

# LATE TESTIMONY

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for SB1062 on Feb 23, 2017 09:00AM\*  
**Date:** Wednesday, February 22, 2017 6:01:26 PM

---

## **SB1062**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marci Lopes	Hawaii State Coalition Against Domestic Violence	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](mailto:webmaster@capitol.hawaii.gov)



THE SEX ABUSE  
TREATMENT CENTER

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

*Executive Director*  
Adriana Ramelli

*Advisory Board*

*President*  
Mimi Beams

Joanne H. Arizumi  
Mark J. Bennett  
Andre Bisquera  
Marilyn Carlsmith  
Dawn Ching  
Senator (ret.)  
Suzanne Chun Oakland

Monica Cobb-Adams  
Donne Dawson  
Dennis Dunn  
Councilmember  
Carol Fukunaga  
David I. Haverly  
Linda Jameson

Michael P. Matsumoto  
Robert H. Pantell, MD  
Joshua A. Wisch

**Date:** February 23, 2017

**To:** The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice Chair  
Senate Committee on Judiciary and Labor

**From:** Justin Murakami, Policy Research Associate  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

**RE:** Testimony in Support of S.B. 1062 with Comments  
Relating to Parental Rights

**Good morning Chair Keith-Agaran, Vice Chair Rhoads, and members of the Senate Committee on Judiciary and Labor:**

The Sex Abuse Treatment Center (SATC) supports S.B. 1062, which requires the family court to terminate parental rights if the court determines, by clear and convincing evidence, that the child was conceived during an act of sexual assault by the parent.

Sexual violence remains a major public health issue in Hawai'i. According to the Attorney General's report, *Crime in Hawai'i 2015*, there were 538 reported rapes in 2015. It is important to note that this figure does not reflect the actual number of rapes that occurred, as sexual assault is vastly unreported, with approximately 2 out of 3 assaults going unreported.

The impact of sexual violence is significant. Survivors face not only emotional trauma, but significant physical consequences, including pregnancy. One study found that approximately five percent of rapes resulted in pregnancy. This would translate to about 32,000 rape-related pregnancies each year in the United States.

A number of women who become pregnant as a result of sexual assault choose to carry their pregnancies to term and keep the child. An analysis of the National Women's Study raw data revealed that of thirty-four cases of rape-related pregnancy, the woman kept the infant in 32.3% of the cases.

Presently in Hawai'i, if a child is conceived through an act of sexual assault, the perpetrator of the sexual assault will not be permitted custody of, or visitation with, the child. However, a family court may allow the perpetrator to retain the remaining parental rights possessed by other parents. These may include the authority to consent to decisions concerning the child of substantial legal significance, such as

marriage; enlistment in armed forces; medical, psychiatric, and surgical treatment; representation of the minor in legal actions; and adoption of the minor.

Consequently, a survivor of sexual assault may be forced to include her rapist in decisions concerning the upbringing of her child, presenting the opportunity for the perpetrator to further control and harm the survivor and her child.

S.B. 1062 would protect survivors of sexual assault and their children by requiring family courts to deny the remaining parental rights that a person who is convicted of a sexual assault may currently be permitted to retain with respect to the child conceived as a result of the offense.

The SATC also has the following comment concerning this measure that we respectfully submit for consideration:

The SATC believes that S.B. 1062's required termination of remaining parental rights would strongly benefit the survivor of sexual assault and her child in nearly all cases. However, there may be rare instances in which a mother survivor of sexual assault may wish to allow the perpetrator parental rights. Under Haw. Rev. Stat. § 571-61(b)(5)(G), both currently and with S.B. 1062's proposed amendment, a mother may petition the court to restore the perpetrator's rights. However, the court may, at its discretion, decline the mother's request.

A more survivor-centered approach would be to respect the survivor's choice and allow her decision to grant parental rights to be outcome determinative.

By ensuring that convicted perpetrators of sexual assault will not be allowed to further victimize survivors by exercising parental rights over children resulting from their offenses, S.B. 1062 sends a profound message that the State of Hawai'i cares about protecting its citizens from the lasting aftereffects of violent crime.

