

SUPREME COURT OF NEW JERSEY

R.L. v. Voytac, 199 N.J. 285

971 A.2d 1074 (2009) · No. A-61, September Term 2008 · Decided June 11, 2009

SUMMARY

The Supreme Court of New Jersey interpreted the Child Sexual Abuse Act's statute of limitations, requiring an objective determination of when a reasonable person subjected to childhood abuse should have discovered the causal relationship between the abuse and the claimed injury. If the claim accrued more than two years before filing, the court must separately consider whether the limitations period should be tolled based on the plaintiff's mental state, duress, or other equitable grounds. The court remanded for application of this framework.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                     |
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| COURT                 | Supreme Court of New Jersey                                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Justice Wallace, Jr.; Chief Justice Rabner; Justice Long; Justice LaVecchia; Justice Albin; Justice Rivera-Soto; Justice Hoens                                                                                                                                                                      |
| JURISDICTION          | New Jersey                                                                                                                                                                                                                                                                                          |
| DECIDED               | June 11, 2009                                                                                                                                                                                                                                                                                       |
| DOCKET                | A-61, September Term 2008                                                                                                                                                                                                                                                                           |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Defendant appealed from the Appellate Division's reversal of a trial court judgment granting summary judgment on statute-of-limitations grounds. The Supreme Court granted certification limited to the standard for determining whether the Child Sexual Abuse Act statute of limitations had run. |
| STANDARD OF REVIEW    | Statutory interpretation is reviewed de novo. The Supreme Court reviewed the trial court's factual findings under the clearly mistaken standard and required application of the statutory accrual and tolling standards to the totality of the evidence.                                            |
| PRECEDENTIAL VALUE    | published precedential opinion of the Supreme Court of New Jersey                                                                                                                                                                                                                                   |
| PARTIES               | Kenneth Voytac v. R.L.                                                                                                                                                                                                                                                                              |

TOPICS

statutory interpretation

statute of limitations

torts

civil procedure

personal injury

## PRACTICE AREAS

statutory interpretation

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remedies

## QUESTIONS PRESENTED

1. What standard governs accrual of a Child Sexual Abuse Act claim under the provision requiring reasonable discovery of the injury and its causal relationship to the abuse?
2. How should the Act's tolling provision be applied when a claim accrued more than two years before filing?
3. Whether the trial court properly determined the accrual date and rejected tolling on the existing record.

## HOLDINGS

1. A cause of action under N.J.S.A. 2A:61B-1b accrues when the plaintiff actually discovers, or when a reasonable person subjected to child sexual abuse should have discovered, that the claimed injury was causally related to the abuse. The court must use the earlier of those two dates.
2. In determining when reasonable discovery occurred, the trial court must consider the totality of the relevant facts and circumstances, including the victim's age at the time of abuse, threats by the abuser, the time between abuse and emergence of injuries, the nature and discoverability of the injuries, and prejudice caused by delay.
3. If the action accrued more than two years before filing, the court must separately determine whether the limitations period should be tolled because of the plaintiff's mental state, duress by the defendant, or other equitable grounds. The tolling inquiry is subjective and must account for the plaintiff's individual characteristics and the totality of the evidence.
4. The existing record did not conclusively establish the accrual date or resolve tolling. The matter therefore had to be remanded for a new hearing applying the totality-of-the-circumstances accrual standard and, if necessary, the subjective tolling standard.
5. The plaintiff's duress-based tolling claim failed on this record because the only evidence was a single comment during the abuse that he should not tell anyone, with no evidence of continuing threats or abuse during the limitations period.

## KEY QUOTATIONS

*"The plain words of the Act identify two events that must occur before a cause of action may accrue: the 'reasonable discovery' of both (1) the existence of the injury and (2) the causal relationship of that injury to the acts of sexual abuse." (971 A.2d at 1082-1083)*

*"Thus, we hold that a trial court must determine, based on the totality of the circumstances, when the injured party in fact discovered, or when a reasonable person subjected to child sexual abuse should have discovered, that the claimed injury was causally related to the asserted child abuse by the defendant." (971 A.2d at 1083)*

*“The trial court should then use the earlier of those two dates as the date the cause of action accrued under the Act.” (971 A.2d at 1083)*

*“Although plaintiff’s individual characteristics may not be considered in determining when a reasonable person subjected to child abuse should have discovered the connection between the abuse and the injuries in determining the accrual date of the cause of action, those characteristics are clearly relevant in the tolling analysis.” (971 A.2d at 1083-1084)*

## FACTUAL BACKGROUND

R.L. alleged that Kenneth Voytac sexually abused him repeatedly when R.L. was between approximately nine and eleven years old. R.L. remembered the abuse but did not initially connect it to his later cross-dressing, depression, substance abuse, gender confusion, and other psychological conditions. He experienced a sexual-abuse-related flashback in 1999 and had a more explicit discussion connecting the abuse to his injuries with a coworker in February 2002, after which he resumed psychological counseling. He filed suit on February 13, 2004, asserting that the action was timely under the Child Sexual Abuse Act and that tolling was warranted by his mental state and the alleged duress.

## PROCEDURAL HISTORY

R.L. filed a complaint on February 13, 2004, alleging childhood sexual abuse under the Child Sexual Abuse Act. The Law Division held a plenary hearing and concluded that the claim accrued more than two years before filing and that no tolling applied, then granted defendant’s limitations-based motion for summary judgment. The Appellate Division reversed and remanded for trial. The Supreme Court reversed the Appellate Division and remanded for a new hearing under the standards announced in the opinion, before a different trial court.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Remand to the Law Division for a new hearing applying the totality-of-the-circumstances standard to determine the accrual date and, if necessary, whether the statute of limitations should be tolled based on plaintiff’s mental state or another equitable ground. The matter is to be assigned to a different trial court because the original court made credibility findings.

## CASES CITED

- Hardy v. Abdul-Matin, 198 N.J. 95, 965 A.2d 1165 (2009)
- DiProspero v. Penn, 183 N.J. 477, 874 A.2d 1039 (2005)
- Lozano v. Frank DeLuca Constr., 178 N.J. 513, 842 A.2d 156 (2004)
- Hardwicke v. American Boychoir School, 188 N.J. 69, 902 A.2d 900 (2006)
- Martinez v. Cooper Hosp.-Univ. Med. Ctr., 163 N.J. 45, 747 A.2d 266 (2000)
- Lopez v. Swyer, 62 N.J. 267, 300 A.2d 563 (1973)

- *Vispiano v. Ashland Chem. Co.*, 107 N.J. 416, 527 A.2d 66 (1987)
- *Lynch v. Rubacky*, 85 N.J. 65, 424 A.2d 1169 (1981)
- *Doe v. Creighton*, 439 Mass. 281, 786 N.E.2d 1211 (2003)
- *State v. P.H.*, 178 N.J. 378, 840 A.2d 808 (2004)
- *State v. Elders*, 192 N.J. 224, 927 A.2d 1250 (2007)
- *Rakes v. United States*, 442 F.3d 7 (1st Cir. 2006)
- *Overall v. Estate of Klotz*, 52 F.3d 398 (2d Cir. 1995)
- *Lloyd One Star v. Sisters of St. Francis, Denver, Colorado*, 752 N.W.2d 668 (S.D. 2008)
- *R.L. v. Voytac*, 402 N.J. Super. 392, 954 A.2d 527 (App. Div. 2008)
- *Jones v. Jones*, 242 N.J. Super. 195, 576 A.2d 316 (App. Div. 1990)