



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 18, H.D. 1, RELATING TO CHILDHOOD SEXUAL ABUSE.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, March 12, 2019

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Caron Inagaki, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill, but raises the following concerns.

The purpose of this bill is to amend section 657-1.8 (b), Hawaii Revised Statutes, to eliminate the statute of limitations for a victim of child sexual abuse to bring a civil claim for money damages against any person, not just the person who is alleged to have committed the act of sexual abuse. This bill also eliminates any time limitation based on the discovery rule. Victims have no limitations on when they can bring a civil suit, including after they discover that they sustained psychological injury as a result of the sexual abuse. The bill further deletes subsection (b) that opened a window of time for victims to bring a claim if the victim was barred from filing a claim due to the expiration of the statute of limitations that was in effect prior to April 24, 2012.

Under this bill, there also would be no time limitations for bringing claims against any legal entity that employed the abuser or owed a duty of care to the victim or, if the legal entity had responsibility or control over the activity the victim and abuser were engaged in, regardless of when the abuse may have occurred.

When section 657-1.8 was first enacted in 2012, victims of childhood sexual assault whose claims may have been untimely due to the applicable statute of limitations at that time, had two additional years to bring a civil lawsuit. As a result, many civil lawsuits alleging acts of sexual assault that occurred years, sometimes

decades, earlier, were filed. The law was further amended in 2014 and 2016, allowing for additional two-year “windows” up to April 24, 2020, for victims of sexual abuse to bring claims regardless of when the abuse occurred.

There are concerns that the lengthy passage of time could severely prejudice the parties in a lawsuit. Over the passage of time, memories fade, witnesses move or pass away, and documents are lost or destroyed. Most entities have records retention policies that call for the destruction of documents after a certain period of time. While both parties can face challenges because of a very long passage of time, there may be instances where the Plaintiff will be the only person who is able to speak about the incident because the alleged perpetrator has passed away and any entity that may be part of the lawsuit has no records or any information relevant to the case.

Another example where this bill raises concerns is in the instance of a minor who is a victim of sexual abuse of one of the identified crimes and is taken to a hospital to be treated. A medical care provider who examines the minor is mandated to report the suspected abuse and therefore owes a duty to the minor, making the provider subject to the statute. If no medical care provider reports the suspected abuse because there is a rational reason not to report and the child is abused again, there may be grounds to file an action against the medical care provider and the hospital. However, because a lawsuit could be filed decades after the alleged assault, there may no longer be any witnesses or documentation that would allow the medical care provider or hospital to defend itself in the lawsuit.

Furthermore, if medical care providers or hospitals can be sued at any time, insurance companies may refuse to issue errors and omissions policies or may raise their rates to such an extent that physicians could no longer afford to purchase insurance coverage.

While we fully sympathize with victims of sexual abuse who may need time before they are ready to file a lawsuit, we have concerns about the absence of any statute of limitations.



**LATE**

Testimony on behalf of the  
Hawai'i State Commission on the Status of Women  
**Khara Jabola-Carolus, Executive Director**

Prepared for the Senate Committee on Judiciary

In Support of HB18 HD1  
Tuesday, March 12, 2019, at 9:00 a.m. in Room 016

Dear Chair Rhoads, Vice Chair Wakai, and Honorable Members,

The Hawai'i State Commission on the Status of Women supports HB18 HD1, which would repeal statutory limitations on the time period in which a survivor of childhood sexual abuse may file suit.

This legislation is particularly important for survivors of child sexual abuse because many children do not disclose abuse right away. Some studies have estimated that between 60–80% of child sexual abuse survivors withhold disclosure. Studies examining latency to disclosure have reported a mean delay from 3–18 years.

At the time of abuse, a child may not be at the cognitive level to be able to put traumatic memories into words, recall details, remember the frequency, time, or sequence of events, or understand that the acts were “wrong” or illegal. The child may be afraid of the impact on their family or the perpetrator’s family if the abuse is disclosed. The majority of survivors know the perpetrator. In child sexual abuse cases, most studies reflect that 90% of child victims knew their perpetrator. In some cases, the perpetrator may be a family member living in the same home as the survivor or a close family friend.

