

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

Prepared for the House Committee on Finance

Support for HB2177 HD1 Proposed SD1

June 23, 2020

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

The Hawai‘i State Commission on the Status of Women supports HB2177 HD1, which would amend the statutory limitations on the time period in which a survivor of childhood sexual abuse may file suit. The bill, if passed, would also preclude punitive damages.

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.

Recommended Amendments:

Ensure victims of sexual abuse are centered in determining the justice and healing process.

At its discretion, the court may order restorative justice measures, including victim impact panels, victim impact classes, or community service **if agreed upon by the victim.**

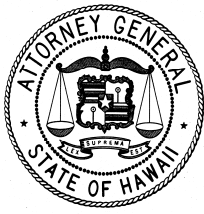
Eliminate the civil statute of limitations for cases of child sexual abuse altogether.

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 HB2177 HD1. Thank you for this opportunity to provide testimony on this issue.

Sincerely,

Khara Jabola-Carolus



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 2177, H.D. 1, S.D. 1, RELATING TO CHILDHOOD SEXUAL ABUSE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, June 23, 2020

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Caron Inagaki,
Deputy Attorney General, at 586-1494)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General appreciates the intent of House Bill 2177, H.D. 1, Proposed S.D. 1, but raises the following concerns.

The purpose of Proposed S.D. 1 is to amend section 657-1.8, Hawaii Revised Statutes, to extend the statute of limitations for a victim of child sexual abuse to bring a civil claim for money damages against any person within fifty years of the eighteenth birthday of the minor regardless of when the incident occurred and regardless of when the minor discovers that they sustained psychological injury as a result of the sexual abuse. The bill similarly extends the 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.

The bill further amends subsection (b) to delete the wording 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.

In addition, the bill provides that monetary relief for claims may include punitive damages and permits the court to order restorative justice measures if deemed appropriate.

Because the contemplated amendment will extend the statute of limitations for many decades, there are concerns that the lengthy passage of time could prejudice the parties in a lawsuit. 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, which also creates evidentiary challenges.

Although we appreciate that victims of sexual abuse may need additional time before they are ready to file a lawsuit, we raise these concerns for the reasons stated above.



June 21, 2020

House's Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Tuesday, June 23, 2020 – 10:00 a.m.

RE: **SUPPORT for House Bill 2177 with Requested Amendment**

Aloha Chair Rhoads, Vice Chair Keohokalole and fellow committee members,

I am writing in SUPPORT with a requested amendment for House Bill 2177 proposed Senate Draft 1 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. HB 2177 amends statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit. Provides that the monetary relief under this section shall not include punitive damages. Permits the court to order restorative justice measures, if deemed appropriate.

We support the intent of HB 2177 to help ensure that survivors of childhood sexual abuse but with the time limit for a survivor to be able to come to terms with having their childhood destroyed by a sexual predator and then rewarding the sexual predator and their protectors by not allowing for punitive damages we cannot submit testimony in strong support.

The LGBT Caucus requests the following amendment:

Page 3; Line 14-15:

Current Language:

within fifty years of the eighteenth birthday of the minor.

Requested amendment:

~~within fifty years of the eighteenth birthday of the minor~~ at any time.

The reason for this amendment is to ensure survivors of childhood sexual abuse can have justice no matter when they are able to face or remember their childhood trauma.

The LGBT Caucus is grateful to see in the Senate Draft 1 includes punitive damages, as we have seen the Catholic Church has systematically allowed the raping of kids by their priests and they protected their priests rather than protect the keiki that are in their care, as was exposed by Spotlight, The Boston's Globe investigative reporting arm. They are not alone in protecting sexual predators – The Boy Scouts of America, the Mormon Church, and almost every other major religion has been found guilty of covering up these atrocities. To even suggest community service as a punishment for raping a kid is an insult to the survivors. As for the other restorative justice measures we believe that by listing options creates limits instead of opening options for the courts.

