

LATE Testimony

To: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Human Services Committee Members

From: Child Sex Abuse Survivor by proxy through Dara Carlin, M.A.

881 Akiu Place

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Date: January 30, 2012

Re: Strong Support with suggestions for bill HB1716, Relating to Lifetime TRO

As a survivor of child sexual abuse who has struggled a lifetime with the consequences, I would like to make a few suggestions that would assist in preventing the reoccurrence of abuse as well as support victim-survivors in their struggle to heal from their trauma.

- Although TROs specify that the abuser is not to “visit or remain within 100 yards of any place where the Plaintiff lives or works” would it be possible to add wording that would specify that **abusers** (childhood sexual abusers, rape perpetrators and physical abusers) **be prohibited from moving into a residence or neighborhood where the victim already resides?**
- I know this may be tricky if the abuser does not know where the victim lives, but I’m hoping that a way can be found too prevent an abuser from “unknowingly” moving in to the victim’s residential vicinity. Perhaps something like the Sex Abuse Registry (like a **Lifetime TRO Registry?**) could be made a part of this legislation to assist to this end?

- The other critical component to point out is that many child sex abusers are not even reported to or prosecuted by authorities that in effect exempts victims from the protection and justice they deserve. Therefore if language could be added to this measure to include **unreported victims who can provide third party professional validation and/or confirmation of their abuse, medical documentation of abuse or who can provide evidence of their abuse.**

Learning that your abuser has “accidentally, inadvertently, coincidentally, haphazardly or unwittingly” moved into the same building or into the neighborhood where you live poses very real problems for survivors who are trying to move on and forget about what happened to them. Telling the victim-survivor to “just move” is once again compromising the victim and catering to “the rights” of the abuser” and in an abuser-victim situation, the rights of the victim and the rights of the abuser are NOT the same because the victim's rights have already been violated in unspeakable ways! To then say “In all fairness” or that “he has rights too” rubs salt into the wound adding insult to injury. Victims should not have to spend the rest of their lives literally running away from the person who abused them!

In my particular circumstance, I thought I could handle my abuser's choice of residence location but it became apparent that this wasn't a healthy situation for me and after exhausting all options in conflict resolution, I had no choice but to pursue a TRO. To my shock and dismay, my applications (I applied twice) were denied because he hasn't re-abused me recently and the judge did not see how his moving in next door to me rose to the “imminent harm” standard. Because the TROs were denied, my abuser has been able to happily live next door to me for the past 8 years while I have not had a day's peace since. While he has not physically re-victimized me, the stress, fear, anxiety and psychological harm has gone on unabated for 8 years. Of course I've been told to “just move” but think about this: **he intruded upon me** in the past, he's intruded upon me again yet “all's forgiven” and **I** need to “just get over it”?

I was told that what he did to me was criminal, wrong, illegal and prosecutable – but I was only a child then and didn't hear this message until well into my adulthood – for years I thought it was all my fault. Then when I finally get help to get over what he did to me, he decides to move in next door?

Please understand how this man has affected me mentally and physically with his presence in the past as a child: when you have been abused more than once as a child, you learn to anticipate the future acts (of sexual abuse) and become extremely anxious, hyper-vigilant and fearful as a result because you don't know when the next incident will happen but what you DO know is that it WILL happen so you plan your days and nights accordingly, even if the abuse

didn't happen daily. Years later the doctors would tell me they believe that my learning was affected and compromised due to my preoccupying fears and behaviors that resulted. Trying to correct, get over and break such habits when the abuser is still around is impossible!

This is were the mental aspect of abuse CONTINUES and as any survivor of abuse will tell you, the mental/psychological aspects of abuse are much worse then any of the physical aspects, so when the judges shrug their shoulders because "imminent harm" is only being looked at in physical terms, they're minimizing and ignoring the most severe part of the abuse. The unconscious mechanisms that were built into me as a child in response to the trauma of the abuse are beyond my control mentally or psychologically speaking, and while the following are very private things that are extremely tough for me to share, I need you all to understand that the psychological residue from yesterday's abuse is not something easily erased and needs to be taken seriously for all victim-survivors of abuse.

I have been through 7 years of therapy, including my last 45 sessions of PTSD treatments due to my recurrence of symptoms that reappeared once my abuser moved in next door. I have nightmares and insomnia so its painful to sleep and painful not to sleep. The anxiety over my abuser being so close in proximity has kept me so on edge that my teeth have to be rebuilt due to severe teeth-grinding – a condition I previously overcame that re-emerged once my abuser moved in next door. Five doctors have treated me throughout the years to address my trauma-related symptoms (OCD, therapy for intimacy issues affecting my marriage, anxiety, sleep disorders, other behaviors that I do during the night to protect myself) and the bill for these services is substantial. In addition the frustration and injustice I feel because of his unwelcomed incursion (one again) into my personal space has left me with no quality of life – I live in a world that feels unstable and confusing – and though I've been told I deserve justice and protection for what's been done to me, none is forthcoming. This should not have to happen to ANY other victim of abuse so please support HB1716 to address the serious and long-term consequences of abuse crimes.