Additionally, some people do not disclose until well into adulthood. Some adults molested as children may not discover the connection between the sexual abuse and their resulting psychological injury until decades after the abuse. Some may be motivated to pursue claims after they learn that the perpetrator has access to children. Like child survivors, a majority of adult survivors know the perpetrator. Similarly, adult survivors may not disclose right away for many reasons, including fear of retaliation, or feelings of guilt and shame.

At least 32 states have no criminal or civil statute of limitations on child sexual abuse or the most aggravated sex crimes. It is doubtful that this legislation would open the floodgates or cause concern for fraudulent claims. Additionally, this legislation does not change the burden of proof nor does it make it easier for sexual assault victims to prove their case. This legislation merely allows more survivors of sexual violence to access the justice system and feel as if they've been heard. This is a hugely important step for many survivors to recover from trauma.

Accordingly, the Commission strongly supports HB 18 HD1. Thank you for this opportunity to provide testimony on this issue.

Sincerely,

Khara Jabola-Carolus

To: Hawaii State Senate Committee on Judiciary  
Hearing Date/Time: Tues., Mar. 12, 2019, 9:00 a.m.  
Place: Hawaii State Capitol, Rm. 016  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 18, HD1, relating to Childhood Sexual Abuse

Dear Chair Rhoads and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of H.B. 18, HD1, which seeks to repeal statutory limitations on the time period in which a survivor of childhood sexual abuse may file suit.

H.B. 18 would eliminate the civil statute of limitations for child sex abuse cases in Hawaii, consistent with the experience of the survivors, who often are unable to seek justice for decades, if they ever disclose the abuse at all.

Child sexual abuse remains a serious and ongoing threat to the safety, health and wellbeing of children in Hawaii. Studies show that 20% of adult females and 5-10% of adult males in the U.S. recall at least one incident of childhood sexual abuse.

Over half of the survivors who receive services from Hawaii sexual assault centers experienced abuse as minors and the Youth Risk Behavior Survey results demonstrate children here experience sexual abuse at higher rates than their mainland peers.

Please pass H.B. 18 and help to ensure that survivors of sexual abuse are given the opportunity to seek the justice they need to recover and heal.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,  
Laurie Field  
Hawaii State Director

Executive Director  
Adriana Ramelli

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**Date:** March 12, 2019

**To:** The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Judiciary

**From:** Justin Murakami, Manager, Prevention Education and Public Policy  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

**RE:** Testimony in Strong Support of H.B. 18 H.D. 1  
Relating to Childhood Sexual Abuse

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Good morning Chair Rhoads, Vice Chair Wakai, and members of the Senate Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 18 H.D. 1.

Child sexual abuse remains a serious and ongoing threat to the safety, health, and wellbeing of children and young people, and often has profound consequences for victims that continue through adulthood. According to the National Center for Victims of Crime, self-report studies show that 20% of adult females and 5-10% of adult males in the United States recall a childhood sexual assault or sexual abuse incident.

On Oahu, over half of the survivors of sexual violence that seek services at SATC experienced their victimization at age 17 or younger. Moreover, the Youth Risk Behavior Survey results in 2013, 2015, and 2017 indicated that children and youth in Hawaii experience sexual abuse and assault at higher rates than their peers elsewhere in the United States.

Many survivors of child sexual abuse do not disclose the abuse right away for various reasons. Children can blame themselves or experience intense feelings of fear, disbelief, anger, helplessness, betrayal, and anxiety. They may also not be able to disclose abuse due to their stage of cognitive development, capacity to understand what happened, or the inability to express or communicate their complaint. Finally, the majority of survivors know their perpetrator, who may be a family member, friend, or acquaintance, and may be afraid of retaliation or the potential for a negative impact on their family or community.

