



**HAWAII CATHOLIC CONFERENCE**

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Hearing on: March 14, 2011 @ 9:00 a.m.

Conference Room # 329

**DATE:** March 10, 2011

**TO:** House Committee on Human Services  
Representative John Mizuno, Chair  
Rep. Jo Jordan, Vice Chair

**FROM:** Walter Yoshimitsu, Executive Director

**RE:** **OPPOSITION TO SB 217 SD 2 RELATING TO LIMITATION OF ACTIONS**

Mahalo for the opportunity to testify in opposition to this measure. I am Walter Yoshimitsu, representing the Hawaii Catholic Conference. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii under the leadership of Bishop Larry Silva. We oppose this bill for the following reasons:

**This bill could cause substantial problems for all types of public and private programs and nonprofits, including public and private schools, churches, camps, and youth programs.** This bill would eliminate any statute of limitations for commencement of a tort action for acts of child sexual abuse that would constitute offenses under Part V (sexual offenses) and Part VI (Child Abuse) of Chapter 707. Further, the bill would provide a two-year window for revival of actions that are presently time-barred.

While people often single out the Catholic Church for past instances of abuse, the problem is by no means unique to the Church. There is always the potential for abuse in any institution that deals with, supervises or cares for children.

Thus, for example, this bill could have a dramatic impact on claims against the State for potential sex crimes or sexual abuse committed by employees in public schools or other government programs. As indicated by a study prepared for the federal Department of Education, 6.7% of students in public schools nationwide have reported being sexually abused by an educator, a much higher percentage than the reported incidence of clergy abuse of children. (U.S. Department of Education, "Educator Sexual Misconduct: A Synthesis of Existing Literature" (2004).) Government reports also indicate that, across the country, there has been a high incidence of sexual abuse in juvenile detention facilities, with 10.3% of incarcerated youth reporting they had been sexually abused by a facility staff member during the prior year. (U.S. Department Justice, Bureau of Justice Statistics, "Sexual Victimization in Juvenile Facilities Reported by Youth 2008-09" (2010).)

Currently, the State's liability for torts is barred unless suit is commenced within 2 years after the cause of action accrues, but this bill overrides such a limitations period and could expose the State to numerous claims.

Similarly, many other institutions including private elementary and secondary schools, Boy Scouts, Girl Scouts, YMCA, YWCA, Boys' and Girls' Clubs, childcare programs, preschools, after school programs, camps, churches, and youth-at-risk programs, just to name a few, could similarly be affected by the removal of limitations periods on asserted claims, as well as the revival of claims already barred by the statute of limitations. While it is hoped this would not be the case, there could be a flood of claims filed against both government bodies and private institutions should this bill become law.

**Because of the lapse of time, many institutions potentially subject to suit under this bill would no longer have the ability to meaningfully defend themselves from such claims.** The reason for statutes of limitation is to reflect the fact that, over time, individual memories fade, witnesses who may prove or disprove a claim have died or are no longer available, and written records may no longer be available that would have relevance to the case. Especially in the case of nonprofits, record-keeping over a prolonged period may be far from ideal. Boards and staff change, and institutional memories are lost.

This bill, however, would allow the assertion of claims going back many years. Many institutions may be put in the situation of defending themselves in situations where not only is there a lack of evidence, but the abuser and anyone who may have been at fault for negligently overseeing or supervising the abuser are long gone. All that remains as a target for litigation may be the institution, which is now without any practical way to defend itself from the allegations.

**This bill could have substantial negative impacts on the ability of nonprofits to remain open and provide services.** Many nonprofits that provide services for children and families do so on very thin budgets, especially in these economically challenging times. The cost of defending against a single claim brought under this bill could have a devastating impact. Further, to the extent that such claims can be insured against, it would seem that premiums for such insurance could increase substantially if this bill became law. Again, many nonprofit organizations may not be able to pay for such insurance, and it is quite possible that such organizations would simply cease to provide services rather than the organization, as well as its directors and officers, being exposed to suit.

**This bill will not provide any additional protection for children.** While not belittling in any way the suffering that those already abused have suffered, we believe that the focus of efforts at preventing sexual abuse should be on prevention. Over the past few years, as this problem has come to light, churches, schools and other nonprofits have taken substantial steps to reduce the possibility for abuse to occur, including substantially increased screening and background checks on potential teachers and employees, accountability and reporting procedures, and supervisory procedures to ensure that children are not put in situations and environments where they could be abused. This bill, however, which resuscitates claims that are 30, 40, or 50 years old, will not do anything to make children safer today.

For these reasons, we believe this bill should be held in committee.

Thank you for the opportunity to testify.



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

*Executive Director*  
Adriana Ramelli

*Advisory Board*

*President*  
Mimi Beams

*Vice President*  
Peter Van Zile

Marilyn Carlsmith

Senator  
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Senator  
Carol Fukunaga

Frank Haas

Roland Lagareta

Phyllis Muraoka

Gidget Ruschetta

DATE: March 14, 2011

TO: The Honorable John M. Mizuno, Chair  
The Honorable Jo Jordan, Vice Chair  
Committee on Human Services

FROM: Adriana Ramelli, Executive Director  
The Sex Abuse Treatment Center

RE: SB217 SD 2 In Support Relating to Limitations of Actions

Good morning Representatives Mizuno and Jordan and members of the Committee on Human Services. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawaii Pacific Health.

