

West's Delaware Code Annotated  
Title 10. Courts and Judicial Procedure  
Part V. Limitation of Actions  
Chapter 81. Personal Actions

10 Del.C. § 8145

§ 8145. Civil suits for damages based upon sexual abuse of a minor by an adult

Effective: June 30, 2009

[Currentness](#)

(a) A cause of action based upon the sexual abuse of a minor by an adult may be filed in the Superior Court of this State at any time following the commission of the act or acts that constituted the sexual abuse. A civil cause of action for sexual abuse of a minor shall be based upon sexual acts that would constitute a criminal offense under the Delaware Code.

(b) For a period of 2 years following July 9, 2007, victims of child sexual abuse that occurred in this State who have been barred from filing suit against their abusers by virtue of the expiration of the former civil statute of limitations, shall be permitted to file those claims in the Superior Court of this State. If the person committing the act of sexual abuse against a minor was employed by an institution, agency, firm, business, corporation, or other public or private legal entity that owned a duty of care to the victim, or the accused and the minor were engaged in some activity over which the legal entity had some degree of responsibility or control, damages against the legal entity shall be awarded under this subsection only if there is a finding of gross negligence on the part of the legal entity.

(c) A person against whom a suit is filed may recover attorneys' fees where the Court determines that a false accusation was made with no basis in fact and with malicious intent. A verdict in favor of the accused shall not be the sole basis for a determination that an accusation was false. The Court must make an independent finding of an improper motive to award attorneys' fees under this section.

**Credits**

Added by [76 Laws 2007, ch. 80, §§ 72, 76](#); [76 Laws 2007, ch. 102, § 1, eff. July 10, 2007](#). Amended by [77 Laws 2009, ch. 88, § 1, eff. June 30, 2009](#).

[Notes of Decisions \(7\)](#)

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Current through [78 Laws 2012, chs. 204 - 234](#). Revisions by the Delaware Code Revisors were unavailable at the time of publication.

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