Some studies have estimated that between 60% and 80% of child sexual abuse survivors withhold disclosure, and there is a general consensus that many children who experience sexual abuse delay disclosure until well into adulthood. Even more

troubling, survivors who do disclose abuse are sometimes subjected to silencing and re-traumatizing reactions by the recipients of their disclosures. Survivors have reported that adults they told about their experiences with abuse sometimes blamed them, accused them of lying, minimized their disclosure, or subjected them to punishment or retaliation. Therefore, the fact that a survivor may have told someone that they were abused does not mean they had a meaningful opportunity to seek justice in the past.

Under the current civil statute of limitations in Hawaii, most child sexual abuse cases would expire upon the victim's reaching the age of 26 years. This denies the ability to seek justice through the civil court system to the majority of child sexual abuse victims who disclose their abuse in adulthood.

We further recognize that the current civil statute of limitations also provides that a victim who discovers, in adulthood, that they have been injured as a result of child sexual abuse, has only 3 years to bring a civil suit. We note that this affords very little time for a survivor, who may be suffering significant physical and mental health consequence and negative financial and social impacts as a result of the abuse, to both address those issues and be prepared to face their abuser in court.

Hawaii should eliminate the civil statute of limitations for cases of child sexual abuse altogether. In addition to ensuring that many more survivors are afforded a realistic and fair opportunity to seek justice, holding perpetrators accountable in court identifies them and protects future would-be victims. Moreover, our state's experience with eliminating the criminal statute of limitations for child sexual abuse, and with window periods that have allowed older civil cases to be brought in court, demonstrates the viability of these cases and the value to both victims and the wider community in holding abusers accountable, no matter when the abuse occurred.

We appreciate this opportunity to testify in strong support of H.B. 18 H.D. 1.



**TO: Chair Rhoads, Vice Chair Wakai, and Members of the Senate Committee on Judiciary**

**FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)**

**DATE/LOCATION: March 12, 2019; 9:00 a.m., Conference Room 016**

**RE: TESTIMONY IN STRONG SUPPORT OF HB 18 HD 1– RELATING TO CHILDHOOD SEXUAL ABUSE**

**We are writing in strong support of HB 18 HD 1 which repeals statutory limitations on the time period in which a survivor of childhood sexual abuse may file a suit.** We support this bill which encourages survivors of sexual abuse in their quest for peace and healing and holds perpetrators accountable.

The pain and trauma survivors of childhood sexual abuse endure never expires. Statutory limitations protect the wrong people and this bill seeks to remedy that by acknowledging that a survivor's bravery is encouraged no matter how long after an incident has occurred. Survivors deserve justice and those who prey on our innocent children should be held accountable.

**The statistics are daunting:**

- 1 in 4 girls will be the victim of child sexual abuse by their 18th birthday.
- 1 in 6 boys will be the victim of child sexual abuse by their 18th birthday.
- 1 in 5 youth receive a sexual approach or solicitation over the internet.
- The average age for first abuse is 9.6 years of age.
- Only 12% of child sexual abuse is reported to police. Many victims never disclose their abuse to anyone.
- 29% of forcible rapes occur when the victim was under 11 years of age.
- 44% of sexual abuse victims are under the age of 18.
- 93% of juvenile sexual assault victims know their attacker.
- Our Children's Justice Center supports over a 1,000 children each year. That's about 3 new children every day (which is still a fraction of all those who are impacted by sexual abuse).



Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

Thank you for the opportunity to testify in **strong support of HB 18 HD 1**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.



## of Hawaii

March 8, 2019

From: Younghee Overly, Public Policy Chair, AAUW Hawaii

To: Hawaii State Senate Committee on Judiciary

Hearing Date/Time: Tuesday, March 12, 2019 9:00AM

Place: Hawaii State Capitol, Rm. 016

Re: Testimony in SUPPORT of HB18 HD1

Dear Chair Rhoads, Vice-Chair Wakai, and members of the committee,

On behalf of AAUW of Hawaii, I write to you to strongly support HB18 HD1 which would eliminate the civil statute of limitation in child sexual abuse cases.

About 1/3 of the victims of child sex abuse disclose as children and another 1/3 never disclose. Studies show that the average age to disclose is 52, with the median age 48. The reasons for delay are specific to each individual, but often involve disabilities that result from the trauma such as depression, PTSD, substance abuse, etc. (Source: [ChildUSA](#)) This means most of child sexual abuse victims miss the statute of limitation.

