

S. 534 (Feinstein, et al.) ‘*Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017*’

Status: February 14, 2018 – Became **Public Law No. 115-126**.

Synopsis:

- ◆ Requires mandatory reporting by specified adults, such as coaches, trainers, judges and others in amateur sports, of the facts giving rise to their reasonable belief that a child has suffered an incident of child abuse, including sexual abuse, within 24 hours of learning those facts.
- ◆ Significantly expands the time in which a minor injured through child abuse, including sexual abuse has to file a civil lawsuit in Federal court for damages, litigation costs and attorney’s fees, and also authorizes punitive damages to be ordered in such cases.
- ◆ Gives the U.S. Center for Safe Sport jurisdiction over national sports governing bodies, such as USA Gymnastics and other similar bodies, regarding safeguarding amateur athletes against sexual, emotional and physical abuses.
- ◆ Creates new obligations for both those seeking athletic event and other sanction, and an amateur sports organization granting sanction, such as USA Gymnastics, to prevent amateur athlete abuse.
- ◆ Increases training requirements for individuals involved in amateur sports to better implement sexual abuse prevention.

Who Does This New Law Affect and How?

1. Required Reporting of Child and Sexual Abuse.

- a. Every adult* who is authorized to interact with a minor or amateur athlete.
- b. At an amateur sports organization facility or at any sanctioned event (which includes travel, lodging, practice, competition, and health or medical treatment).
- c. Authorized by a national governing body or amateur sports organization.
- d. Must, within 24-hours, of learning facts that give rise to a reasonable suspicion that a child has suffered an incident of abuse, including sexual abuse.
- e. Make a report of the suspected abuse to a law enforcement agency.

*Coaches, assistant coaches, judges, trainers, doctors, athletes and more.

2. Federal Civil Lawsuits for Personal Injuries

- a. Any person
- b. Who was a minor at the time she/he was a victim of child or sexual abuse
- c. Who suffers an injury from the violation, whether injury occurred while the victim was a minor or as an adult
- d. May file a civil suit in Federal District Court, either

- e. By age 28 (“*within 10 years after the victim reaches 18 years of age*”), or
- f. By 10 years after the victim/plaintiff discovers the abuse violation, or
- g. By 10 years after the victim/plaintiff discovers the injury basis of the claim

3. U.S. Center for Safe Sport (Part 1)

- a. Assigns the Center “jurisdiction” over nation sports governing bodies regarding safeguarding amateur athletes against abuse in sports.
- b. Requires the Center to develop mechanisms for the reporting, investigation and resolution of alleged sexual abuse cases.
- c. Requires the Center to develop training and oversight policies and procedures to prevent abuse of amateur athletes participating in sanctioned athletic activities.
- d. The developed policies and procedures must include fair notice and due process for the accused while maintaining privacy and safety of complainants.

4. U.S. Center for Safe Sport (Part 2)

- a. All adults subject to the jurisdiction of the Center and the governing bodies it oversees, and all adults who, in turn, are authorized to interact with an amateur athlete, will be required by Center policies to immediately report (24-hours) any allegation of child abuse of a minor amateur athlete.
- b. Reports must be filed with both the Center and law enforcement.
- c. Center procedures for all under its jurisdiction, must “reasonably” limit one-on-one interactions between adults and minor amateur athletes that are not in an “observable and interruptible distance: from another adult.
- d. Center procedures will include regular, random audits by independent experts to ensure that training has been offered and given to (meaning taken by) all adults under the jurisdiction of the Center – and even to minors if their parents approve – on prevention of child abuse.

5. Requirements for Granting Sanctions for Amateur Athletic Competitions

- a. Any person, or amateur sports organization, requesting sanction from a national governing body is required to implement and follow policies and procedures to prevent child abuse of amateur athletes participating in athletic activities under the governing body.

6. Amateur Sports Organizations

- a. Any not-for-profit corporation, association or group in the U.S. that sponsors or arranges amateur athletic competition.
- b. Required to establish reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult at any facility under the jurisdiction of the amateur sports organization without being in an observable and interruptible distance from another adult.
- c. Must offer and provide consistent training to all adults who are in regular contact

with amateur athletes who are minors - and even to minors if their parents approve – on prevention and reporting of child abuse that allows for easy reporting an incident of child abuse to appropriate persons.

d. Must prohibit retaliation by the amateur sports organization, against any individual who makes a report of child abuse.