LGBT Caucus Testimony is Support of House Bill 2177 with Requested Amendment

The LGBT Caucus asks that you to support the requested amendment to HB 2177 as it is the right thing to do for the survivors of childhood sexual abuse.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i



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Date: June 20, 2020

To: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary

From: Cindy Shimomi-Saito, Executive Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of HB 2177, HD1, Proposed SD1
Relating to Childhood Sexual Abuse

Hearing: Tuesday, June 23, 2020, 10:00 a.m., Conference Room 016

Good morning Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Judiciary Committee:

The Sex Abuse Treatment Center (SATC) is in very **strong support** of HB 2177, HD1, Proposed SD1.

Studies on delayed discovery through CHILD USA¹ confirm what we see at the SATC; survivors of childhood sexual abuse more often than not, withhold disclosure for many, many years. The impact of manipulation and grooming by the offender, threats made by the offender, concerns about the reactions of others, fear of consequences, feelings of self-blame, and fear of being blamed are amongst the myriad of reasons children remain silent. Sometimes children attempt disclosure but are subjected to silencing by the reactions of others. When this happens, trauma is heightened and reinforced.

Our State has become increasingly cognizant of the years, sometimes decades, victims of childhood sexual abuse need before they are ready to come forward. This is evidenced by Hawai'i's revival window, which lifted the civil statute of limitations (SOLs) for civil claims regardless of previous SOL expiration; this has not only given victims the opportunity for justice, but also the opportunity to inform the public of predators who may have otherwise remained hidden and protected. However, the closing of this window on April 24, 2020 results in a situation that requires immediate action. We need to continue our movement forward.

There is a national trend toward the elimination of civil SOLs; currently, 10 states have eliminated civil SOLs and 14 states have extended civil SOLs past age 50.

¹ Delayed discovery studies available at www.childusa.org/delayed-disclosure.

HB 2177, HD1, Proposed SD1 supports this trend with the expansion of Hawai'i's SOL to within fifty years of the 18th birthday of the minor. This proposed expansion, in line with studies that have shown age 52 as the average age of disclosure for victims of child sexual abuse, is trauma-informed and honors the survivor process.

In addition to the inclusion of punitive damages, HB 2177, HD1, Proposed SD1 includes the possibility of court ordered restorative justice measures. Such measures should be initiated by the victim to ensure against unintended negative consequences; victim impact panels and classes for example, would only be appropriate if desired by the victim. By seeking the input of the victim, measures to reduce the risk of future harm to children can be identified, and ordered by the court.

Child predators rely on the silence of their victims. Hawai'i's current SOL to age 26, and 3 year discovery rule, does not sufficiently account for the time needed by survivors to break their silence. The passing of HB 2177, HD1, Proposed SD1 will serve victims by giving them the time needed to regain their voice, and the opportunity to seek delayed, but healing, justice. And, it will have critical community impact as it will expose child predators who have been hidden, so that protective measures can be taken to protect other children from being abused in the future.

The SATC strongly supports HB 2177, HD1, Proposed SD1, and respectfully asks you to take this needed action. Thank you for the opportunity to provide testimony.

HB-2177-HD-1

Submitted on: 6/20/2020 6:49:25 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
	Testifying for Domestic Violence Action Center	Support	No

Comments:



HB 2177, HD1, RELATING TO CHILDHOOD SEXUAL ABUSE (PROPOSED SD1)

JUNE 23, 2020 · SENATE JUDICIARY COMMITTEE ·
CHAIR SEN. KARL RHOADS

POSITION: Support.

RATIONALE: Imua Alliance supports the proposed SD1 version of HB 2177, HD1, relating to childhood sexual abuse, which amends statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit, allows punitive damages, and permits the court to order restorative justice measures, if deemed appropriate.