According to The Sex Abuse Treatment Center, over half of the survivors of sexual violence that seek services experienced sexual abuse as a child. The Youth Risk Behavior Survey results in 2013, 2015 and 2017 indicated that children in Hawaii experience sexual violence at equivalent or greater rates than their counterparts elsewhere in the United States. [Studies](#) show that 1 in 5 girls and 1 in 20 boys is victim of child sexual abuse.

Please pass this bill and show that justice has no time limit. Thank you for the opportunity to submit a testimony on this important bill.

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Sincerely,

**HB-18-HD-1**

Submitted on: 3/8/2019 5:46:07 PM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawaii strongly supports the passage of HB 18 HD 1.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.  
Chair  
LGBT Caucus of the Democratic Party of Hawaii

**HB-18-HD-1**

Submitted on: 3/9/2019 6:47:07 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Testifying for Rainbow Family 808	Support	No

Comments:

I am in strong support for HB18. When an individual is sexually abused as children, it can take years before they speak about what happen to them. The person who abused a child or children should be held accountable not matter how long it has been since the abuse occurred.

Please pass HB18. Thank you for allowing me to state my position.

Mike Golojuch, Sr., Rainbow Family 808 Board Member



92-954 Makakilo Dr. #71, Kapolei, HI 96707 Email: RainbowFamily808@gmail.com Ph: (808) 779-9078 Fax: (808) 672-6347

March 10, 2019

**The Honorable Karl Rhoads, Chair; Glenn Wakai, Vice Chair,  
and Members of the Senate Judiciary Committee**

**RE: HB18, HD1 Remove the SOL for Survivors of Minors' Rape**

**STRONG SUPPORT**

**Aloha Honorable Chair, Vice Chair and Members,**

**Thank you for hearing HB18,HD1.**

Rainbow Family 808 strongly supports HB18 HD1 with one proposed change: the effective date needs to be May 1, 2019 due to the fact that Justice Delayed is Justice Denied. Our children who were raped need their day in court. HB18 HD1 does not convict the accused rapist but rather give the Survivor the opportunity to bring charges in a court of law in hopes that justice will finally occur for them regardless of their age of rape and the subsequent years that have passed before they have the language for this crime.

The stats are correct: Rape is underreported. One population most affected by the underreporting is minors, under the age of 18. Today there are several reports that sets the stage for justice Now. 1) There's the Pennsylvania Grand Jury Report on the Clergy Sexual Abuse Summer 2018 with over 1,000 rapists and over 3,000 Survivors; 2) Here in Hawai'i, in July the 2018, The Report on the Honolulu Diocese of Clergy Sex Abuse in Hawai'i with 58 clergy and one Kamehameha Counselor; 3) Washington DC Diocese October 2018 with 31 clergy abusers; now Michigan is conducting an Investigation. The connection between the Pennsylvania and the DC reports record the abuse that became a statistic in Hawai'i of Art O'Brien in the late 1980's.

The time is ripe for Hawai'i to have a State-wide opportunity for minors in all categories to report their Rape whether it's by parents, family members, coaches, teachers, and other people in authority. Rape is not only underreported but a deep dark secret for our minors. Some don't have the language to report what has been done to them; others are afraid no one will believe them or the Survivors believe that the rapists will harm them or their families from the threats the rapist is so good at telling. HB 18 isn't a slam-dunk but merely the opportunity for the Survivors to address the crime that has been done to them.

One of the best research pieces and documentation of the crime of rape comes from [www.bishop-accountability.org](http://www.bishop-accountability.org). This site lists rapists by category; state, diocese, name of rapists. It is a treasure chest of information that backs up the fact that Rape of Minors and others needs to be addressed.