## In Support of SB1062, HB1487

February, Tuesday 21, 2017

Michael Ferreira, Candidate, 2017  
Honolulu Neighborhood Board #34

### **In Support of SB1062 / HB1487- When a child is the result of a sexual assault, prohibits visitation of child by perpetrator.**

Sexual violence is a control crime against the victim. The product of an assault is a daily reminder to the victim who is trying to give an innocent child a decent life. I myself raised such a child from before I came along. This child was never made aware of who or how the child's father was. I was the only one in this child's life. Allowing a biological father convicted of the crime of rape resulting in the child in question to have any contact with a product of their violence is morally and should be legally wrong in all instances.

Providing emotional support, safety and peace of mind to help the victim of sexual violence to cope is the family and community's responsibility. This Bill is highly personal to me and I urge our lawmakers to pass these bills into law.

Thank you to Representatives Tom Brower, Cedric Solosolo Gates, Joy San Buenaventura  
Senators Gilbert S.C. Keith Aragon, Chair, Sen. Karl Rhodes, Co- Chair.

Michael Ferreira

## LATE TESTIMONY

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB1062 on Feb 23, 2017 09:00AM  
**Date:** Wednesday, February 22, 2017 5:17:56 PM

---

### **SB1062**

Submitted on: 2/22/2017

Testimony for JDL on Feb 23, 2017 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: Aloha Chair Keith-Agaran, Vice Chair Rhoads and members, The Coalition is in strong support of this measure but are asking that the language from HB1487 to be inserted into SB1062. We need the strongest possible protection for rape victims as we are aware of too many horrific cases where a perpetrator got access to his victim and/or her child through court proceedings to obtain visitation and or custody. Let's put an end to this in our state for once and for all. Mahalo, Ann S. Freed, Co-Chair, Hawaii Women's Coalition

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](mailto:webmaster@capitol.hawaii.gov)

# LATE TESTIMONY

February 22, 2017

Dear Chair Keith-Agaran and members of the Senate Committee on Judiciary and Labor:

My name is Joy Kaopuiki; and I am submitting testimony in **STRONG SUPPORT** of **SB1062**. I am testifying on behalf of myself; my 4-year-old son, Rawlings James; and other victims of sexual assault like us. I want to begin by expressing my sincerest gratitude for scheduling this testimony hearing for SB1062 — “Thank You!”

My main purpose is to secure true protections for sexual assault survivors and their conceived children, all whom are directly affected by the areas of concern not addressed in the recently-enacted Act 213 (2016) law. I commend and thank you for your compassion and empathy with what this law intended to do. Now, I urge that we tighten up and fine tune the details so rape victims and their conceived children truly receive the **JUSTICE** and **FREEDOM** they are due! Furthermore, the SB language must mirror **HB1487** to ensure complete coverage and unity on the matter.

For most of my young son’s life, we have been personally experiencing the harsh repercussions of being a sexual assault victim and the conceived child. To briefly explain our situation — my abusive ex-boyfriend raped me one night, across the street from my home, after incessantly stalking and harassing me. He and his family wanted nothing to do with me, nor my baby, during my pregnancy. They even demanded I have an abortion numerous times. When my son was almost 4-months-old, my ex filed for paternity and custody; only after he unlawfully hacked into my email account and discovered I tried to get a restraining order against him. My rapist took me to court before I could do anything about what he wrongfully did to me.

By the time I got the assistance I needed from the Sex Abuse Treatment Center of Hawai’i, my case was considered a “delayed reporting.” Nevertheless, there was an extensive process in order for the Deputy Prosecuting Attorney to receive a “true bill” from a Grand Jury — to include a thorough, months-long investigation by a Detective with the Honolulu Police Department Sex Crimes Division.

Despite his criminal indictment and felony charges for sexual assault in the second degree — to all of which my rapist pled “*Not Guilty*,” of course — my son and I are still being forced by the family court into **direct, unsupervised contact** with our abuser and his hostile family. It feels like endless abuse, assault, and “rape” by **multiple assailants** now! Until this very day, my son and I have not received due process from the family court on “the best interests of the Child” because my rapist keeps being allowed to continue our family court matters every time he continues his criminal trial.

My son’s conception was not his fault because he is a blessing from God. We will never be able to get back the time lost due to this adverse situation. However, we strive to do our best and stay true to our integrity, our faith, our love, our children, our family, and ourselves in order to positively move forward. I am incredibly grateful to my family and the support agencies who were there for me and my son every step of the way. I also want to share my utmost appreciation for Senator Maile Shimabukuro, Representative Cedric Gates, and their staff with the drafting and introduction of these pertinent measures.