Imua Alliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being under the age of 16. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. Imua Alliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told Imua Alliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, we support measures to advance our state's ability to crack down on sexual slavery, including this measure's extension of the statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit. According to the National Center for Victims of Crime, self-report studies show that 20 percent of adult females and 5-10 percent of adult males in the U.S recall a childhood sexual assault or sexual abuse incident. Over 50 percent of the sex trafficking victim population we serve experienced childhood sexual trauma. According to peer reviewed psychiatric research, **between 60 and 80 percent of childhood sexual abuse victims withhold disclosure, often because of limited access to quality psychological care and social attitudes that induce shame about victimization.** We must allow these survivors as

much time as possible to speak out and receive justice, so that they do not spend the rest of their lives suffering in silence.

We are heartened that the committee has chosen to allow unencumbered punitive damages to remain a possible outcome of civil actions arising from childhood sexual abuse. Given the severity of the trauma inflicted by perpetrators of childhood sexual violence, we believe that it is entirely appropriate for punitive damages to be assessed in the process of making a victim whole, especially since, as the #MeToo movement has demonstrated, so many serial offenders have escaped the law for decades without facing legal consequences for the pain that they've inflicted.

HB-2177-HD-1

Submitted on: 6/22/2020 8:39:04 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for AAUW of Hawaii	Support	No

Comments:

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

June 22 , 2020

SUBMITTED VIA HAWAII LEGISLATURE WEBFORM

The Hon. Karl Rhoads, Chair
The Hon. Jarrett Keohokalole, Vice Chair
HI Senate Committee on the Judiciary
415 S Beretania St.
Honolulu, HI 96813

Re: Testimony in support of H.B. 2177

Dear Chairman Rhoads and Committee members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to submit testimony in support of H.B. 2177. FFRF is a national nonprofit organization with more than 30,000 members across the country, including many members in Hawaii. FFRF protects the constitutional separation between state and church, and educates about nontheism.

H.B. 2177 expands justice by extending the statute of limitations for the survivors of childhood sexual abuse to bring civil claims against their abusers. While a total repeal of the statute of limitations would be preferable, extending the statute of limitations is an unambiguously good decision for sexual abuse survivors in Hawaii who have thus far been denied justice due to the unnecessary restrictions of Haw. Rev. Stat. § 657-1.8. FFRF strongly urges the Committee to approve this measure.

The abuse, assault or rape of children has lasting physical, emotional, and mental effects. The victims are changed forever and their development as an individual, as a person, is altered in ways non-victims may never truly understand. We should not be surprised that it takes years, or even decades, for these victims to face what has happened to them, let alone take the difficult steps of seeking redress and justice. Our laws should give access to justice to these survivors when they are ready, not shut the door on them because they took what some might consider to be “too long” to deal with the earth-shattering consequences of their abuse.

In recent years, many states have investigated child sexual abuse perpetrated by clergy employed by various Catholic dioceses and other churches, and have found the problem's scope to be massive.¹ These investigations have revealed structural protections for abusers baked into many church practices, which helps to explain why churches attract predators. This problem is not limited to the Catholic Church, as demonstrated by FFRF's tireless recording of clergy criminal acts in a regular column titled "Black Collar Crime" in Freethought Today, FFRF's newspaper.²

Considering the severe psychological trauma that can result from childhood sexual assault and the extreme power that churches hold over many communities, it is unsurprising that many survivors do not pursue legal action until long after they reach adulthood. This legislation is desperately needed.

Churches have vocally and predictably objected to attempts to hold abusers accountable, but their objections are callous and unfounded. This bill is not a free ticket to target churches for money. Survivors still have the burden of proof, and still must find and submit evidence. The longer they wait, the more difficult that becomes. H.B. 2177 simply gives them the chance to try.

Thank you for the opportunity to testify in support of this bill, and for your commitment to helping to protect your most vulnerable constituents and to hold abusers accountable. If I can provide any further information that would be helpful, or can answer any questions on the issues I've raised, please feel free to contact me at ryan@ffrf.org.

Sincerely,



Ryan D. Jayne
Staff Attorney
Freedom From Religion Foundation

¹ See, e.g., Samantha Cooney, "It's Basically Happening Everywhere." *Survivors Say More States Should Investigate Church Abuse Like Pennsylvania*, TIME (Aug. 16, 2018).

