

Once an Abuser Dies, What Happens?



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By Dustin Daniels

Finding out the person who sexually abused you as a child died can affect each survivor differently. For some, the abuser's death might be celebrated, seen as a new beginning, or perhaps feel relieved knowing they will never see the person who hurt them ever again. For others, the abuser's death can create feelings of confusion, sadness, or anger.

If a survivor is reporting the abuser to law enforcement or suing the abuser, the feelings of uncertainty about the potential for justice and lack of accountability can be drowning. It can mark the end of the chance to confront or directly hold them in this world for their actions.

Other times, survivors might feel grief or remorse for abusers, especially if they were family, because, as horrific as the abuse was, most predators do not harm their victims all the time. It can be painful for survivors to come to terms with their trauma from the abuse and the positive memories of such a person. Abusers often groom child victims into believing their actions are loving, caring, innocent, or important so their death might result in a survivor reliving each kind of moment and questioning the abuser's true intentions.

Whatever emotions you are or are not feeling, your story matters and you deserve to heal regardless of the abuser's death.

Disclose or Not Disclose?

After an abuser dies, disclosures might feel easier to make and the survivor no longer needs to worry about the reaction of or retaliation from the perpetrator. When choosing who to disclose your story to, the choice is yours and yours alone; however, you should consider only disclosing abuse when you feel safe enough to expect any reaction, positive or negative. If you do not know how they might react, you might consider asking probing questions about high-profile CSA cases, a new law extending the statutes of limitations, or even an online story. See what their reactions are and whether they tend to empathize with or judge the victims.

Before you disclose to a loved one, it might help to disclose to someone who can help you better navigate the trauma. Oftentimes, survivors first disclose abuse to their therapists, psychiatrists, doctors, or other medical professionals who care for them. You can also disclose to a sexual assault advocate at a local sexual assault resource center (sometimes referred to as "rape crisis centers") near you online, via telephone, or in person. Most of the time, hopefully, they will respond in a respectful, professional, and sensitive manner, believing your story and supporting you. If not, they do not deserve your presence around them and it is worth finding someone different!

Can You Report or Sue?

Nothing is preventing you from reporting an abuser after their death. Sometimes, police departments and child protective service agencies have an online form that shows an option to mark if a perpetrator is deceased when you make the official report. No matter the case, while a dead abuser cannot face charges or prosecution, survivors might still report the abuse for the following reasons: (1) reporting can be a form of closure to some survivors who were unable to report before; (2) a survivor might report the abuser if they believe others might have been involved with the abuse; (3) a survivor might report the abuser if they believe police should investigate for other crimes involving different victims (i.e., you believe the dead person was or could have been a serial perpetrator). However, other survivors might feel personal relief that they do not have to report the abuser now, and, certainly, whether they are dead or alive, a survivor is never obligated to report.

Unlike a criminal prosecution, civil lawsuits can still occur and be filed after the abuser's death. Instead of suing the abuser directly, you would be suing their estate, or their remaining property, assets, money, investments, belongings, valuables, real estate, etc. If you win your case, a judgment can be placed on the estate and it can be seized to compensate your damages. However, most people, unless they are wealthy, might not have an estate they believe is worth fighting an often stressful, expensive lawsuit over. But regardless of the estate, nothing is preventing a survivor from suing the estate and getting a judgment against the abuser, which might look like justice for some.

In many cases, survivors can still file lawsuits against institutions responsible for protecting them from abuse and failing to do so. Especially since many states have extended or gotten rid of their civil statutes of limitations for childhood sexual abuse, or implemented a lookup window for older claims, like New York's Child Victims Act, it is common to see lawsuits, including successful ones, failed against institutions like Catholic Dioceses, churches, private or public schools, or the Boy Scouts of America for sexual abuse perpetrated by those who have been dead for years or decades. For more information about your jurisdiction and its laws, including the civil statutes of limitations of these claims, please contact a local licensed attorney practicing in your area.

Notes

