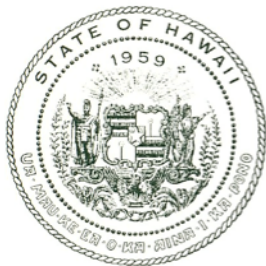


SB2223

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH
MARILYN LEE
JUDY KERN

Executive Director
Catherine Betts, JD

Email:
Catherine.a.betts@hawaii.gov
Visit us at:
humanservices.hawaii.gov
/hscsw/

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

February 7, 2014

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Members of the Senate Committee on Judiciary and Labor

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

Re: Testimony in Support, SB 2223, Relating to Change of Name

Thank you for this opportunity to testify in strong support of SB 2223, which would allow a family court to change the name of a minor child in a divorce proceeding if the child was the victim of sexual abuse by either parent, or if the court determines that a name change is in the best interest of the child.

I have worked with child sex abuse victims in different capacities over the last decade. Allowing child victims this sense of ownership over their bodies, identities and lives is hugely important. The impact that childhood sexual abuse has on an individual cannot be understated. To continue to live with the perpetrator's name is not fair or just.

This bill would allow a family court to change a child's name in only two circumstances: one, in instances when either parent has been convicted of child sexual abuse, or in instances when the court determines that a change of name is in the best interest of the child. It takes a good deal of evidence and information for a family court judge to make a finding and it is far fetched to imagine that a court would make such a finding without sound information and solid evidence that childhood sexual abuse occurred.

Absent legislation like this, even a parent with sole physical and legal custody of a child would have to petition the Lieutenant Governor's office. Even then, the other parent would still have to provide consent for a name change. Not only does that put the survivors in direct contact with the perpetrator, it places them in a precarious position where they are reliant on the perpetrator's consent to name change.

The Commission strongly supports this measure and respectfully urges this Committee to pass SB 2223. Thank you for this opportunity to testify in support.



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

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Marilyn Carlsmith

Senator
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Councilmember
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscetta

Joshua A. Wisch

DATE: February 7, 2014

TO: The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

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

RE: S.B. 2223
Relating to Change of Name

Good morning Chair Hee, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor. 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 S.B. 2223, 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.ⁱ Of those minors, 42.8% were abused by a family member.ⁱⁱ 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 S.B. 2223. 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.

ⁱ 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>.

ⁱⁱ *Id.*

TESTIMONY OF THOMAS D. FARRELL
Regarding Senate Bill 2223, Relating to Change of Name

Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Friday, February 7, 2014 10:00 a.m.
Conference Room 016, State Capitol

Dear Senator Hee and Members of the Committee:

I was not aware that we have a rash of divorce cases where one parent has been convicted of a sexual crime against his or her child. I've handled hundreds of divorce cases in the past twenty years, and I can remember exactly one like that (and it was actually a step child).

What I do commonly see, however, are parents who are so angry at the other parent that getting custody and excluding the other parent from visitation isn't good enough---they want to erase the other parent's name, too. They are very disappointed to find out that the court can't do that. I also see allegations of sex abuse which are usually unfounded, do not result in criminal prosecution, and are not pursued by the Child Welfare Service. Manufactured sex abuse allegations are one of the nuclear weapons of child custody litigation, and they cause a great amount of heartache to the accused parent, as well as a fair amount of trauma to the subject child. For example, I have an ongoing case in my office right now in which the opposing party has repeatedly taken his four year old daughter to the Sex Abuse Treatment Center in an attempt to get them to corroborate his claim that she has been molested by mom's boyfriend. In another case, it took me two years to clear my client of malicious sex abuse allegations by his spouse and to get him normal visitation with his child. I would warn this Committee about the law of unintended consequences: in divorce, some people will say or do anything to get what they want, and this legislation will encourage more false claims of sex abuse.

To give the court the power erase a surname in the course of a divorce action whenever it "is in the best interest of the child" is a rather loose standard, and is just going to give warring parents another issue to fight about. I suppose that would result in my personal financial benefit, but my conscience prevents me from supporting such a proposition.

Perhaps a better case can be made where the parent has actually been convicted of a crime of sexual abuse of the child. However, the child can change his or her name to whatever he or she wants upon attaining adulthood at age 18. Is this bill really necessary?

Mahalo for the opportunity to testify this morning.

Divorce ♦ Paternity ♦ Custody ♦ Child Support ♦ TROs ♦ Arbitration
also handling national security cases involving revocation or denial of security clearances

700 Bishop Street, Suite 2000, Honolulu, Hawaii 96813
Telephone 808.535.8468 ♦ Fax 808.585.9568 ♦ on the web at: www.farrell-hawaii.com

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for SB2223 on Feb 7, 2014 10:00AM*
Date: Tuesday, February 04, 2014 12:21:09 PM

SB2223

Submitted on: 2/4/2014

Testimony for JDL on Feb 7, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov