

# CLIENT NEWS BRIEF

## Legislature Stops Local Agencies from Limiting the Presentation of Childhood Sexual Abuse Claims

In response to a recent state court case, the California Legislature passed Senate Bill (SB) 1053 to explicitly prohibit local agencies from adopting local claim procedures that limit the presentation of childhood sexual abuse claims. The law, which was signed by Governor Jerry Brown on July 23, goes into effect January 1, 2019.

### Background

Code of Civil Procedure section 340.1 allows a lawsuit for childhood sexual abuse to be filed within the later of eight years of the date the plaintiff turns 18, or within three years of the date the plaintiff discovers or reasonably should have discovered that psychological injury was caused by the sexual abuse. Claims for childhood sexual abuse are expressly excluded from the six month or one year claim presentation requirements under the California Government Claims Act (Act). The Act, however, allows local agencies to establish local claim procedures that also limit the time for presentation of claims that are otherwise excluded from the Act's presentation requirements.

In *Big Oak Flat-Groveland Unified School District v. Superior Court*, the Fifth District Court of Appeal ruled that local claim procedures apply to childhood sexual abuse claims. ([See 2018 Client News Brief No. 15.](#)) As a result, local agencies could significantly shorten the time provided by Code of Civil Procedure section 340.1 for bringing childhood sexual abuse lawsuits against public agencies. SB 1053 nullifies this court decision by amending Government Code section 935 to state expressly that local claim procedures do not apply to childhood sexual abuse claims made under Government Code section 905, subdivision (m).

### Takeaways

The California Supreme Court has granted review of the *Big Oak Flat-Groveland* decision, and the results of the Supreme Court's review will likely impact sexual abuse claims accruing prior to the effective date of SB 1053. Pending the outcome of the Supreme Court's review, the law is unsettled as to the application of local claim procedures to childhood sexual abuse claims arising before January 1, 2019. Therefore, local agencies should consult legal counsel when evaluating such claims.

A related pending bill, Assembly Bill (AB) 3120, may amend Code of Civil Procedure section 340.1 to extend the statute of limitations for claims of childhood sexual assault to the later of 22 years after the date the plaintiff turns 18, or within five years after the date the plaintiff discovers or reasonably should have discovered that psychological injury was caused by the sexual abuse.

If you have any questions regarding SB 1053, the *Big Oak Flat-Groveland Unified School District* opinion, the Government Claims Act, or the adoption of local claim presentation requirements, please contact the authors of this Client

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Sloan R. Simmons  
Partner and Co-Chair  
Litigation Practice Group  
Sacramento Office  
[ssimmons@lozanosmith.com](mailto:ssimmons@lozanosmith.com)



Trevin E. Sims  
Partner and Chair  
Public Safety Practice Group  
Los Angeles Office  
[tsims@lozanosmith.com](mailto:tsims@lozanosmith.com)



Kate S. Holding  
Associate  
Sacramento Office  
[kholding@lozanosmith.com](mailto:kholding@lozanosmith.com)



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