



CASE ALERT: WASHINGTON

New case about when the time limit starts for filing a childhood sexual abuse legal case.

[*Wolf v. State*, 2 Wn.3d 93, 534 P.3d 822 \(2023\)](#)

How Could This Case Help? The three-year time limit to file a case starts as soon as the survivor realizes that a sexually abusive act caused their injuries or problems. It doesn't matter if the act was intentional (by the person who did it) or not acting when you should (by another person, agency, or institution). If there are multiple people involved, the time limit may start at different times for each person depending on when the survivor realizes that person's involvement caused their injuries.

Summary of the Case In 2006, a survivor told a counselor that an offender sexually, physically, and emotionally abused him from 1998-2006 while he was in State foster care. In 2008, the offender pled guilty to raping and molesting the survivor and another child. He was sentenced to prison. In mid-2017, after seeing a news story about childhood sexual abuse, the survivor talked to his partner about possibly having a case against the State for allowing the abuse. The survivor contacted a law firm to investigate his case. In 2018, the survivor died by suicide. In 2020, the survivor's family (the Estate) filed negligence and wrongful death claims against the State.

The lower courts dismissed the case as being filed too late under the time limit. But the Supreme Court reversed, saying the time limit clock starts when the victim realizes the connection between the abusive act/negligence and their resulting injuries. So, for intentional sexual abuse claims, the time runs from when the victim realized the abusive act caused their injuries. For negligence claims over failures to prevent the abuse, the time runs from when the victim realized the failures caused their injuries.

PRACTICE TIPS

1. If there is **any question** as to **when the clock started** for sexual childhood abuse cases, show the court this case.
2. The **“act” that caused the injury is not only the abuser’s act. It can also be a failure to act by another person or institution.** These can happen at different times, which means there can be different points when the start the clock ticking.
3. If the other party claims the case is too late, they have the burden to prove **that over 3 years has passed.**

For questions or clarifications, email or call Family Violence Appellate Project at infoWA@fvapl.org or (360) 680-1030. Thank you!