

SB 922

Measure Title:	RELATING TO SEXUAL ASSAULT.
Report Title:	Parental Rights; Rape; Sexual Assault
Description:	Mandates instead of permits a family court to terminate the parental rights to any child of a natural parent if the natural parent is convicted of rape or sexual assault and that rape or sexual assault resulted in the conception of the child.
Companion:	HB1248
Package:	None
Current Referral:	HSH, JDL
Introducer(s):	CHUN OAKLAND



February 17, 2015

To: Senator Suzanne Chun Oakland, Chair; Senator Josh Green, Vice Chair;
Senator Gilbert S.C. Keith-Agaran, Chair; and Maile S.L. Shimabukuro, Vice
Chair
and
Members of the **Senate Committee on Human Services and Housing, and
Senate Committee on Judiciary and Labor**

From: Dr. Susan J. Wurtzburg
Policy Chair, **American Association of University Women – Hawaii**

Re. **Testimony in Support, SB 922, Relating to Sexual Assault**

I am grateful for this opportunity to testify in strong support of SB 922, relating to sexual assault. My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawai'i, who list violence against women as their most important current concern. This testimony is also informed by five years experience of teaching undergraduate and graduate students at the University of Hawai'i at Manoa, which has provided insight into the disturbing levels of sexual violence occurring on the state university's flagship campus. In addition, my area of expertise is gender violence, and I worked for many years with survivors of violence in New Zealand.

On behalf of my current constituents, I argue strongly that SB 922 should be approved today for a number of reasons. This bill terminates the parental rights of men who are convicted of rape, when the rape has resulted in the birth of a child. No woman should be forced to confront her sexual assailant years after the event in ongoing custodial discussions. This is cruelty to both the woman and her child, and makes it difficult for both parties to maintain good emotional health. Some legal scholars have termed this abusive court process as "the second rape."

Not only can men use the vagueness of the current statute as a means for ongoing contact with their rape victim, they can also use the current law to elude legal sanctions. When parental rights are not automatically terminated, men can use parental rights as a bargaining tool encouraging women not to testify against them in court, which is poor justice indeed.

For all of these reasons, I argue strongly that SB 922 should move forward into law.

Thank you for the opportunity to testify.

Joanna Amberger
HSH
February 17, 2015, 1:20pm
SB922

I am writing in support of SB922. Imagine you were raped, conceived a child from that assault and then your rapist sought custody! Current law in Hawaii gives men parental rights over children conceived as the result of rape. This means that women are often forced to negotiate dropping rape charges against men in exchange for men agreeing not to claim their parental rights over children conceived from sexual assault. This is an untenable position for women, often leaving them dealing with ongoing contact with and victimization by their rapists as a result of poorly considered laws.

Hawaii is not unique in this regard. This legal loophole is found in approximately 30 other states, and it is definitely time to change the legislation. Part of the problem is that many rapes go unprotected for a variety of reasons. According to the the Rape and Incest National Network, only 9 out of 100 rapes get prosecuted.

Let's empower rape victims and give them one fewer thing to worry about in a system that is already challenging enough for them to navigate without the surprise of having to deal with the possibility of ongoing victimization by their rapist for the next 18 years of their child's life!

SB922

Submitted on: 2/13/2015

Testimony for HSH on Feb 17, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Tonya Ozone	Individual	Support	No

Comments: I am shocked that this is even an issue. Are you kidding me? No woman should have to endure sexual assault, let alone the aftermath of a child and then have to deal with or negotiate with your rapist on any issue, let alone custody. Please close this loophole.

SB922

Submitted on: 2/15/2015

Testimony for HSH on Feb 17, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Jo Morrow	Individual	Comments Only	No

Comments: This law is unfair to the woman who conceived a child as the result of rape. The woman is a victim of an horrendous crime, and is now being put into a compromising position to deal with her rapist over parental rights. This man, who raped her, is the "sperm donor" not the father or parent. He should have no rights. This leaves the door open for more violence against the woman. I urge you to change this law. Thank you for this opportunity to testify.