

# Warren County Board of Supervisors

## RESOLUTION NO. 11 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS BRAYMER, GERAGHTY, DRISCOLL, CONOVER AND MAGOWAN (2021 Personnel, Administration & Higher Education Committee)

### AUTHORIZING THE COUNTY ATTORNEY TO FILE AND PROSECUTE DECLARATORY JUDGMENT ACTIONS TO ENFORCE INSURANCE COVERAGE IN CHILD VICTIMS ACT CLAIMS

WHEREAS, in 2019 the New York State Legislature enacted the Child Victims Act, which extended the statute of limitations for individuals to file claims alleging childhood sexual abuse and revived time-barred causes of action until August of 2021, and

WHEREAS, Warren County and the Warren County Department of Social Services were named in various lawsuits alleging such causes of action during the period of 1970 through 2004, and

WHEREAS, upon extensive efforts to identify insurance information for these past years, the Office of the County Attorney and the Self-Insurance Department found various proofs of policy coverage and submitted various claims for insurance coverage and defense of such actions to insurance carriers, or their successors-in-interest, and

WHEREAS, the Office of the County Attorney received notification that coverage from one such insurance carrier was denied and the Office of the County Attorney anticipates receiving additional denials of coverage from other insurance carriers, and

WHEREAS, State Law authorizes an insured party the statutory right to file a declaratory judgment cause of action to enforce insurance coverage and the duty to defend, and

WHEREAS, filing an action for declaratory judgment to enforce insurance coverage in child victim act claims is time sensitive and must be initiated without delay, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors hereby authorizes the County Attorney to file and prosecute any declaratory judgment action necessary to enforce insurance coverage in Child Victim Act cases that the County is a party to or may become a party upon receiving any denial of coverage from an insurance carrier.