J.Kaopuiki

Support Testimony for SB1062 — Relating to Parental Rights

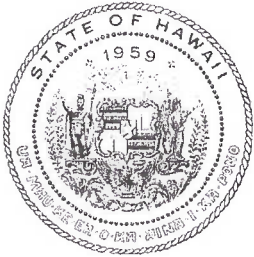
February 22, 2017

Page 2

Honorable and distinguished members of this Committee, I humbly ask for your support to **pass SB1062, with the vital amendments inserted from HB1487**. The SB, in unison with the HB, will ensure sexual assault victims and their conceived children receive total protection; justice; and ***TRUE FREEDOM!*** I thank you all for your time and attention to this very important matter. Mahalo!

Sincerely,  
Joy M.K. Kaopuiki, M.S.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA  
CYD HOFFELD  
JUDY KERN  
MARILYN LEE  
AMY MONK  
LISA ELLEN SMITH

Executive Director  
Cathy 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

**LATE TESTIMONY**

February 23, 2017

**Testimony in Support of SB 1062, Relating to Parental Rights**

**To:** Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice-Chair  
Members of the Senate Committee on Judiciary and Labor

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

**Re:** Testimony in Support of SB 1062, Relating to Parental Rights

The Hawai'i State Commission on the Status of Women is in support of SB 1062, which would mandate termination of a perpetrator's parental rights in cases where the court has found, by clear and convincing evidence that a sexual assault occurred which resulted in the subject child.

The Commission would like to point out that despite the majority of cases in which a survivor/mother would want the termination of parental rights to be mandatory, there are cases in which the survivor/mother does not want the parental rights of the perpetrator to be terminated. For that reason, the Commission supports the language in SB 1062, but recommends that any survivor's request to restore parental rights be honored. The discretion should remain with the survivor, rather than the court. This would be a more survivor-centered approach and would respect the survivor's choice.

Thank you for this opportunity to provide testimony.



## LATE TESTIMONY

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB1062 on Feb 23, 2017 09:00AM  
**Date:** Monday, February 20, 2017 11:05:41 AM

---

### **SB1062**

Submitted on: 2/20/2017

Testimony for JDL on Feb 23, 2017 09:00AM in Conference Room 016

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

Comments: Good Morning Chair Keith-Agaran, Vice Chair Rhoads & JDL Committee Members, I would like to offer my STRONG SUPPORT for this measure and might I please ask that the language from HB1487 be inserted into SB1062. Thank you for your time and consideration. Respectfully, Dara Carlin, M.A.

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](mailto:webmaster@capitol.hawaii.gov)



February 20, 2017

To: Hawaii State Senate Committee on Judiciary and Labor  
Hearing Date/Time: Thursday, February 23, 2017 (9:00 a.m.)  
Place: Hawaii State Capitol, Rm. 016  
Re: Testimony of American Association of University Women –  
Hawaii in **support of S.B. 1062, with the concern raised here**, relating to parental rights

Dear Senator Gilbert S.C. Keith-Agaran (Chair), and Senator Karl Rhoads (Vice Chair), and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of S.B. 1062**, which would improve the situation in Hawaii for survivors of sexual assault and their children.

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawaii, who list violence against women as one of three important current concerns. This testimony is informed by seven years of teaching “Gender Violence” at the University of Hawaii at Manoa. 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 these groups, I argue strongly that SB 1062 is an incredibly important bill, correcting a major injustice toward women and their children. This bill terminates the parental rights of men who have committed rape, when the rape has resulted in the birth of a child. Many women do not take their rapist to criminal court, knowing the low probability of obtaining a conviction, but some of these women do decide to bear a child resulting from rape. No woman should be forced to confront her sexual assailant years after the event in ongoing custodial discussions, and the “clear and convincing evidence” is the appropriate level for Family Court decisions. Anything else is cruelty to both the woman and her child, and makes it difficult for survivors to maintain good emotional health. Some legal scholars have termed this abusive Family Court process of ongoing interaction with a rapist 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. SB 1062 stops men from using parental rights as a bargaining tool encouraging women not to testify against them in criminal court, which is poor justice indeed.

For all of these reasons, I argue strongly that SB 1062 should move forward into law.

Thank you for the opportunity to testify.

Sincerely  
*Susan J. Wurtzburg*, Ph.D.  
Policy Chair