***Adult Survivors of Abuse***

One of our member programs wanted to know whether other states had found that covering adult survivors of child abuse was a significant additional cost. The program’s current rule requires claims to be filed within 36 months of the crime, or in the case of child abuse, 36 months after the crime was reported to law enforcement or the Dept. of Human Services, but in no case after the victim’s 21st birthday. The program was considering making this filing deadline more flexible.

In a large majority of states, filing deadlines can be waived “for good cause” or “in the interest of justice.” Many of these states have indicated flexibility in allowing claims from adult survivors of abuse. In addition, there are three states as of 2012 (Ohio, Utah and Vermont) that do not have filing deadlines, and the filing deadline in Texas does not apply to childhood crimes.

Based on a prior survey, and discussions at conferences, we responded that while a large number of states said their rules were flexible enough to allow for coverage of adults claiming childhood abuse, none of them has reported more than a minimal cost in covering these victims’ needs, which generally involve counseling. States said that even with these flexible requirements, few claims from adult survivors were filed. Utah, for example, handles a large quantity of sexual assault and child abuse cases (approximately 1,000 in each category), but says that less than 10 a year come from adult survivors. One reason for few claims from adult survivors may be that many programs also require a police report to be made, and some say eligibility would depend on some substantiation from law enforcement. In some cases, survivors are reluctant to report long-ago abuse; and even if they did, it may be very difficult to determine if anything happened. It’s important to note that states vary considerably, though, in how they approach these cases.

Some programs may be uneasy about opening the door to adult survivors of childhood claims, since the recent attention to clergy abuse has shown that there may be a large number of such victims that can surface somewhat suddenly. While some programs have received claims from such victims, none of the programs have reported significant numbers of these claims.