² Back issues of Freethought Today and Black Collar Crime are available at FFRF.org.



Parents And
Children Together
BUILDING THE RELATIONSHIPS THAT MATTER MOST

LATE

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

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

DATE/LOCATION: June 23, 2020; 10:00 a.m., Conference Room 016

RE: TESTIMONY IN SUPPORT OF HB 2217 SD 1 Proposed– RELATING TO CHILDHOOD SEXUAL ABUSE

We ask you to support HB 2217 SD 1 Proposed which amends statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit, allows punitive damages up to two times the amount of compensatory damages, and permits the court to order restorative justice measures, if deemed appropriate. We support this bill which encourages survivors 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 when they are ready to come forth, which is typically decades after the abuse occurred. We support survivors being given the chance to seek justice in their own time and, ideally, would like to see the statutory limitations repealed completely. At least 32 states have no criminal or civil state of limitations on childhood sexual abuse crimes.

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.
- 60-80% of childhood sexual abuse 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 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, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of HB 2177 SD 1 Proposed**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

HB-2177-HD-1

Submitted on: 6/19/2020 3:20:57 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I strongly support HB2177. It is truly sad that more and more cases of childhood sexual abuse continue to come to the surface in Hawaii and across the nation. From individuals I know or have met that are survivors of childhood sexual abuse, they have stated it can take years before they are willing to speak about the abuse that occurred when they were children. This bill will continue to give these individuals a chance to come forward and file their suit against their abuser.

Please pass HB2177. Thank you for my opportunity to express my support.

Mike Golojuch, Sr.

Secretary, Rainbow Family 808

HB-2177-HD-1

Submitted on: 6/20/2020 10:35:29 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Individual	Support	No

Comments:

HB-2177-HD-1

Submitted on: 6/20/2020 1:57:28 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Robinson-Onderko	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

I am writing in strong support for HB2177. We owe this to survivors who have suffered unimaginable attacks with little to no punishment for their attackers. Of course, we know that it may take time for survivors to come forward because of fear or suppression of memories. I humbly ask that you please pass this measure.

Mahalo nui,

Lynn Robinson-Onderko, Ewa Beach

HB-2177-HD-1

Submitted on: 6/20/2020 5:42:53 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

HB-2177-HD-1

Submitted on: 6/20/2020 6:38:42 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Karl Rhoads, Vice Chair Jarrett Keohokalole and Committee on Judiciary,

I am writing in support of HB 2177 HD1.

We need to protect the innocent who were violated through sexual abuse. My friends who were sexually abused as children and teenagers come forward to confront their abusers when they are in their 40s. We need to amend the law to allow these innocent victims to be able to file civil suits whenever they are ready to step forward.

Please pass this bill. Our society cannot tolerate sexual abuse, especially the abuse of children and teenagers.

Respectfully yours,

Caroline Kunitake

SHERYL HAUK
West Bloomfield, MI
48323

June 20, 2020

Dear Legislator's,

I am writing to hesitantly support bill HB2177. Many of you know me as the advocate living in Michigan, raised in Hawaii. I so much want to be sitting in the session to testify and share how much more passionate I am for victims, as the rate of abuse sky rockets during quarantine in the COVID-19 crises. COVID-19 has brought our world to change our habits, look at our laws, examine our prejudices. It is a time for change.

What has not changed is that I now fear for my life, once again, because of the multiple neurological chronic illnesses caused by my abuse. The experiences of abuse have exacerbated the emotional and physical risks during this unprecedented time. The chronic illnesses are a direct result of the high level of cortisol running through my body and damaging my neurons. My cortisol levels are 10 times higher than the average person without PTSD and runs through my body 80% of the time due to hyper-vigilance. Statistically, in Oakland County a suburb of Detroit where I live, I may not survive COVID-19. I have 4 chronic illnesses, including arrhythmia, A positive blood, and I am almost 60. I have lived a clean and healthy lifestyle, however I am angry because this could have been a very different scenario. I am in this challenge because my father sexually, emotionally, and physically abused me throughout my childhood in Hawaii. I am not allowed to see my students, grandchildren, even with masks.

