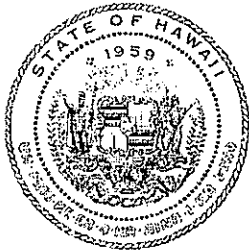


LATE

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



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January 29, 2013

Testimony in Support of SB 529, Relating to Parental Rights

To: Senator Josh Green, M.D., Chair
Senator Suzanne Chun Oakland, Vice-Chair
Members of the Senate Committee on Human Services

From: Cathy Betts, Executive Director, Hawai'i State Commission on the Status of Women

Re: Testimony in Support of SB 529

The Hawai'i State Commission on the Status of Women is in strong support of SB 529. Several states have already enacted legislation that prevents convicted rapists from attempting to obtain visitation and/or custody of the child borne from a sexual assault.

Rape is a crime of power and control. It is estimated that 1 out of 4 women will be the victim of a completed rape within her lifetime. The vast majority of rapes are committed by someone the victim knows, which makes the resulting legal implications from a pregnancy even more troubling. Under current Hawaii law, a man who fathers a child through rape has the same legal rights to custody and visitation that any other father of a child does. While HRS 571-46 allows a court to make a determination of family violence and use that determination as a rebuttable presumption against giving the offender custody, there is nothing specifically limiting a convicted rapist from attempting to gain visitation and/or custody. Victims of a sexual assault should not be re-victimized by seemingly endless custody and visitation battles and numerous court hearings in which they have to see their offender. Passing SB 529 is the right thing to do for victims.

Thank you for this opportunity to testify.

Cathy Betts
Executive Director
Hawaii State Commission on the Status of Women