

In most states, the clock for the Statutes of Limitations starts counting down as of either 1) the date of the abuse, or 2) the date when the abused reaches the “age of majority” (often 18 or 21). Courts in some states, however, have prevented this clock from starting until the survivor discovers s/he has been abused. As we know, memories of abuse may be repressed for some years, allowing “discovery” to take place at any age, often after the age of 40. This practice of waiting until discovery is also referred to as “tolling.”

Below are the states that have court cases regarding “tolling” either pending or decided. Those states that list a court case name in the far right column have been decided in favor of “discovery” (e.g. California, Colorado, etc.). Notice that Minnesota courts decided against tolling. Those states that have no information included below have court cases still pending.

State	Statute of Limitations Language	Statute of limitations starts as soon as victim realizes: 1) he or she was sexually abused	Statute of limitations starts as soon as victim realizes: 1) he or she was sexually abused 2) he or she was injured 3) that injury was caused by the sexual abuse
California	“within three years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual abuse” Cal. C. Civ. P. § 340.1		<u>Sellery v. Cressey</u> , 55 Cal.Rptr.2d 706, 712 (Cal.App. 2 Dist. 1996).
Colorado	Within six years of the last time that the “victim is psychologically or emotionally unable to acknowledge the assault or offense and the harm resulting therefrom.” Co. Stat. § 13-80-103.7		Sailsbery v. Parks 983 P.2d 137, 140 (Colo. Ct. App. 1999)
Florida	“within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse.”		

	Fla. Stat. § 95.11 (7)		
Illinois	<p>“within 5 years of the date the person abused discovers or through the use of reasonable diligence should discover both (i) that the act of childhood sexual abuse occurred and (ii) that the injury was caused by the childhood sexual abuse.”</p> <p>735 Ill. Stat § 5/13-202.2 (discovery stat. originally passed in 1991; amended in 2003)</p>		Benton v. Vonnahmen 679 N.E.2d 1270, 1275 (Ill. 5 th DCA 1997)
Iowa	<p>“within four years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the sexual abuse.” Iowa Stat. § 614.8A (passed 1990)</p>		Claus v. Whyte 526 N.W.2d 519, 525 (Iowa 1994)
Kansas	<p>“three years from the date the person discovers or reasonably should have discovered that the injury or illness was caused by childhood sexual abuse.” Kan. Stat. § 60-523 (passed 1992)</p>		Shirley v. Reif, 920 P.2d 405, 413-14 (Kan. 1996)
Massachusetts	<p>“three years of the time the victim discovered or reasonably should have discovered that an emotional or psychological injury or condition was caused by said act” Mass. Gen. Law c. 260 § 4C</p>		Ross v. Garabedian, 742 N.E.2d 1046, 1048-49 (Mass. 2001)
Minnesota	<p>“within six years of the time the plaintiff knew or had reason to know that the injury was caused by the sexual abuse”</p> <p>§ 541.073 (passed in 1989)</p>	<p><u>Blackowiak v. Kemp</u>, 546 N.W.2d 1, 3 (Minn. 1996)</p>	
Missouri	<p>“three years of the date the plaintiff discovers, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse” Missouri Stat. § 537.046 (passed 1990, amended 2004)</p>		
Montana	<p>“3 years after the plaintiff discovers or reasonably should have discovered that the</p>		Werre v. David 913 P.2d 625, 630

	injury was caused by the act of childhood sexual abuse.” Mont. Stat. § 27-2-216 (passed 1989)		(Mont. 1996)
Nevada	“10 years after the plaintiff . . . [d]iscovers or reasonably should have discovered that his injury was caused by the sexual abuse.” Nev. Rev. Stat. 11.215 (passed 1991, amended 1993)		
New Jersey	“2 years after reasonable discovery” “of the injury and its casual relationship to the act of sexual abuse.” N.J. Stat. § 2A:61B-1 (passed 1992, amended 2004)		J.L. v. J.F., 722 A.2d 558, 566 (N.J. Super. A.D. 1999)
New Mexico	“three years from the date of the time that a person knew or had reason to know of the childhood sexual abuse and that the childhood sexual abuse resulted in an injury to the person.” N.M. Stat. § 37-1-30(A)(2) (passed 1993)		Kevin J. v. Sager 999 P.2d 1026, 1030 (N.M. Ct. App. 1999)
Oregon	“three years from the date the injured person discovers or in the exercise of reasonable care should have discovered the injury or the causal connection between the child abuse and the injury.” Or. Stat. § 12.117 (passed 1989)		Simone v. Manning 930 F.Supp. 1434, 1437 (D. Or. 1996)
Rhode Island	“seven (7) years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by the act.” R.I. Stat § 9-1-51 (passed 1992)		
South Dakota	“three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by the act” S.D. Stat. § 26-10-25 (passed 1991)		
Vermont	“six years of the time the victim discovered that the injury or condition was caused by that act” Vt. Stat. t. 12 § 522 (passed 1989)		Earle v. State 743 A.2d 1101, 1108 (Vt. 1999)

Washington	“three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act” Wash. Rev. Code § 4.16.340 (passed 1988)		Hollmann v. Corcoran 949 P.2d 386, 392 (Wash. Ct. App. 1997)
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** Where there is not a case listed for a particular state in either column, the courts of that state have not decided the issue.***