



# THE SEX ABUSE TREATMENT CENTER

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

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DATE: January 30, 2014

TO: The Honorable Mele Carroll, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
House Committee on Human Services

FROM: Alana Peacott-Ricardos, Policy Research Associate  
The Sex Abuse Treatment Center

RE: H.B. 1799  
Relating to Change of Name

Good morning Chair Carroll, Vice Chair Kobayashi and members of the House Committee on Human Services. My name is Alana Peacott-Ricardos and I am the Policy Research Associate for the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

SATC supports H.B. 1799, allowing a family court to change the name of a minor child in a divorce proceeding of the parents if either parent has been convicted of sexual abuse against the child or if the court determines that the name change is in the best interests of the child when there has been no conviction of the parent for sexual abuse.

It is alarming to realize that children and youth consistently comprise the majority of sexual assault survivors seen through SATC. From 2001 to 2010, 58.2% of survivors receiving services from SATC were minors.<sup>i</sup> Of those minors, 42.8% were abused by a family member.<sup>ii</sup> In some cases, that family member was their own parent.

Child sexual abuse can have long-term impacts. Survivors may experience emotions such as fear, guilt, anger, and confusion well after the abuse. They may also experience a loss of self-esteem or depression and anxiety, and are at increased risk for suicide, eating disorders, substance abuse, and relationship difficulties.

In cases of intrafamilial sexual abuse, the effects can be even more pervasive as the abuse was perpetrated by someone who should have been a caretaker, a protector, a defender, but instead that person hurt, violated, and exploited the child. Sharing the same name as a perpetrator can serve as a constant reminder of the abuse.

We urge you to pass H.B. 1799. This bill reflects a victim-sensitive approach and takes into consideration the potential for lasting trauma suffered by survivors of child sexual abuse perpetrated by a parent. Thank you for this opportunity to testify.

<sup>i</sup> THE SEX ABUSE TREATMENT CENTER, SEXUAL ASSAULT VICTIMS IN THE CITY AND COUNTY OF HONOLULU: 2001-2010 STATISTICAL PROFILE 1 (2013), available at <http://satchawaii.org/pdf/sexual-assault-victims-2001-2010-statistical-report.pdf>.

<sup>ii</sup> *Id.*

**kobayashi1-Joni**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 28, 2014 2:24 PM  
**To:** HUS testimony  
**Cc:** sherrianwitt@aol.com  
**Subject:** Submitted testimony for HB1799 on Jan 30, 2014 10:00AM

**HB1799**

Submitted on: 1/28/2014

Testimony for HUS on Jan 30, 2014 10:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sherrian witt	Individual	Support	No

Comments: I support this measure as a way to protect children ....

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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TO: Representative Mele Carroll, Chair  
Representative Bertrand Kobayashi, Vice-Chair  
House Committee on Human Services

FROM: Dyan K Mitsuyama  
E-Mail: [dyan@mitsuyamaandrebman.com](mailto:dyan@mitsuyamaandrebman.com)  
Phone: 545-7035

HEARING DATE: January 30, 2014 at 10 a.m.

RE: Testimony in Opposition to HB 1799 Relating to Change of Name

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Dear Chairwoman Carroll & Vice Chair Kobayashi and fellow committee members:

I am a licensed attorney exclusively practicing Family Law here in the State of Hawaii for fifteen (15) years. I am currently the Treasurer of the Family Law Section of the Hawaii State Bar Association, which is currently comprised of approximately 136 attorneys throughout the State of Hawaii.

A few colleagues and I are in opposition to the measure mainly because the proposed modification to the existing statute (HRS 574-5) is unnecessary and merely would increase conflict between divorcing spouses, which would not be in the child's best interest.

The bill first proposes to insert language to change a child's name if a parent has been convicted of child sexual abuse. This seems well-intended, but it is unclear if the parent is allowed basic due process rights as to notice and/or to oppose it.

Second, the bill proposes to insert language to change a child's name regardless if there is a conviction so long as the court determines that the change is in the child's best interest. Again, this seems well-intended as there may be appropriate situations to change a child's name, but more often than not, there are divorcing spouses who make false allegations about the other in an effort to gain leverage (and ultimately succeed) in a battle over custody and/or visitation.

The Court already has tools to ensure the child's safety, including but not limited to barring/limiting visitation; not awarding physical/legal custody; and/or, terminating a parent's rights.

Too often people make allegations regarding abuse and most times the allegations are untrue. As such, it would be patently unfair to remove a child's

middle or last name at the discretion of the Court particular at a “best interest” standard.

If the purpose is to protect the child’s identity, then it seems to miss the mark as the other party will be notified of a motion to change the child’s name. The party will eventually know what the child’s new name is either at the actual court hearing and/or later through court records as divorce files are considered public record.

Lastly, there are children born out of wedlock and this is not addressed by this bill. Divorcing parties would be afforded an opportunity to change the child’s name that other parents are not afforded.

Thank you for your time.