As a victim of age 58, I do not agree with the statue of limitation on age, however I am truly grateful that this bill has progressed with the collaboration of senate and house members. It is time to pass a bill and acknowledge the victims of sexual abuse as minors. In a time of pandemic and social unrest, I witness, "Black Lives Matter" everywhere. Their loud voices in peaceful protest in Detroit, inspire me to speak out for all the silent voices. Together these victims should be crying out "Child Sexual Abuse Victims Lives Matter." I am praying that SB2316 does not experience the same demise of HB18. Show victims they matter! Show them they matter whether they are 18 or 100.

- PLEASE pass HB2177.

Mahalo & Aloha,

Sheryl Hauk

HB-2177-HD-1

Submitted on: 6/21/2020 1:51:45 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Phillippe Rivera Fernandez-Brennan	Individual	Support	No

Comments:

TESTIMONY BEFORE THE COMMITTEE ON JUDICIARY

RE: HB 2177, HD1, RELATING TO CHILDHOOD SEXUAL ABUSE

TUESDAY, JUNE 23, 2020

10 A.M.

Chair Karl Rhodes, Vice Chair Jarrett Keohokalole, and committee members:

My name is Phillippe Rivera Fernandez-Brennan. I am a teacher at HĀ• lau KĀ« MĀ• na New Century Public Charter School in Honolulu on O‘ahu and a PhD student in Education, Curriculum and Instruction at the University of Hawai‘i at MĀ• noa. I am submitting testimony in support of HB 2177, HD1.

The negative implications to physical and mental health into adulthood as a result of childhood trauma as a result of sexual abuse cannot be ignored. Supporting the adults that suffered as a child and justice for the victims needs to be addressed no matter what age.

All victims of sexual abuse need your kĀ• kua in ensuring justice will be served.

Mahalo,

Phillippe Rivera Fernandez-Brennan

1427 Alexander St Apt. 304

Honolulu, Hawai'i 96822

HB-2177-HD-1

Submitted on: 6/22/2020 9:53:20 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shirley David	Individual	Support	No

Comments:

LATE

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

I am a survivor of childhood sex abuse and I support HB 2177 HD1, proposed SD1.

Extending 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. Imagine if the perpetrator was a trusted Boy Scout leader, school psychologist like at Kamehameha, member of the clergy or a famous Kumu Hula like Chinky Mahoe. How do you confront the powerful Catholic Church or In Mahoe's case, how could a boy even think about coming forward when the community is lauding his achievements and telling you how lucky you are to be taught by him?

Our culture is improving and addressing mental health is becoming more acceptable. But it can still take many years, even decades after the abuse for men to even admit what happened, let alone seek the medical attention needed to accept and move on. I was abused from 4th to 6th grade by my half-brother, yet the first time I told someone was when I was 27. In the men's survival peer support group that I helped establish, participant's ages range from their mid-twenties to mid-seventies. For most of them, this is the first time they have been in a room with other survivors. The ability to connect with other men that know exactly what you've gone through is cathartic and healing. But even with individual therapy and the support of other survivors, moving forward with a civil suit can still take many years.

I ask the respected committee members today to please support HB 2177. Thank you.

Andre Bisquera

LATE

A young boy is in 5th grade, developing his first crush, performing in plays, an all-around happy child, that young boy was me. Shortly afterward, my life changed. At the time, I did not know, nor did anyone in my immediate family, that my grandfather was a predator. What he did to me over several years changed me and changed who I was.

What happened was my mother's parents came to visit us. A few years prior, I had begun playing chess with my grandfather when he visited. As we continued to play, he started treating me differently than my siblings. He would buy me gifts, books, or treats, and not for my siblings (one of our little secrets). As a young child, I thought of him as the smartest man in the world, and I looked up to him as a mentor. Therefore, when he wanted to discuss sex and decided to show me by performing acts on me, I accepted it. He was "teaching me" because I was his favorite grandchild—or so he said. It made him happy, and because I experienced physical pleasure, I thought it was all right; this was despite my grandfather making it clear it was a secret and doing it under a blanket, etc. Briefly and embarrassedly, I mentioned to my mother that granddad was teaching me about sex, but as I did not state what he was doing, my mother thought nothing of it.

