

GUIDE
TO
NEW HAMPSHIRE
SEXUAL ABUSE OR
ASSAULT OF A MINOR



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DOUGLAS, LEONARD & GARVEY, P.C

GUIDE TO NEW HAMPSHIRE CLAIMS FOR SEXUAL ABUSE OF A MINOR

The sexual assault of a child is a traumatic violation of trust by the abuser and of others who allowed the abuse to occur. As a parent, you may be unsure what options you have to bring a legal action if your child is the victim of sexual abuse. Under New Hampshire law, you may be able to recover money damages on behalf of your child.

I. Can I file a Lawsuit on Behalf of My Minor Child?

Under New Hampshire law, a minor is not permitted to bring their own claim. This means a parent may bring a claim on behalf of their child, who is younger than 18 years old at the time of the sexual abuse.

II. What Type of Claim May I File?

Childhood sexual abuse is a crime which is prosecuted by the State of New Hampshire. Another legal remedy is a civil lawsuit. While a criminal case can lead to jail for the abuser, the goal of a civil sexual abuse case is to compensate for harm with money damages. It is obvious that money cannot undo the harm but it can pay for counseling as well as being a deterrent to this happening to anyone else.

III. Who is Responsible for the Sexual Abuse?

Depending on the circumstances surrounding the abuse, there may be a claim against the perpetrator and anyone else who allowed the abuse to occur. We have filed individual claims against clergy, teachers, scout leaders, doctors, family members and acquaintances. Examples of other responsible parties we have pursued claims against include employers, schools, religious and charitable groups.

IV. What Does In Loco Parentis Mean?

There are different theories of law to hold different parties responsible for abuse. The term in loco parentis refers to holding schools – primary and secondary schools – responsible for abuse of a student.

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New Hampshire law imposes a duty of care upon primary and secondary schools to protect students. This duty is based on the role of schools as parental proxies over minor students because minors are required to attend school and, therefore, are entrusted to their case.

Complete our Personal Injury Checklist form to organize the necessary information about your minor's sexual abuse case.

Our e-book, Consumer Guide to New Hampshire Personal Injury in New Hampshire, provides a more detailed description of a personal injury claim such as a sexual abuse claim.

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