The SATC supports the amendment in SB 217 SD2 which removes the attorney certificate of merit requirement, a requirement that we had concerns about. We do not believe it is needed since there is a "good faith" requirement already imposed on attorneys via the Hawaii Rules of Civil Procedure requiring them to bring only meritorious claims before the Court.

While SATC supports the amendment in SB 217 SD2 regarding the certificate of merit, we are not familiar enough with the Delaware Code to have a position regarding its other provisions which are now included in this bill.

Thank you for allowing SATC to provide input on this important piece of legislation.

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**Sent:** Sunday, March 13, 2011 9:29 AM  
**To:** HUS testimony  
**Cc:** hamilton02@aol.com  
**Subject:** Human Service Committee SB217 March 14, 2011 9am, Rm329 - UPDATED & CORRECTED Testimony re-submitted on behalf of Professor Marci Hamilton

**Importance:** High

Dear Representatives,

Please find attached the updated and corrected testimony of Professor Marci A. Hamilton, Paul R. Verkuil Chair in Public Law at the Benjamin N. Cardozo School of Law, Yeshiva University, New York, New York. Professor Hamilton specializes in church/state relations and constitutional law.

Please accept and make use of the attached version of Professor's testimony, and not the previous version which was sent last night from this same email address. My sincerest apologies for any confusion or inconvenience this adjustment may cause.

Thank you for your time and your consideration of this testimony.

Warm regards,

Jordan Walsh, on behalf of Professor Marci A. Hamilton  
*Benjamin N. Cardozo School of Law*  
*J.D. Candidate, 2011*  
Chief Research Assistant to Professor Marci A. Hamilton

# CARDOZO

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

MARCI A. HAMILTON  
Paul R. Verkuil Chair in Public Law

E-MAIL [hamilton02@aol.com](mailto:hamilton02@aol.com)  
PHONE 215-353-8984

07

March 14, 2011

## SUBMITTED VIA EMAIL

Representative John M. Mizuno  
Chair  
Representative Jo Jordan  
Vice Chair  
Human Service Committee  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813-2425  
[HUStestimony@capitol.hawaii.gov](mailto:HUStestimony@capitol.hawaii.gov)

RE: Hearing Before Committee on Human Service on SB217.SD2, Relative to the Statute of Limitations for Civil Actions Involving Childhood Sexual Abuse (March 14, 2011, 9:00 a.m.)

Dear Representatives Mizuno and Jordan:

I commend you and the Committee for taking up SB217.SD2, which would eliminate the statute of limitations for civil actions brought by minor victims of sexual offenses and revive for two (2) years some actions for which the statute of limitations had previously lapsed.

There are untold numbers of hidden child predators who are preying on one child after another, because the statutes of limitations have been configured to give them that opportunity. This bill redresses that injustice and reduces the present danger to Hawaii's children. **If passed, it will put Hawaii in the forefront of child protection.**

**This is a sunshine law for children.** There is an epidemic of child sex abuse around the world. At least one in four girls is sexually abused and at least one in five boys. Sadly, 90% never go to the authorities and the vast majority of claims expire before the victims are capable of getting to court. Most victims are abused by family or family acquaintances. This bill would protect the children of Hawaii by making it possible for victims to come forward and identify their perpetrators in a court of law. It would also bring delayed, but still welcome, justice to these victims.

By way of introduction, I hold the Paul R. Verkuil Chair in Public Law at the Benjamin N. Cardozo School of Law, Yeshiva University, where I specialize in

church/state relations and constitutional law. My most recent book, *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press 2008), makes the case for statute of limitations reform in the child sex abuse arena. I am the leading expert on the history and constitutionality of retroactive statutes of limitations with respect to child sex abuse and have advised many child sex abuse victims on constitutional issues.

**There are three compelling public purposes served by window legislation:**

- (1) the identification of previously unknown child predators to the public so children will not be abused in the future;**
- (2) giving child sex abuse survivors a day in court; and**
- (3) remedying the wrong done to child sex abuse survivors caused by an overly short statute of limitations that placed predators and their enablers in a preferred position to the victims.**

I have been involved in statute of limitations reform in numerous states. This is the only means of identifying child predators. As Professor Timothy Lytton has documented, civil tort claims have been the only means by which survivors of clergy abuse have been able to obtain any justice. Timothy Lytton, *Holding Bishops Accountable: How Lawsuits Helped the Catholic Church Confront Sexual Abuse* (Harvard University Press, 2008).

Legislative reform for statutes of limitations for child sex abuse victims is on the rise. Guam's bill removing the statute of limitations and creating a two-year window was signed into law by Governor Calvo on March 10, 2011.<sup>1</sup> Bills that would eliminate, extend, or create windows for the statutes of limitations covering child sex abuse are pending or have passed in Massachusetts,<sup>2</sup> Connecticut,<sup>3</sup> Virginia,<sup>4</sup> Florida,<sup>5</sup> New Jersey,<sup>6</sup> New York,<sup>7</sup> and Oregon.<sup>8</sup> A bill has also just been introduced in both houses of the Pennsylvania legislature as well.

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<sup>1</sup> Bills No. B033 & B034-31(COR), Acts To Amend § 11306 Of Article 3, Chapter 11, Title 7 Of The Guam Code Annotated; Relative To The Statute Of Limitations For Civil Actions Involving Child Sexual Abuse, removing the statute of limitations and establishing a two-year window of opportunity for child sex abuse victims whose claims have expired under the Guam statute of limitations to bring their civil claims, now Public Laws No. 31-06 & 31-07 (2011); Erin Thompson, *Sex Abuse Bills Now Public Law*, PACIFIC DAILY NEWS (Mar. 10, 2011), available at <http://www.guampdn.com/article/20110310/NEWS01/103100301/Sex-abuse-bills-now-public-law>.