I began to feel dirty and feel the "wrongness." When I transferred to a Catholic school, I threw myself into the Church, looking for a way to purify myself for my sins (At the time, I felt sinful). I also hoped for God's protection, that God would stop my grandfather, and we would go back to how things were before. At the time, I still cared for him and trusted him. Partly due to this "sin" and partially to cover up that insecurity, I became a zealot, calling out and "fighting" against sin everywhere. My parents were puzzled at this transformation. My mother hated the

Church afterward, thinking they had taken her child away from them. I became socially isolated, partly out of choice, and partly because of the zealousness, more so than I already had been.

Afterward, we left Buffalo, and I began going to High School in NJ, where I took another step toward accepting what happened. It was here that I met Father Diaz and began my Confirmation process. As part of the process, I went to a retreat, and with several priests there, none of whom could recognize me, I made a confession that included the full details. I sought absolution from what happened for several years. Afterward, I felt somewhat lessened, in sin, after the confession and meditation. After that began insisting, to my parents, I go to confession at a different Church from where I went, at least monthly, if not more. I continued to seek absolution for what had happened, and never indeed found it here. By now, I understood what my grandfather had done was wrong, but I attempted to hide what had happened and projecting my insecurities onto others. I even changed my middle name. My mother recommended the choice of Dean, my granddad's name, as she thought we were close. To avoid anyone ever finding anything out, I took his name as my middle name. Throughout high school, I remained zealot-like; when forced to a social event by my class advisor, I went to the corner of the dance holding out my crucifix, calling out everything the Catholic Church viewed as immoral.

After leaving high school, I went to the College of the Holy Cross, and it was here my position shifted. I continued to be faithful and went to a retreat. Holy Cross sponsored these retreats before the semester break in the spirit of Saint Ignatius's spiritual retreats. On this retreat, I heard people tell their stories and what they overcame. People had lost siblings, significant injuries, divorced parents, physical abuse, depression, and one girl talked about recovering from being sexually assaulted and, later, a significant car crash injury. This girl will never know the impact her story had; she understood where I was coming from, I felt. She also did not want to

tell anyone; she also thought for a time that it was her fault; she too was embarrassed and ashamed afterward, and she even turned to priests for absolution and felt that she did not receive it. I wrote in my journal after this, detailing my emotions about what had happened. I reflected on these events, and how, in most cases, it was when they turned for help, either from family or friends, depending on the situation, that life began to turn around. With God and loved ones, they began to move on.

This event was my turning point, from looking for absolution from the Church to finally accepting what had happened and talking to someone. I thought of ways to tell people, especially my family. I am still looking for that absolution I had sought for years. However, I was still ashamed. Despite knowing it was not my fault, a part of me still felt that it was. Rather than telling them in person, I began thinking of ways to tell my parents without having to see their reactions (in case that small part of me that thought it was my fault was right, as I still refused to see myself as the victim). I tried leaving my journal out for my mother to read (after the retreat when I went back home for the break); she did not as she respected my privacy. At one point during the break, we argued over my devoutness and my attempts to get my younger siblings to Church. She explained that she felt the Church had taken her child (the first time she ever stated that in words). This argument bothered me, as I had long viewed the Church as a source of absolution (and confession of this dark secret). I went on other Church-sponsored events when I went back, continued my schoolwork, and kept reflecting upon what occurred. Eventually, I wrote my mother a letter asking her to read my journal (including parts from the retreat) with pages I recommended for her to read. Afterward, I waited, with the waiting being agonizing and frustrating. Finally, the letter to my mother arrived in NJ, and upon reading it, my mother called, told me it was not my fault. Now I was ready to hear that, and I also broke down in tears.

