded the statute of limitations could go to court.

A companion bill would eliminate the current statute of limitations for criminal prosecutions of alleged child sex abusers.

In past years, Agudath Israel of America, an ultra-Orthodox umbrella group, and the Roman Catholic Church, have lobbied against Markey's efforts, voicing fear of a potential flood of claims, including some from long ago via the one-year window.

But this time more than 150 rabbis and Jewish leaders from other branches of Judaism signed a letter in support of the Child Victims Act. Some also participated in a two-day lobbying event in Albany on May 3 and 4.

"There hasn't been religious support like this before," said Manny Waks, who helms Kol v'Oz, an umbrella group for Jewish organizations dealing with sex abuse.

Still, it remains unclear whether the religious counterweight of groups like Kol v'Oz will be enough to shift the political balance in Albany.

Surveying what has worked in other cases involving tough social issues, Christopher Anderson, executive director of MaleSurvivor, a support network for male abuse victims, said that support from Cuomo could be instrumental.

"Look how the push for gay marriage succeeded here in New York," he said, referring to the Marriage Equality Act of 2011, whose passage was widely credited to a strong push in the Senate by Cuomo. "When Governor Cuomo pushed for those reforms, it snowballed. We need to hear from Governor Cuomo on this issue."

Anderson also cited the importance of "a powerful, dynamic voice in one of the houses of state legislature — like we have now with Markey — who has a strong partnership with grassroots groups."

Markey's office told the Forward that Cuomo had "personally told [Markey] that he is fully prepared to sign the bill when it passes both houses. But the challenge, Markey noted, remained getting the bill to the Senate floor, where senators are opposed to or indifferent to the bill.

John DeFrancisco, the Senate deputy Majority leader, has previously defended the statute of limitations. As reported in the New York Daily News, DeFrancisco pleaded a schedule conflict as he brushed past several victims of child abuse who sought to see him during a May 4 lobbying blitz in the state capitol. He then went on to attend a



previously arranged pizza party for a women's basketball team from Syracuse, which is part of his district. He told advocates they needed an appointment.

DeFrancisco later told the website syracuse.com, "There has to be some kind of statute of limitations. I do not think you should eliminate the statute of limitations going forward for every single case or allow people to sue someone for forever for something that happened years ago."

Agudath Israel declined to comment on its position on the current bill; however, the organization referred to a 2013 letter to Markey from its leaders about an earlier form of the legislation.

"Agudath Israel fully acknowledges the horrors of child sexual abuse," the letter stated. It added that the group had "no objection" to legislation that would extend or eliminate the statute of limitations for criminal prosecution or civil claims against individual abusers.

"However, we cannot support legislation that would also eliminate the statute of limitations for civil claims against schools and other communal institutions for abusive acts of onetime employees," the letter stated.

The 2013 version of the legislation, Agudath Israel wrote, "could subject schools and other vital institutions in communities like ours to ancient claims and litigation and place their very existence in severe jeopardy."

In previous public statements, the New York State Catholic Conference has said it supports increasing the statute of limitations, both criminally and civilly, going forward, but opposes legislation that would reopen claims from decades ago.

Michael Polenberg, vice president of government affairs at Safe Horizon, a New York organization for victims of abuse, said that the experience of other states that have reformed their statutes of limitations, such as Delaware and Minnesota, should allay such concerns. "That doesn't always take place," he said. "Of course there is litigation, but institutions don't immediately become bankrupt."

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