

Can Victims Sue in Civil Court?

Victims of a crime may have some of their interests protected by the district attorney when criminal charges are brought. It is possible for certain medical bills and other expenses to be paid to the victim under court-ordered restitution. However, this is frequently limited to out-of-pocket expenses and perhaps medical bills.

As a victim of crime, you also have civil remedies available to you which run parallel to the criminal case. And, indeed, there is no requirement that there even be a criminal case.

What Can I Sue For?

The abuser can be sued for civil assault, wrongful death – in the case of a family member who was killed – as well as property losses from theft or vandalism.

The amount that you can recover in a civil suit can be substantial. In general, you would be entitled to compensatory damages, pain and suffering, and punitive damages.

When Can I Sue?

An experienced attorney can advise you as to what lawsuits might be available, but the most important thing is not to “sleep on your rights.” You must file suit in an appropriate amount of time to get a recovery which can be far more than court-ordered restitution in a criminal case.

Civil suits in Tennessee must be filed within the statute of limitations. This means that you only have so much time to file a lawsuit and, generally speaking, if that time passes without suit being filed, you may waive your remedy to any kind of compensation.

The general rule is that suits for personal injury or wrongful death must usually be filed within a year of the event. But there are several exceptions.

The Tennessee legislature recognized that this one-year rule is unfair to crime victims and there have been additional statutes enacted to extend this time.

The one-year rule begins to run when the event occurred but if the victim is a minor, then the statute of limitation does not even start to “run” until the victim turns eighteen. But you certainly should not wait if a loved one is a minor because there are many reasons why a lawyer would want to file suit as quickly as possible.

The next rule concerns pending criminal charges. Because civil cases are often delayed while a criminal case is pending, the legislature extended the time for filing a civil suit to two years from the date of the event if criminal charges are brought against the person alleged to have caused or contributed to the injury.

What is the Child Sex Abuse Exception?

As noted above, the statute of limitations is extended when the victim is a minor and does not begin to “run” until they attain the age of majority. There is an important additional protection for the victim who is subjected to child sexual abuse when the victim was a minor.

If the child sexual abuse occurred before July 1, 2019, but was not discovered at the time of the abuse, suit may be filed within three years from the time of the discovery of the abuse by the victim.

For child sexual abuse that occurred on or after July 1, 2019, suit may be filed within fifteen years from the date that the victim becomes eighteen years of age or within three years from the time of discovery of the abuse by the injured person, whichever is longer.

What Evidence Should I Preserve?

As noted, the most important thing is to bring your case to the attention of an attorney as quickly as possible. Evidence, particularly electronic evidence such as cell phones, can be quickly lost. When you speak with an attorney, please be sure that you preserved all your electronic evidence, such as text messages or photographs on your cell phone.

How Do I Take Action?

While these are all general rules that are applicable in most cases, there may be exceptions or other factors that may yield a different result, so you should always consult with an attorney before taking or delaying any action.

These cases are never easy. But there is always great satisfaction in holding the abuser accountable in criminal court as well as in a civil proceeding.

This discussion is for informational purposes and does not constitute legal advice, nor does this create a contract or an attorney-client relationship.

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