



# Wilbanks Child Endangerment and Sexual Exploitation Clinic

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## Georgia's Civil Statute of Limitations Compared To Southeastern United States

This legislative summary examines the relationship between Georgia's current civil statute of limitations for child sex abuse and the statute of limitations in other southeastern states.<sup>1</sup> The findings are as follows:

- Georgia has the shortest civil statute of limitations in the southeast for child sexual abuse claims.<sup>2</sup>
- Georgia is the only state surveyed that applies a heightened gross negligence standard for sexual abuse claims when entities or organizations are defendants.<sup>3</sup>
- Georgia's statute of limitations age (23) is substantially lower than the average age for capping the statute of limitations in the rest of the southeast (31-32).
- Florida does not have a civil statute of limitations for childhood sexual abuse committed against a minor under the age of 16. The cap in Texas is 48 and in Oklahoma, 45.<sup>4</sup>
- Many victims miss statutes of limitation because trauma affects them in a way that causes them to delay disclosure of their abuse until they are older. Studies show the average age child sex abuse victims disclose they were abused is 52.<sup>5</sup>
- Other southeastern states are considering more permissive statutes of limitation -
  - South Carolina could extend the civil SOL to age 55 or 5 years from discovery, and make it applicable to all types of defendants. (SB 75) (Prefiled Legislation).
  - Florida could eliminate the civil SOL for sexual offenses against minors and adults. (HB 23 & SB 946).<sup>6</sup>

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<sup>1</sup> This study defines "southeastern" as Georgia, Florida, South Carolina, Alabama, Mississippi, Louisiana, Texas, Oklahoma, North Carolina, Virginia, Tennessee, and Missouri.

<sup>2</sup> See O.C.G.A. § 9-3-33.1 (2019) (setting the civil statute of limitations as before the age of 23 or within 2 years of reasonable discovery that the child sex abuse caused the harms alleged).

<sup>3</sup> See O.C.G.A. § 9-3-33.1 (2019).

<sup>4</sup> See Fla. Stat § 95.11(7)(2018); Tex. Civ. Prac. & Rem. Code Ann. § 16.0045; Okla. Stat. Ann. § 95.

<sup>5</sup> Sean P. McIlmail Research Institute at CHILD USA.

<sup>6</sup> Maryland could eliminate the civil SOL for sexual abuse of a minor and open a 2-year window for all expired claims. (SB 134 & HB 263).