



MEL

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HOMETOWNS.



Pool Responses to Extended Statutes of Limitations on Child Sexual Abuse Claims

Ron Falcone, Claims Manager, NYSIR

Dave Grubb, Executive Director, NJ MEL

Joe Hrubash, Deputy Executive Director, NJ MEL

Bob Lulley, Executive Director, NYSIR

Agenda

- Snapshot of NYSIR and NJ MEL
- Overview of Statutory Changes
- Impact on Pools
- Recommendations

Snapshot of Pools

	NYSIR	MEL JIF
Founded	1989	1985
Lines of Coverage	Property/Casualty	Property/Liability Workers' Compensation Environmental
Total Members	356	585
Total Revenue	\$100MM	\$200MM

Child Victims Act Overview

	New York	New Jersey
What it does	<ul style="list-style-type: none"> • Extends statute of limitations • Seeks expedited handling by all parties (insurers, judiciary, etc.) • Revives barred actions • Eliminates notice of claims for municipality, state, school districts 	<ul style="list-style-type: none"> • Extends statute of limitations • Officials personally liable after leave office
Civil Claims	<ul style="list-style-type: none"> • One-year look back period - August '19 thru August '20 • File against abusers and institutions until age 55 (previously age 18) • CVA cases will be on an expedited track for discovery and trial • CVA requires special training for judges assigned to sexual abuse claims 	<ul style="list-style-type: none"> • Two-year "revival" period • Extends age limit to 55 or longer, depending upon circumstance
Criminal Claims	Statute of limitations extended 5 years <ul style="list-style-type: none"> • Clock begins at age 23 • Misdemeanors: Until age 25 • Felonies: Until age 28 	

Impact on Pools

- Types and number of claims thus far
- Coverage issues encountered
- Budget implications
- Impact on reinsurance
- The CVA does not impact the statute of limitations for claim by adults who have been victims of sexual abuse as adults
- Advantage of pre-suit investigation is eliminated or significantly hampered

Recommendations

1. Build net position to allow for options and to take on needed retention
2. Be proactive with membership: Create, share model policies, procedures, training
3. Actively manage exposure to legislative changes
4. Talk early, openly with your reinsurers and excess partners
5. Collaborate, share ideas with other pools
6. Consider insured party and coverage issues for third party contractors
7. Hire an archivist/archeologist
8. Public entities should consider investigating any allegations of sexual abuse when first revealed and preserve statements, records, and evidence. Treat that first knowledge as your "Notice of Claim"
9. Public entities need to review and reconsider record retention policies for students, employees, etc.