



SB 2318

Measure Title: RELATING TO PARENTAL RIGHTS.

Report Title: Termination of Parental Rights; Incest

Description: Provides for involuntary termination of parental rights in cases of incest. Provides for denial of custody and visitation rights of convicted parent and preserves the custodial parent's right to court ordered child support.

Companion:

Package: None

Current Referral: HMS, JDL

Introducer(s): SLOM, CHUN OAKLAND, Kahele, Ruderman, Solomon



THE SEX ABUSE TREATMENT CENTER

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

Executive Director
Adriana Ramelli

DATE: February 4, 2014

Advisory Board

TO: The Honorable Suzanne Chun Oakland, Chair
The Honorable Josh Green, Vice Chair
Senate Committee on Human Services

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FROM: Alana Peacott-Ricardos, Policy Research Associate
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RE: S.B. 2318
Relating to Parental Rights

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Good afternoon Chair Chun Oakland, Vice Chair Green and members of the Senate 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 strongly supports S.B. 2318, which provides for denial of custody and visitation rights and/or involuntary termination of parental rights in cases of incest. Last session, SATC strongly supported S.B. 529 S.D. 1, which authorized family courts to prohibit custody and visitation, and to terminate parental rights of a person with regard to a minor child conceived through a rape or sexual assault perpetrated by that person. This bill adds the offense of incest.

According to a recent report, 42.8% of child survivors and 12.8% of adult survivors receiving services from SATC were assaulted by a family member.ⁱ Sexual abuse can have long-term impacts. 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 protector, but instead that person hurt, violated, and exploited their own family.

In addition to the emotional trauma, survivors also face the potential that the assault could result in a pregnancy. One study found that approximately five percent of rapes result in pregnancy.ⁱⁱ At last estimate, this translated to about 25,000 rape-related pregnancies each year in the United States.ⁱⁱⁱ A number of women who become pregnant through a sexual assault against them choose to carry their pregnancies to term and keep the child.^{iv}

Presently in Hawai'i, if a child is conceived through an act of incest, the perpetrator of the sexual assault has the same parental rights as any other biological parent. Consequently, the parent, who is also now a survivor of sexual assault, may be forced to raise a child with the person who raped her or him. The perpetrator is then allowed to assert power and control again over the survivor by using the child.

We urge you to pass S.B. 2318, as it protects survivors of intrafamilial sexual abuse and ensures that a convicted offender will not be allowed to further victimize a survivor through a child conceived from the assault.

Thank you for this opportunity to testify.

ⁱ See, e.g., 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>. According to the report, 92.5% of child victims and 80% of adult victims receiving services from SATC knew the perpetrator.

ⁱⁱ Melissa M. Holmes et al., *Rape-related pregnancy: estimates and descriptive characteristics from a national sample of women*, 175(2) AM. J. OBSTET. GYNECOL. 320, 321 (1996).

ⁱⁱⁱ Felicia H. Stewart & James Trussell, *Prevention of Pregnancy Resulting from Rape: A Neglected Preventive Health Measure*, 19(4) AM. J. PREV. MED. 228, 228 (2000).

^{iv} Holmes et al., *supra* note 2, at 322.

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February 4, 2014

Good Afternoon Senators and thank you for this opportunity to provide testimony IN STRONG SUPPORT of SB 2318.

This is going to sound weird, but I'm so very happy to see the word "incest" being used in this measure because for too many years, incest has been "downgraded" and minimized by being called things like "molestation" and "child sexual abuse".

According to The American Psychological Association:

*Studies on who commits child sexual abuse vary in their findings, but the most common finding is that **the majority of sexual offenders are family members** or are otherwise known to the child. Sexual abuse by strangers is not nearly as common as sexual abuse by family members. Research further shows that men perpetrate most instances of sexual abuse, but there are cases in which women are the offenders. Despite a common myth, homosexual men are not more likely to sexually abuse children than heterosexual men are. <http://www.apa.org/pubs/info/brochures/sex-abuse.aspx?item=3>*

Abuse of any type is substantially worse when committed by someone the victim trusts, knows or loves because of the betrayal involved yet in cases of incest, those factors are commonly used as excuses to try to "save", heal and restore the relationship. There is only one way to prevent a recurrence of incest and that's to protect the child by removing the perpetrator from the child's life – SB 2318 will certainly help to accomplish that so please support this measure so it's carried into law.

Thank you once again for this opportunity to provide testimony in support of SB 2318.