<sup>2</sup> H.R. 689, 187th Gen. Ct., Reg. Sess. (Mass. 2011) (pending) (statute of limitations for child sex abuse runs for three years from when claimant discovers connection between sex abuse and harm suffered).

<sup>3</sup> S.B. No. 784, 2011 Gen. Assemb., 2011 Reg. Sess. (Conn. 2011) (pending) (eliminating limitation of time for bringing a civil action with respect to a new occurrence of sexual abuse, sexual exploitation or sexual assault in order to recognize the severity of such occurrences and give victims increased access to the civil court system.)

<sup>4</sup> H.B. 1476, 2011 Gen. Assemb., 2011 Reg. Sess. (Va. 2011) (pending) (extending the limitations period for actions for sexual abuse committed during the infancy or incapacity of the abused person from two years to 25 years from the time of the removal of the infancy or incapacity or from the time the cause of action otherwise accrues).

<sup>5</sup> Fla. Stat. Ann. § 95.11(7) (2010) (enacted) (eliminating statute of limitations for sexual battery if victim was under 16 years old, for claims not barred as of July 2010).

<sup>6</sup> S.B. No. A1164, 2009 (pending) (eliminating statute of limitations for sexual assault when the victim reaches majority).

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Information on the statutes of limitations for child sex abuse can be found on my website, [www.sol-reform.com](http://www.sol-reform.com).

Statute of limitations reform is the one tried and true means that will identify the many hidden child predators, who are grooming other children right now. The "window" in California led to the public identification of over 300 perpetrators previously unidentified. Delaware also enacted a window, which has led to the public identification of dozens of perpetrators previously hidden. Given that most child perpetrators abuse many children over the course of their lives,<sup>9</sup> window legislation does far more than create justice for victims in the past. It also forestalls future abuse of today's children.

The Catholic bishops often argue that window legislation is unconstitutional on the theory that it "targets" the Church. This bill and all window bills introduced in any other state do not target any particular perpetrator or organization. A federal trial court in the Ninth Circuit has upheld the California window against such an argument. See Melanie H. v. Defendant Doe, No. 04-1596-WQH-(WMc), slip op. (S.D. Cal. Dec. 20, 2005).

Some have argued that retroactive legislation is unconstitutional. While such an implication was true in the nineteenth century, it is no longer true under the federal Constitution, as the United States Supreme Court has explained: "The presumption against statutory retroactivity had special force in the era in which courts tended to view legislative interference with property and contract rights circumspectly. In this century, legislation has come to supply the dominant means of legal ordering, and circumspection has given way to greater deference to legislative judgments." Landgraf v. USI Film Prods., 511 U.S. 244, 272 (1994); see also Republic of Austria v. Altmann, 541 U.S. 677 (2004).

In a case decided last month, the Delaware Supreme Court, sitting en banc, upheld a two-year window against a due process challenge. Sheehan v. Oblates of St. Francis de Sales, No. 730 2009, 2011 Del. LEXIS 115 (Del. Feb. 22, 2011). The California one-year

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<sup>7</sup> Assembly: A. 5488, 234th Sess. (N.Y. 2011) (pending) (extending the statute of limitations in criminal and civil actions for certain sex offenses committed against a child less than eighteen years of age).

<sup>8</sup> H.B. 3057, 76<sup>th</sup> Gen. Assemb., 2011 Reg. Sess. (Or. 2011) (pending) (eliminating criminal statute of limitations for sexual abuse crimes committed against minors). Oregon extended its civil limitations period regarding injuries arising out of child sex abuse in 2009. O.R.S. §12.117 (2009).

<sup>9</sup> KENNETH V. LANNING, *CHILD MOLESTERS: A BEHAVIORAL ANALYSIS* 5, 37 (4<sup>th</sup> ed. 2001) available at [http://www.cybertipline.com/en\\_US/publications/NC70.pdf](http://www.cybertipline.com/en_US/publications/NC70.pdf). ("Except for child prostitution, most sexual-exploitation-of-children cases in the United States involve acquaintance molesters who rarely use physical force on their victims. . . . Although a variety of individuals sexually abuse children, preferential-type sex offenders, and especially pedophiles, are the primary acquaintance sexual exploiters of children. A preferential-acquaintance child molester might molest 10, 50, hundreds, or even thousands of children in a lifetime, depending on the offender and how broadly or narrowly child molestation is defined. Although pedophiles vary greatly, their sexual behavior is repetitive and highly predictable.").

window also was held to be constitutional. See Deutsch v. Masonic Homes of California, Inc., 164 Cal. App. 4th 748, 760, 80 Cal. Rptr. 3d 368, 378 (Cal. Ct. App. 2008).

The majority of states has not found retroactive statutes of limitations unconstitutional. See Catholic Bishop of N. Alaska v. Does, 141 P.3d 719 (Alaska 2006); San Carlos Apache Tribe v. Superior Court ex rel. County of Maricopa, 972 P.2d 179 (Ariz. 1999), superseded by statute, Arizona Rev. Stat. § 12-505 (2010); Deutsch v. Masonic Homes of California, Inc., 164 Cal. App. 4th 748, 760, 80 Cal. Rptr. 3d 368, 378 (Cal. Ct. App. 2008); Liebig v. Superior Court, 257 Cal. Rptr. 574 (Cal. Ct. App. 3d 1989); Mudd v. McColgan, 183 P.2d 10 (Cal. 1947); Shell Western E&P, Inc. v. Dolores County Bd. of Comm'rs, 948 P.2d 1002 (Colo. 1997); Rossi v. Osage Highland Dev., LLC, 219 P.3d 319 (Col. App. 2009) (citing In re Estate of Randall, 441 P.2d 153, 155 (Col. 1968)); Roberts v. Caton, 619 A.2d 844 (Conn. 1993); Whitwell v. Archmere Acad., Inc., C.A. No: 07C-08-006 (RBY), 2008 Del. Super. LEXIS 141 (Del. Super. Ct. April 16, 2008); Riggs Nat'l Bank v. District of Columbia, 581 A.2d 1229 (D.C. 1990); Vaughn v. Vulcan Materials Co., 465 S.E.2d 661 (Ga. 1996); Gov't Employees Ins. Co. v. Hyman, 975 P.2d 211 (Haw. 1999); Roe v. Doe, 581 P.2d 310 (Haw. 1978); Henderson v. Smith, 915 P.2d 6 (Idaho 1996); Hecla Mining Co. v. Idaho State Tax Comm'n, 697 P.2d 1161 (Idaho 1985); Metro Holding Co. v. Mitchell, 589 N.E.2d 217 (Ind. 1992); Ripley v. Tolbert, 921 P.2d 1210 (Kan. 1996); Shirley v. Reif, 920 P.2d 405 (Kan. 1996); Kienzler v. Dalkon Shield Claimants Trust, 686 N.E.2d 447 (Mass. 1997); Rookledge v. Garwood, 340 Mich. 444 (Mich. 1954); Gomon v. Northland Family Physicians, Ltd., 645 N.W.2d 413 (Minn. 2002); Cosgriffe v. Cosgriffe, 864 P.2d 776 (Mont. 1993); Panzinov. Continental Can Co., 364 A.2d 1043 (N.J. 1976); Alsenz v. Twin Lakes Village, 843 P.2d 834 (Nev. 1992); Bunton v. Abernathy, 73 P.2d 810 (N.M. 1937); Hymowitz v. Eli Lilly & Co., 539 N.E.2d 1069 (N.Y. 1989); In Interest of W.M.V., 268 N.W.2d 781 (N.D. 1978); Pratte v. Stewart, 929 N.E.2d 415 (Ohio 2010); McFadden v. Dryvit Systems, Inc., 112 P.3d 1191, 1195 (Or. 2005); McDonald v. Redevelopment Auth., 952 A.2d 713, 718 (Pa. Commw. Ct. 2008); Bible v. Dep't of Labor and Indus., 696 A.2d 1149 (Pa. 1997); Stratmeyer v. Stratmeyer, 567 N.W.2d 220 (S.D. 1997); Ballard Square Condo. Owners Ass'n v. Dynasty Constr. Co., 146 P.3d 914 (Wash. 2006) superseded by statute, Wash. Rev. Code 25.15.303, as recognized in Chadwick Farms Owners Ass'n v. FHC, LLC, 160 P.3d 1061 (Wash. 2007); Neiman v. Am. Nat'l Prop. & Cas. Co., 613 N.W.2d 160 (Wis. 2000) (open question); RM v. State Dept. of Family Servs., Div. of Public Servs., 891 P.2d 791, 792 (Wyo. 1995).

The Hawaii Supreme Court has upheld retroactive application of a newly extended statute of limitation to revive claims that previously expired. Roe v. Doe, 581 P.2d 310, 316 (Haw. 1978) (holding that “[e]he right to defeat an action by the statute of limitations has never been regarded as a fundamental or vested right. . . . [W]here lapse of time has not invested a party with title to real or personal property, it does not violate due process to extend the period of limitations even after the right of action has been theretofore barred by the former statute of limitations.”); Gov't Employees Ins. Co. v. Hyman, 975 P.2d 211 (Haw. 1999).

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Hawaii does provide for a two-year (2) statute of limitations for repressed memory cases, but victims typically have a difficult time dealing with such memories. Two years is a very short period of time within which to process the information, obtain the needed counseling to be ready to go to court, and then to find an attorney and proceed to the judicial process. The window would help them as well as the vast majority of victims, who do not have repressed memories and simply could not get to court before the statute of limitations expired.

Once again, I applaud you for introducing this legislation and the Committee for taking up the cause of child sex abuse victims in this way. Hawaii's children deserve the passage of SB217.SD2, which eliminates the statute of limitations for all future cases, and creates a two-year (2) window of opportunity for Hawaii's child sex abuse victims who were locked out of the courthouse by unfairly short limitations periods.

Please do not hesitate to contact me if you have questions regarding window legislation or if I can be of assistance in any other way.