Following is my testimony based on my personal knowledge of one Rapist and his movements in Hawai'i:

- 1) From the front page of the Honolulu Star Bulletin upon the conviction of Arthur J. O'Brien to Rob Perez' article on July 28, 2002, page 19, O'Brien was known in Hawai'i as a rapist of children from this article and others like it. In reality, I spoke to a DC Mother who first reported O'Brien to police. When the police came to interview O'Brien, he had left minutes before for his re-assignment to a Church and Parish in Daphne, AL. This fits the mode of operation that keeps rapists on the run from one parish to another, one state to another. This cycle of reassignment is documented in Jason Berry's book "Lead Us Not Into Temptation." The DC mother's son was one of O'Brien's Survivors who ran away from home. She found me as O'Brien's case was documented in Hawai'i. Others



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would contact me in the 1990's looking for other priests who had raped their children and fled the state. An attorney from Philadelphia was looking for the rapist of his son. Unfortunately, that priest was not listed in the Hawai'i Directory for the Honolulu Diocese nor was he known as a 'visiting' priest.

- 2) <http://archives.starbulletin.com/2002/07/28/news/perez.html> "Church let pedophile priest strike again on Maui." Unfortunately, not all minors have educated or understanding parents on the harm of rape on the minor. Some Survivors run away from home for fear if anyone finds out they will be blamed or that they will be beaten for telling such a horrible lie about the rapist. Some adults just don't know the facts about rape of minors or any other age group. The survivor from Maui was 10 years old. The Director of Religion at St. Rita's on Maui told me there were 10 other Survivors but the families accepted \$40,000.00 per family for therapy and signed a Non-Disclosure agreement with the Honolulu Diocese. This is also a Cookie Cuter model for the Roman Catholic Church around the world to silence the Survivors and thus open the next assignment up to children's rapes.

- 2) I was employed by the Diocese of the Honolulu Roman Catholic in the offices on the premises of St. Stephen's Seminary in the 1990's. I was advised upon employment not to discuss any 'Court proceedings regarding O'Brien' by the administrative staff/Coffee women. This Diocese and others have done an excellent job of covering up, protecting the rapists over what is best for our children.

- 3) The Diocese was in charge of O'Brien after he was convicted of rape of the one young 10 year old. He pleaded "No Contest to spare the children a trial." Thus his sentence was cut to 5 years probation with no contact of children or families. Unfortunately O'Brien was assigned to a variety of Oah'u parishes on weekends to stand in for a pastor when they were on leave.

- 4) I became involved when he was assigned to Our Resurrection of the Lord Parish in Waipio for a weekend. The alarm signal told me that according to Catholic Doctrine that I would be committing a Sin of Omission if I didn't bring this information to the Prosecutor's Office that O'Brian was violating the terms of his Probation. 5) Simone Polak, the Maui Prosecutor for the O'Brien case was called. I called her office to report the violation to O'Brien's probation, as he was not to have any contact with children. I was asked for my name and was told that if I didn't give my name, they would not accept my complaint. I was afraid that there would be complications as a Catholic. All I wanted was for the Probation Officer to check on him as was required by law.

- 6) I spoke to my husband, Mike Golojuch, Sr. to update him after the conversation with the Maui Prosecutor. He said, "You have to do what you have to do." I knew if I did give my name, the church would see this as a disloyal act, not to keep their secret. From Mike's 23 years as a USAF Officer, I knew the motto for spouses would play in this situation as well, "You can't help your spouse but you can hurt him." But I didn't want it on my conscious if Arthur J. O'Brien raped another child when I didn't speak up.

- 7) The next day, a second call to the Prosecutor of Polak, I gave my name and asked for anonymity. I was told that people would think I had something against the RCC. I gave my name but nothing was ever done about the violation to O'Brien's probation to my knowledge. All I wanted was for the Probation Officer to check on O'Brien as was the purview of the terms of Probation.

This whole situation has weighed on me for all these years. My childhood church betrayed me on so many levels. I have counseled Survivors as a Masters Level Social Worker. I have found that some when they are old enough



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and able move to the mainland to get away from the rapist, do so. Yet some still fear for their safety, the safety of their families and later in life, fear for any subsequent family members. Some change their name as they are continued to be caught up in this cycle of fear.