However, there was still a feeling of shame and a feeling of guilt. When one of my uncles refused to believe what happened, he even allowed my cousins to stay alone with my grandfather. I felt a sense of guilt and fell into a depressive state. It was too late for me to do anything; what happened to me was now past the statute of limitations. I contemplated suicide, and after confiding in someone who was my friend at the time (Marissa Suddreth), she convinced me to seek counseling. However, what I told her was too much for her to handle, and after all, she requested I not contact her directly anymore. With that loss, I attempted suicide. Ergo, I admit there are still steps to take as I continue my journey.

Thankfully, as a society, we have started to take a harsh stance on crimes against children, no matter who has committed them. It seems like every day we hear about someone in a position of power over children who are arrested for molesting them; whether it is a teacher, coach, priest, or billionaire, we are starting to take a harder line. We have since taken down influential people who have abused their power to cover up for these criminals, and in today's world, sexual assault, molestation, harassment, etc. are being torn down. We can only keep speaking up and addressing wrongs if we hope to make the world a safer place for children currently. I hope we pass this bill to allow one to take action later than now allowed so that those that were too afraid to speak up after the time do not later regret that decision. Regret it to the degree that they attempt (or even succeed) in taking their own lives.

LATE

HB-2177-HD-1

Submitted on: 6/22/2020 11:08:23 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Salisbury	Individual	Support	No

Comments:

I think this is a great initiative.

I understand that some of our great community leaders have fallen in recent years because we found out that they were sexual predators. This does not change what is right and wrong. I grew up worshiping some community leaders who are now known as sexual predators, just like many of us did. It is painful to accept the truth, but it is nothing compared to the pain that those sexual predators were inflicting on their victims, no doubt made possible because of the power that they had in the community.

So many survivors of childhood sexual abuse take decades to come to fully understand what happened to them. Many of them are not believed and are obstructed from their efforts to address the problem in a timely manner. This bill can help ensure that sexual predators can be held accountable and the survivors can take some action.

As a blind person, I am often asked if I attended the Hawaii School for the Deaf and Blind. The reality is, of course, that this school has not been a school for the blind at any point in my life. The school doesn't even have braille signs, which is basic ADA code, on the building because it is NOT a school for the blind. Nonetheless, since the state keeps that name on it, everyone always asks if i went to that school. In the blind community, we are often shrouded in the shame that comes with the massive sexual abuse scandal that was all over the news only a few years ago. Surely, that school has been plagued with sexual abuse issues, and other reports that came out at the same time demonstrate that the DOE has had problems with this for as long as anyone can remember. It's not just the segregated school in Kapahulu; it's all over the DOE, and it's probably all over the mainland schools, too.

Since this big scandal has been forced upon me, even though i had nothing to do with it, I have come to learn about it and the broader societal problem that this is. So many kids are abused in situations when they are vulnerable and someone has power and control over them. These people are often people that we are told to trust: priests, teachers, social workers, babysitters, etc. Many children don't understand what it is until they become older, as their peers are starting to experience normal feelings associated with their sexuality. I work in adult education, and I frequently have students who had issues with childhood sexual abuse, and they are often still struggling with it in adulthood. Not only do they need extra care and support, which many of them cannot afford, but they need the ability to recover damages from their abusers to help make that support possible and to help bridge the gaps in their lives created by the abuse. If they need to pay for extra help to gain their education because of problems that were created by the abuse, that adds to their bills. If they need extra therapy, that adds to their bills. It starts to sound like a MasterCard commercial.

Finally reaching justice: Priceless.

Mahalo for hearing my mana`o,

Justin Mark Hideaki Salisbury

LATE

HB-2177-HD-1

Submitted on: 6/22/2020 1:25:19 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen McKee	Individual	Support	No

Comments:

I support the passage of House Bill 2177.

Mahalo for your work.