Sincerely,

Marci A. Hamilton  
[hamilton02@aol.com](mailto:hamilton02@aol.com)  
212-790-0215 (office)  
215-493-1094 (facsimile)

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**From:** Debby Bodkin [bodkind@hotmail.com]  
**Sent:** Sunday, March 13, 2011 4:54 PM  
**To:** HUSstestimony  
**Subject:** Revised..... SUPPORT OF SB 217 SD2

From: bodkind@hotmail.com  
To: hustestimony@capitol.hawaii.gov  
Subject: SUPPORT of SB 217 SD2  
Date: Sun, 13 Mar 2011 11:42:52 -0700

March 13, 2011

Honorable Hawaii Elected Government Officials  
State of Hawaii

Re: SUPPORT OF SB 217 SD2  
HUS Hearing: March 14, 2011, 9:00 a.m., Room 326

Dear Honorable State Leaders:

This communication is submitted in support of SB 217 SD2, with the utmost respect and adoration for your tenacious insistence that the United States Constitution be upheld in the State of Hawaii. After reading the various pieces of legislation submitted for hearings in Hawaii thus far, thank you for allowing **all children** who watch government leaders from afar, witness your leadership. As the United States struggles for economic growth and peace, there are only a few states that have considered CORRECTIVE legislation in response to the clergy sex abuse crisis that publicly erupted in 2002. As a Catholic wife, mother and advocate in Southern California, it was the courage of state leaders and the implementation of California's 2003 Sex Abuse Law, that returned civil justice to victims struggling with the life-long effects of sex abuse crimes. Civil and criminal public court records in California now tell a tragic story that cannot be twisted or downplayed.

We may never know the reasons why sex abuse crimes were caught up in negligent interpretations of separation of church and state and/or freedom of religion privilege, thanks to attorneys licensed to practice law. However, in the City of Philadelphia, a mystery document was recently discovered (shown below) reveals years of a twisted legal tactic that prohibited the Archdiocese of Philadelphia from reporting sex abuse crimes to law enforcement, as mandated by law. This legal tactic is just one example of an obstruction crime that continues to exist in the day-to-day business operations of the Archdiocese of Philadelphia and potentially, many other religious institutions hoping to escape financial and legal accountability for negligence. Freedom of religion privilege is not a free pass to sexually abuse anyone. Without corrective legislation, the public's safety remains at risk.

Thank you for your consideration of SB 217 and God bless you for seeking legislation that will return civil justice to individuals who were caught in the midst of legal malpractice and intentional delays resulting in expired statutes of limitation. **Without justice, there will never be peace. Without peace, faith and our country's laws are empty.**

Respectfully,  
Debby Bodkin  
Palmdale, California  
(949) 290-5516

**FORM**

Archdiocese of Philadelphia

Prohibition to Release Information

(pertaining to reported sexual abuse by clergy, other religious, and lay employees)

I, (Printed Name), hereby prohibit (Name of staff) of the Archdiocese of Philadelphia, from releasing to the appropriate law enforcement authorities of (Location where incident occurred) any information I provide about alleged sexual abuse by an official or employee of the Archdiocese of Philadelphia unless I disclose information which is mandated to be reported. I understand that this is contrary to the policy of the Archdiocese. This prohibition shall remain valid unless I provide written authorization to release any such information.

I understand that any representative of the Archdiocese of Philadelphia, including the person named above, must obey a court order, such as a subpoena, to provide information that is so ordered. Such an order will likely include the information mentioned above in this prohibition.

I certify that this form has been fully explained to me and that I understand its contents.

(Signature) (Date)

(Signature of person on behalf of minor)

(Relationship)

(Date)

*Without justice, there will never be peace; and without peace, faith and our country's freedoms are empty. <http://www.catholics4justice.com>*

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**From:** Madeline Brock [brockmlb@yahoo.com]  
**Sent:** Saturday, March 12, 2011 11:00 AM  
**To:** HUSTestimony  
**Subject:** Human Service Committee SB217 March 14, 2011, 9am, rm329

**Representative John M. Mizuno and Representative Jo Jordon:**

**I support this bill.**

**Sincerely, Madeline Brock**  
**brockmlb@yahoo.com**

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**From:** Judi COLLINS [judewwc@msn.com]  
**Sent:** Saturday, March 12, 2011 3:45 PM  
**To:** HUS testimony  
**Subject:** Human Service Committee SB217 March 14, 2011 9am ,rm329

As a survivor of childhood sexual abuse I support this bill.

I thank you for your attention in this very important matter.

Judith W. Collins  
13 Milford Court  
Easton, PA 18045

[Judewwc@msn.com](mailto:Judewwc@msn.com)

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**From:** Beth C [mdmqueen@comcast.net]  
**Sent:** Sunday, March 13, 2011 2:51 AM  
**To:** HUS testimony  
**Subject:** Human Service Committee SB217 March 14, 2011 9am ,rm329

I support this bill!!

MaryBeth Collins

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**From:** Kay Goodnow [kaygoodnow2011@gmail.com]  
**Sent:** Friday, March 11, 2011 3:55 PM  
**To:** HUSTestimony  
**Subject:** Human Services Committee SB217 03/14/11 9:00AM Room 329

To: Representative John M. Mizuno  
Chair of Human Services Committee

To: Representative Jo Jordan  
Vice Chair of Human Services Committee

In 1952, a Roman Catholic priest began grooming me to become his "gift sent to him by God who understands his loneliness." I was 13, and bought it all. Three years later, when he was transferred to another diocese and then into the Air Force as a chaplain, I thought I would die of grief. I didn't, of course, but my life has been a living hell because of that sick and evil relationship. Throughout the following years he would contact me from time to time, always assuring me that he still loved me. I know now that he was just checking to see if I had told anyone about it. I didn't, until 1996 when I found SNAP and Linkup (both survivor groups).

I am writing to encourage you to assume the moral responsibility of passing SB217 on March 14, 2011. Do not listen or hear the arguments against it by the "powers" of organized religion or any other entity. No child should have to live with abuse. Now that the world knows about the extensive damage done through abuse and brainwashing, it's time to start saving the children as well as vulnerable adults.

All best wishes for a favorable outcome for SB 217.