I have read a variety of books on Rape with chapters on Hawai`i. Subsequent to this 1990's I have "Sex Priests and Power" A.W. Richard Sipe and "Spot Light" the Docu-Drama and the book on the Boston Clergy Sex Abuse/Rape expose. Plus I've attended conference for the Survivors of Clergy Rape in Wisconsin. As a Therapist, I know the pain and suffering of the Survivors, their families and friends. Other states have addressed the social injustice of the Statutes of Limitation that protects the rapist over the protection and prevention of the harm suffered by the children into adulthood. Please pass HB 18 HD1 quickly for the mental health, physical and emotional health of our children with a May 1, 2019 effective date.

Please protect the children, please pass HB 18, HD1 so that we can hold the adults accountable for the safety of the children: past, present and in the future. HB 18 HD1 is a clear, concise and valid request removing the Statutes of Limitations for the sake of the children.

As a society, we need to talk about Rape and we need to do something for the justice of our Survivors. Do this with HB 18 HD1 for the keiki! **Mahalo for your support.**

Sincerely,

Carolyn M. Golojuch, MSW  
President – Co-Founder  
Rainbow Family 808

**LATE**

**HB-18-HD-1**

Submitted on: 3/11/2019 8:23:57 PM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brett Kulbis	Testifying for Honolulu County Republican Party	Support	No

Comments:



**HB-18-HD-1**

Submitted on: 3/9/2019 10:25:03 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

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

Comments:

Please support and pass!

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**SHERYL HAUK**

248-935-7721  
shauk62@aim.com

2258 Shore Hill Dr  
West Bloomfield, MI  
48323

March 9, 2019

Honorable Senators,

Thank you for hearing HB18 . Bill HB18 allows victims who have no voice, to be given time to have their voice. It brings accountability to the pedophiles who have little to fear under current laws. I was one of those voices after 50 years I finally found my voice because of the two window you passed on civil case of childhood sexual abuse. I strongly urge you to consider approving this bill.

This crime is often referred to as a "silent crime" because victims have difficulty coming forward. Non-offending adults are often complicit in not reporting the abuse, and perpetrators—who are often trusted by the child or known in the community—can manipulate situations so that they can continue the abuse. In addition, the abuse is often not physically apparent; rather, the evidence of abuse may manifest itself in behavioral and psychological changes that can be misidentified as moodiness or disobedience. Reporting on child sexual abuse (CSA) presents a number of challenges. The victims—children from birth to 17 years of age—are often traumatized by the experience and afraid to come forward.

Last year I traveled to Hawaii and testified for bill SB2719 to he House judiciary committee. Representative Thielen took notice that I had come from Michigan, home base to the Nassar case . It took me 52 years to step forward and four years to settle my civil case, made possible by possible through your brave legislation. Only nine states out of fifty have begun to address this issue.However a window is not enough. HB18 repeals the statute of limitations for other adults who experience the trauma of sexual abuse as a child. It says to the world the Hawaii recognizes the damage this childhood trauma causes and will stand against it. HB415 allowed me accountability and atonement, On Yom Kippur, the day of atonement in September, of a substantial settlement was paid by my family member as atonement. This is the beginning of healing. I now have resources for care and support of myself and others like me. I wear a Royal Hawaiian bracelet with the word Kalahala, atonement, to remind me everyday there is hope and a future for so many others . Thousands of victims are suffering with these memories and experiences and are simply not emotionally ready to come forward and share. Please pass HB18 and acknowledge this horrifying crime by not limiting time to pass before atonement can be found. I am available for any information to support this bill, including traveling and testifying.

Sheryl Hauk  
248-935-7721

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**HB-18-HD-1**

Submitted on: 3/9/2019 8:15:41 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Support	No

## Comments:

Continue to support. The introduction to the bill states, "The legislature finds that survivors of childhood sexual abuse often do not divulge the truth about their experiences until they reach adulthood because they experience feelings of fear, disbelief, anger, helplessness, anxiety, embarrassment, or other feelings that are not their fault." This statement is ever so true. I know from personal family experience that youngsters and young adults feel intimidated expressing sexual abuse, and that it is usually in adulthood that they might reveal their awful experience. Therefore, I urge full support of this bill.