Eileen McKee

LATE

HB-2177-HD-1

Submitted on: 6/22/2020 4:28:36 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rainbow	Testifying for Rainbow Family 808	Support	No

Comments:

HB 2177 TESTIMONY IN STRONG SUPPORT

CHILDHOOD SEXUAL ABUSE (Rape)

[COMMITTEE ON JUDICIARY](#)

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

DATE: June 23, 2020

From: Carolyn Martinez Golojuch, MSW

President, Rainbow Family 808

Aloha Senate Judiciary Committee,

Thank you for keeping the Capitol closed during the Convid-19 pandemic. We appreciate these safety measures during these dangerous times.

Rainbow Family 808 again stands in strong support of HB 2177 to ensure the safety of our minors under the age of 18 in the state of Hawaii. The children need to be care for,

protected, nurtured and guarded from monsters in our midst. These monsters lurk in families, churches, athletic groups, schools, the Boy Scouts and youth groups of all kinds and denominations.

Over the years, Rainbow Family 808 has referred to the www.bishops-accountability.org, recited statistics from around the world and our sister states such as Pennsylvania, Massachusetts, Louisiana, and books: 1) "Lead Us Not Into Temptation" on the Roman Catholic Church; 2) "Under the Banner of Heaven" on the Mormon Church; 3) "Well-Armored Children" Parent's Guide on Preventing Sex Abuse; 4) "Sex, Priests and Secret Codes" on the systemic Sexual Abuse inside of the Roman Catholic Church over the centuries and 5) Betrayal: Crisis in the Catholic Church, best seller and Academy Award winner in 2015. There are so many more documented books, articles and studies to support the need for the speedy passage of HB 2177.

I have an extended family member who is still in secrecy regarding her rape as a child. Now, she is in her late 60's. Everyday she deals with PTSD and other medical problems as a result of her rape by right wing churches. Rape is a power and control crime. Please pass HB 2177. Not just for any one survivor but for all survivors! Block the loopholes rapists enjoy in Hawai'i due to old outdated laws that protect the perps but not the children.

At the end of the 2019 Hawaii Legislative Session, we were told that there was another year to pass this bill. So 2020 is the year. Please pass HB 2177.

Mahalo,

Carolyn Martinez Golojuch, MSW

Rainbow Family 808, President

HB 2177 TESTIMONY

CHILDHOOD SEXUAL ABUSE

Rape

COMMITTEE ON JUDICIARY

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Senator Jarrett Keohokalole, Vice Chair

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Mahalo,

Carolyn Martinez Golojuch, MSW

Rainbow Family 808, President

"Justice delayed is Justice denied." MLK, Jr.

"Justice delayed is Justice denied." MLK, Jr.

HB-2177-HD-1

Submitted on: 3/13/2020 1:51:04 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

HB-2177-HD-1

Submitted on: 3/13/2020 2:47:58 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Hawaii Women's Coalition	Support	No

Comments:

LATE

HB-2177-HD-1

Submitted on: 6/23/2020 6:39:12 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

I am writing in strong support of this bill.

I believe that survivors should be heard and have ability to put restraining orders against their abusers and those abusers should be held liable. We must protect survivors at all costs young and old.

sincerely,

Nanea Lo

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF H.B. 2177 HD1
PROPOSED SD1**

Date: Tuesday, January 23, 2020

Time: 10:00 AM



To: Chair Rhoads and Members of the Senate Committee on Judiciary:

My name is Nahelani Webster and I am presenting this testimony on behalf of Hawaii Association for Justice (HAJ) in SUPPORT of the PROPOSED SD1 to H.B. 2177 HD1, relating to Childhood Sexual Abuse.

The proposed SD1 allows for punitive damages to be awarded at the courts discretion. Punitive damages are awarded only for the most egregious sort of conduct. They act as an important deterrent and a punishment for the wrongdoer. If any limit were placed on these punitive damages it would only benefit those who sexually assaulted children and the institutions responsible. Punitive damages are necessary to hold wrongdoers accountable and deter others from such harmful behavior.

Thank you for the opportunity to testify in SUPPORT of the PROPOSED SD1 language. Please feel free to contact me should you have any questions or desire additional information.