Kay Goodnow  
13850 West 91st Terrace, Apt. 408D  
Lenexa, KS 66215  
(913) 851-1702

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**From:** Mike Ference [mike@ferencemarketing.com]  
**Sent:** Thursday, March 10, 2011 9:08 PM  
**To:** HUSTestimony  
**Cc:** 'tina (cj)'  
**Subject:** Human Service Committee SB217 March 14,2011 9am ,rm329

**I support this bill and anyone who has the courage to support sex abuse victims, especially innocent children.**

### **Who Will Speak for Clergy Sex Abuse Victims?**

Mike Ference  
817 Worthington Avenue  
Clairton, PA 15025  
412-233-5491  
[mike@ferencemarketing.com](mailto:mike@ferencemarketing.com)

President Barack Obama's recent speech about the tragic shooting spree in Arizona served to calm the nation and initiate a healing process that may extend well beyond the damage caused by one deranged gunman. His speech was so well received that it may well earn a place in history beside the famous speeches of FDR, Churchill, JFK, Dr. Martin Luther King, and other great leaders.

But, in our violence-plagued society, it is fair to ask whether President Obama and other leaders — indeed, whether all of us — can do more to *prevent* the need for such speeches in the future.

In the area of clergy sex abuse crimes and cover-ups, for example, it is clear that much more could be done.

When will any nationally elected official — Republican or Democrat — step forward and urge the Catholic Church hierarchy to do the right thing? When will parishioners and community leaders demand that local churches protect the children and prosecute the criminals in these cases? When will a great orator convey the urgency of this issue and tell us it is time to stop shuffling accused priests to retreat centers and jobs in other parishes — that we should instead post the names of credibly accused sex abusers, require documentation with the proper authorities, and make the truth known so that others might not be harmed?

Stronger, more proactive measures can reduce the number of clergy sex abuse victims — and spare many families the suicides, alcoholism, drug addiction, homelessness and hopelessness that often befalls such victims.

It's time for the silence to cease. President Obama's Arizona speech was uplifting and much needed. But thousands and thousands of clergy abuse victims worldwide are waiting for the speeches and actions that will recognize their suffering, encourage their healing process — and prevent today's children from becoming victims.



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**From:** tina (cj) [ypeia01@yahoo.com]  
**Sent:** Friday, March 11, 2011 3:20 PM  
**To:** HUS testimony  
**Cc:** Rep. Jo Jordan; Sen. Maile Shimabukuro; wallyinglis@yahoo.com; marci hamilton  
**Subject:** edit to testimony SB217 HUS 3/14/11 9am rm 329 christine johnson

**I want to apologize to Representative Jo Jordan for incorrectly spelling her last name on previous submitted testimony and admit that i am probably responsible for the same incorrect spelling on most other testimony's sent in by my peers. I also did not inform them that Representative Jordan is a woman. I am so sorry for this. Most of us have PTSD and other problems that make us imperfect.. but we are so thankful to be given a voice..**

**christine johnson (tina)**

**Representative John M. Mizuno Chair  
Representative Jo Jordan Vice Chair  
Committee Members Human Services  
Aloha Representatives!**

**This evening i returned from the Waianae Library to my dwelling in Makaha and turned on tv.**

**The Oprah show was on. It was a repeat of her special show on 200 men who were sexually abused as boys and teens.. The 200 now grown men were in the audience.**

**Had my own husband not committed suicide at age 33 he may have been there also.**

**I watched the show and couldn't keep from crying as some of the men told their stories of every thing from twins gang raped by catholic priests to a man raped by his own father and many others.. Tyler Perry was there as a victim/survivor.. All the men were still carrying pain that not only affected them but their families. Their lives a living nightmare shared by their loved ones.**

**The statistic that one out of 6 boys and 1 out of 4 girls will be sexually molested by the age of 18 was stated . I have read those statistics before..**

**I am a statistic as was my husband and son.**

**I turned on my computer after the show and found the hearing notice for SB217 SD2 in my inbox..**

**I am so thankful for this hearing for the bill and for the courage of the Senators and Representatives who are supporting it and passing it.**

**I have spent the past 25 years as an activist for child sexual abuse victims especially those abused by priests.**

**I have met parents whose children killed themselves.. rather than tell what happened to them and or even realize what happened to them. Their parents are consumed with grief.**

**I have met adult women who are bedridden and have multiple personality disorders from being raped by priests and by others as girls..**

**In all these cases (and others) the victim's are left destroyed while the perpetrators and those who enable and hide the perpetrators are most often free and most are free because the STATUTES OF LIMITATIONS have expired before the victims realized what was the root cause of their pain..**

**I believe that ELIMINATING THE STATUTES OF LIMITATIONS ON CHILD SEXUAL ABUSE is necessary. and it is my passion to fight hard for that to happen in every state and every country.. because the Statutes of limitations**

**has only helped perpetrators.. it has left our world in shambles.**

**I also support the 2 year window.. the burden of proof is always on the victim and according to reports paid for by the catholic bishops less than 1.5 percent of all the allegations against priests were seen as false and or did not have enough evidence. (see testimony )**

**Below please find a letter written by Sister Maureen Turlish a catholic nun who is an advocate for sexual abuse victims and for STATUTES OF LIMITATIONS REFORM..**

**I think she speaks for all who are supporting this reform..**

**i support SB217 SD2 and have respect for all legislators who pass it into law.**

**Thank you so much for hearing testimony on SB217.**

**I truly Appreciate your consideration**

**Respectfully,**

**Christine Johnson (tina)**

**84-770 Kili Drive**

**Waianae, Hawaii 96792**

**808 497 9924**

**\* \* \***

House of Representatives

Legislative Office Building

Boston, Massachusetts

May 25, 2010

Dear Representative,

I am a member of the Child Victims Voice Coalition of Delaware ([www.childvictimsvoice.com](http://www.childvictimsvoice.com)) and a founding member of the National Survivor Advocates Coalition (<http://www.nsacoalition.org>).