Dear Chair Rhoads, Vice Chair Wakai, and committee members:

I am a survivor of childhood sex abuse and I support HB 18 HD1.

Repealing the civil statute of limitations is very important due to the nature of childhood sex Abuse (CSA). CSA is confusing, creates feelings of shame, guilt and anger, and destroys your ability to trust. Your ability to connect with other people is crippled since you feel alone and that the abuse was your fault. Many people's lives have been ruined by sex abuse; destructive effects include depression, addiction, and suicide.

As a survivor, talking about the abuse is hard...as a male survivor, near impossible. Our culture and toxic masculinity make it difficult for men to seek help. It can take many years after the abuse to even admit what happened, let alone seek the medical attention needed to accept and move on. I was abused from 4<sup>th</sup> to 6<sup>th</sup> grade by my half-brother, yet the first time I told someone was when I was 27. I buried the abuse deep inside and tried to be a normal person. The communication lines with my first-generation Filipino parents were non-existent, and I was expected to be seen and not heard. I imagine that many people of my generation in Hawaii experienced the same style of parenting and suspect there are many more survivors suffering in silence.

I ask the respected committee members today to please consider HB 18 HD1 and eliminate the civil statute of limitations. Please show that you support survivors and their recovery by giving them the chance to speak out against their perpetrators and feel whole again. Justice for survivors shouldn't have an expiration date. Thank you.

Andre Bisquera

**HB-18-HD-1**

Submitted on: 3/11/2019 8:18:05 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tracey Clay-Whitehurst	Individual	Support	No

Comments:

**HB-18-HD-1**

Submitted on: 3/11/2019 8:31:05 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr Marion Ceruti	Individual	Support	No

Comments:

**LATE**

**HB-18-HD-1**

Submitted on: 3/11/2019 1:42:57 PM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
chris johnson	Individual	Support	No

Comments:

**LATE**

**HB-18-HD-1**

Submitted on: 3/11/2019 4:17:56 PM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Engebretsen	Individual	Support	No

Comments:

Aloha Chair Rhoads and Vice Chair Wakai,

Thank you for the opportunity to testify on HB18, "Relating to Childhood Sexual Abuse". I am in **strong support** of this measure to repeal the statute of limitations on civil actions for childhood sexual abuse survivors, but would also like to offer an suggestion for amendment to improve the bill.

This bill should include a definition of a "minor". I suggest: "Minors include any individual under the age of 18, or when sexual abuse happens in a school setting where the perpetrator is a school employee, any currently registered student up until the age of 21.". Being a former high school teacher myself, unfortunately I acknowledge that high schools are one of the most frequent places where predatory adults form special relationships with students and "groom" them for sexual abuse. In these situations, our law should not provide an arbitrary cut-off at the age of 18, but should protect all students while they are enrolled in school.

Predatory adults often begin the grooming process prior to students turning 18 years of age but then do not commence direct sexual intercourse until after a student turns 18 years old, thinking that is a loophole to take advantage of young students while avoiding repercussions. Other times, abuse happens prior to a student turning 18 years of age, but the victim does not have precise evidence available to prove in court that the abuse commenced prior to the age of 18. Tort law and criminal law throughout the country often clarifies that where an adult is in a position of power over a student, it is impossible for that student to consent in a meaningful way. See *State v. Hirschfelder*, 242 P.3d 876 (Wash. 2010) (Washington law criminalizes sexual relations between teachers and currently registered students); Tex. Penal Code § 21.12 (same).

Amending the bill in such a way would clearly evidence legislative intent to make clear that this bill is designed to promote civil recovery for anyone who suffers enduring psychological effects of sexual abuse perpetrated by a trusted school district employee while the victim was a student.

Thank you,



Lisa Engebretsen, Esq.

William S. Richardson School of Law, Class of 2018

**LATE**

**HB-18-HD-1**

Submitted on: 3/12/2019 6:24:55 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nako'olani Warrington	Individual	Support	No

Comments:

**In STRONG SUPPORT ... mahalo for this bill!**