I testified before the Senate and House Judiciary Committees in support of Senate Bill 29 which was signed into Delaware law on July 10, 2007 and have been actively involved in advocating for legislative reform on the state level since 2002 and I strongly urge you to support Massachusetts House bill 1523 which will better protect all the children of the commonwealth.

I have spoken recently on National Public Radio on the importance of giving no accommodation in law to any religious denomination or non-profit institution that does more to enable, shield or protect known sexual predators than to childhood victims of sexual abuse – by anyone.

<http://why.org/cms/radiotimes/2010/04/12/holding-clergy-and-church-leaders-legally-accountable-for-child-abuse/>

There simply are no arguments compelling enough to persuade good people to oppose legislation whose goal is to hold sexual predators accountable and allow victims of childhood sexual abuse the access to justice which is their right as citizens.

The sexual exploitation of children is a major epidemic in our United States. One in four girls and one in six boys are sexually abused before the age of 18 whether that abuse is committed by a parent, teacher, doctor, rabbi, priest, nun or stranger.

It is a heinous and reprehensible crime against the body and soul of a child with serious and long lasting effects. Unfortunately, a significant percentage of individuals injured in this way cannot cope with some of these effects and take their own lives. I have met parents whose sons were sexually abused. Those parents lost their sons because their adult children could not "get over it," could not "get on with their lives" and ended up taking their own lives.

Such crimes are committed by individuals from all segments of society and they all cry out to God for justice. Cardinal William Keeler of Baltimore, Maryland described sexual abuse as "murder of the soul" and it truly is. It is fitting therefore, that there be no statutes of limitation, criminally or civilly, in regard to the sexual abuse of children, no matter who the perpetrators may be or what positions they may hold. Child abuse is the act of a coward bent on exercising his or her power and control over a helpless and pliant child.

The egregious and heinous crime that childhood sexual abuse is should propel those of us in public service and church ministry to do all we can to protect our children and hold those accountable who would shelter and protect the sexual predators who would harm them, no matter the cost in institutional reputation or credibility. Leaders of religious organizations in a number of states are mounting strong opposition to any changes in states' statutes of limitation regarding the sexual abuse of children

Such behavior by any religious group is outrageous and reprehensible.

There are no reasons and no extenuating circumstances that could ever justify or rationalize any institution, public or private, or any religious denomination, not actively supporting attempts to bring childhood sexual abuse legislation into the 21st century.

Window legislation is not "anti" any particular group but it is very much pro-child. It forces records, if they exist and have not been destroyed, to be made available in a court of justice and hopefully into the public venue as well.

Arbitrary statutes of limitation have protected sexual predators and enabling institutions for too long. It is time they were removed. Delaware now has no statutes of limitation, criminally or civilly, in regard to childhood sexual abuse and our 2007 Child Victims Law also opened a two year window for bringing forward previously time barred cases by anyone, no matter what public, private or religious affiliation attaches.

The time to protect all children is now.

House Bill 1523 is a strong bill crafted to hold all institutions, public and private, in the Commonwealth of Massachusetts accountable for their actions.

I implore you, as a legislator in Massachusetts, to be very wary about accepting claims made by members of any religious institution, their spokesmen or their representatives that would attempt to connect passage of House Bill 1523 with the closing of churches, parishes, social services or outreach programs because it simply is not true and no denomination has produced proof that would support the waves of disinformation that have been circulated in the media.

Vicious opposition to the passage of any laws or the removal of any statutes of limitation regarding childhood sexual abuse of children has been the pattern employed by some leaders of religious institutions in a number of states including New York, Pennsylvania, Maryland, Ohio and Colorado.

There should be no accommodation in law that gives more protection to sexual predators of children and the enablers who conspired to protect them, then to the very real victims of childhood sexual abuse.

In all good conscience, I strongly encourage you, as a member of the Massachusetts' Legislature, to support criminal and civil laws that are as strong as possible in holding accountable the sexual predators of our children together with any enabling individuals or institutions who were complicit in their protection.

Support House Bill 1523.

I have spoken before the legislature in support of Delaware's 2007 Child Victims Law and I would be more than happy to testify in support of Massachusetts' Child Victims bill if it would be helpful.

God bless you for all the work you do,

Sister Maureen Paul Turlish

Victims' Advocate

25-E Highland Blvd.

New Castle, Delaware 19720-6925

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**From:** Joan Kocina [djkcina@sbcglobal.net]  
**Sent:** Saturday, March 12, 2011 4:03 AM  
**To:** HUS testimony  
**Subject:** Human Service Committee SB217 March 14,2011 9am ,rm329

**Subject: Re: Human Service Committee SB217 March 14,2011 9am , rm329**

**Chair of Human service committee Representative John M. Mizuno**

**Vice Chair of Human Service committee Representative Jo Jordon**

**Representatives:**

**We urge you to pass this bill.**

**We know so many people that have come forward to relate their childhood experience of sexual abuse by an adult. While this is not an easy decision to tell of their tragic life experience, it is important to understand how devastating a toll it has taken on their life.**

**It is heart breaking that we as adults have stood blindly by for years. The laws have remained stagnant with apparent indifference to the situation. It is admirable that you are attempting to put some teeth into our laws by addressing these crimes with this bill.**

**Please pass this bill.**

**Respectfully,**

**Joan and Dean Kocina**

**145 W. Brentwood Dr.  
Palatine, IL 60074  
847-934-6683**

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**From:** Kathleen V. Phillips [phillipsa008@hawaiiantel.net]  
**Sent:** Thursday, March 10, 2011 6:04 PM  
**To:** HUSTestimony  
**Subject:** Human Service Committee SB217 March 14,2011 9am ,rm329

**Importance:** High

**Human service committee Chair: Representative John M. Mizuno**

**Human Service committee Vice Chair: Representative Jo Jordon**

**My name is Kathleen V. Phillips -  
3297 Old Haleakala Hwy., Makawao, HI 96768  
Telephone number: 808-572-7226**

**I strongly support SB217. This bill is extremely important. I have seen what can happen to a child who has been sexually abused, and believe me....it affects them throughout their lives. It takes years for many of them to be able to even face what has happened to them and be able to share their trauma. My husband is a deacon and together we have come into contact with children and adults who have been abused and their stories are REAL and many lives have been shattered. Your help in getting this bill passed will be greatly appreciated. If more information is needed, please write or contact me by phone. Mahalo.**

**Kathleen Phillips**

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**From:** Rick Springer [rickspringer@dls.net]  
**Sent:** Friday, March 11, 2011 10:31 AM  
**To:** HUS testimony  
**Subject:** Fwd: Human Service Committee SB217 March 14,2011 9am ,rm329

**Subject: Re: Human Service Committee SB217 March 14,2011 9am ,rm329**

**Attention:**

**Chair of Human service committee Representative John M. Mizuno**

**Vice Chair of Human Service committee Representative Jo Jordon**

**Gentlemen,**

**In 1948 at the age of 11 years I made the fatal decision to convert to Catholicism in hope of reuniting my recently divorced parents. After 2 intense years of catechism, I was baptized and felt the calling to become a priest, entering a seminary to begin my studies. While home for the summer in 1952 and unable to remain in a state of grace because of my sinful thoughts about girls and fearing eternal damnation, I found an "understanding" priest who, after hearing my tearful confession, gave me absolution by performing oral sex on me and pronouncing my body holy enough to continue my studies for the priesthood.**

**Having lost my faith in God and myself, I wasted 31 years of self-destructive behavior before remembering what happened to me and another 8 before I was able to confront the issue head on. But the laws in my state of Illinois bar me from bringing any criminal or civil charges against my abuser or the institution.**

**In light of my experience and thousands of other children of the past I ask that you make every effort to pass this bill so they will have the legal tools when they remember their sexual trauma and gather the strength to seek justice in a court of law.**

**Sexual abuse of a child is akin to murder. It just takes us a torturous lifetime to die, while our abuser goes on doing what he or she is best at: preying on more children. With this bill becoming law many of these monsters will be brought to justice and the children of the past can begin to live again.**

**Respectfully I am,**

**Richard P Springer  
5806 N Mulligan  
Chicago, IL 60646  
773 485 2447**

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**From:** Tony & Doreen [jannotta@comcast.net]  
**Sent:** Friday, March 11, 2011 3:28 AM  
**To:** HUS testimony  
**Subject:** Human Service Committee SB217 March 14,2011 9am ,rm329

**I support the bill.**

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**From:** Trei [tuejo@hawaii.rr.com]  
**Sent:** Saturday, March 12, 2011 9:02 PM  
**To:** HUS testimony  
**Subject:** Service Committee SB217 March 14,2011 9am ,rm329

**Importance:** High

I am in full support of SB217. I am a survivor of repeated child sexual abuse as I was a teenage runaway at age 12. This was 34 years ago and it seems that the laws are still set in place to re-victimize those who the laws should protect. The affects of this type of abuse has left lifelong mental and emotional scars which makes normal functions a daily struggle.

It led me to a life of drug addiction, incarceration and nothing but a continued path of abusive relationships. The very fact alone that even if I had sought help before I took such a devastating road, the laws would work against me; was the sole reason behind my never pursuing criminal action against those who intentionally perpetrate crimes against children.

So I numbed the pain and blocked out the memories with drug use. Three fourths of the prison population has been sexually abused.

Our Society, Government and Judicial System are responsible to change with the tides of time and step forward to protect innocent children.

As it stands today a man can murder his wife in a domestic rage and his still keep his parental rights, even collect her social security.

You cannot pursue civil legal actions as the statute of limitations is not ample time for such a complex action. I am the sister of the high profile Hartsock murder of 2008 and the same statute of limitations is what allowed my sister's right to life to be disregarded.

The life of a survivor is as horrific as those who do not survive because it can never be erased from your life nor your memory.

Please come forward now as our generations fall victim to these types of horrendous crimes with no one to protect them.

It is your sworn duty and moral obligation to help the next hoard of innocent victims to properly understand that it was not their fault.

That crimes like these should never have happened to anyone and that those who commit them will be held fully accountable.

Help them to feel your pursuit for justice for them and to protect them. This will bring forth many more victims willing to pursue criminal charges.

It is time to stop re-victimizing the survivors and their loved ones. It is time to help them stop existing in a living nightmare.

Justice is the only way to give them their lives back and offer enough closure for healing to begin.

Otherwise we simply enable the cycle to continue from one perpetrator to the next, empowering them in inexcusable ways.

Thank You, Tracey Uejo