



Office of the Public Defender State of Hawai‘i



Testimony of the Office of the Public Defender, State of Hawai‘i to the Senate Committee on Judiciary

January 26, 2020

S.B. No. 2109: RELATING TO CHILDREN

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender opposes S.B. No. 2109.

First, the provision mandating that “no more than three continuances are permissible by either party, unless good cause is shown” together with the provision that “a trial shall commence within twelve months of the charge or indictment, unless good cause is shown” is unnecessary and these requirements are out of touch with the complications of modern criminal trial practice and fail to take into account legitimate and necessary continuances.

Due process and the right to effective assistance of counsel entitle a criminally accused to “fair and reasonable time to prepare a defense and to allow defense counsel sufficient time to prepare adequately for trial.” *State v. Soto*, 60 Haw. 493, 494, 591 P.2d 119, 120 (1979) (citing *White v. Ragen*, 324 U.S. 760, 65 S.Ct. 9778, 89 L.Ed. 1348 (1945)).

Ideally, the Courts, the prosecution, the defendants, and defense counsel prefer trials to commence sooner than later. Trials, however, may require continuances for a variety of reasons, many of which are unanticipated or necessary. For example, sexual assault cases may involve DNA analysis, which can be a lengthy process and may necessitate independent analysis and consultation with expert witnesses. Trials may be delayed because of ongoing mental health examinations that complicate whether a defendant or a witness is fit to proceed to trial. Moreover, cases in which the incidents were alleged to have occurred several years prior are especially problematic in preparing a defense as it is often difficult to locate and interview witnesses who may have moved or left the Islands. In particular, we often have

difficulty locating and securing the presence of witnesses who may have been in the military but have been moved to a new duty station or left service and the State. Defense attorneys are obligated to conduct full and complete investigations and interview witnesses that may not have been interviewed by law enforcement. Trials may be continued due to illness. In addition, Deputy Public Defenders who choose to leave our office to seek other employment opportunities will need to be replaced with new counsel and that new counsel may need time to familiarize themselves with the case before commencing trial to provide effective assistance in compliance with ethical and legal obligations.

Rather than place a limit on the number of continuances or institute an arbitrary deadline, a judge should be allowed to use its discretion in determining whether a continuance is reasonable and warranted. Indeed, judges only grant continuances upon a showing of good cause. In determining whether a defense continuance should be granted or denied, judges examine the following factors: (1) the length of time for preparation; (2) the complexity of the case on the facts and the law; (3) the performance of defense counsel; (4) the availability of work product of other attorneys involved in the case; and (5) the defendant's accountability for his or her attorney's unpreparedness. *See State v. Torres*, 54 Haw. 502, 506-507, 510 P.2d 494, 497 (1973).

Our office is also particularly dismayed with the language used in subsection (c). Delays in cases that may involve a child victim or a child witness are shared by the trial courts, the defense bar, and the prosecuting attorneys. The "attorney for the defense" should not be singled out for sanctions. This language is particularly inappropriate in light of all the complications with scheduling and conducting trials. This section should be omitted from the statute, as it perpetuates a negative and false assertion that only defense attorneys are "unprepared to commence trial" and the sole cause of delay in ongoing cases. The trial courts have the ability to sanction any and all parties appearing before the trial courts for issues relating to preparedness or lack thereof. Subsection (c) is inappropriate and unnecessary in achieving the goal of commencing trials as fairly, efficiently and expeditiously as possible.

Thank you for the opportunity to comment on this measure.



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Cindy Shimomi-Saito

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Date: January 29, 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 S.B. 2109
Relating to Children

Hearing: Thursday, January 30, 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) strongly supports S.B. 2109 in its effort to provide a speedy forum for the resolution of matters involving families and children.

The Youth Risk Behavior Survey results in 2013, 2015, and 2017 indicate that children and youth in Hawaii experience sexual abuse and assault at higher rates than their peers elsewhere in the United States. More than half of the individuals who receive services at the SATC each year are minors.

The numbers are great, but even greater is the courage it takes for children to come forward and disclose sexual victimization. Fear, anger, shame, and self-blame are amongst the many feelings endured, and all kids want to do is return to a sense of normalcy.

Too often though, this is delayed by the criminal justice system. Minor victims and their families are often tangled in criminal proceedings for years, unable to move forward with their lives. While a continuance may at times be for good cause, child victims and their families experience what appear to be defense tactics; continuance after continuance that serve to traumatize the minor yet again. At the SATC, we see first-hand the courage called upon to disclose, the frustration and feelings of powerlessness when delays occur, and the child's resultant anger and eventual regret for having ever told. This is not what's supposed to happen.

It is hoped that setting the case for priority in the court docket, trial commencement within twelve months of the charge or indictment, permitting a maximum number of

continuances by either party, and sanctions for an unprepared attorney, all elements of S.B. 2109, will help to make it right.

Children need to move forward and focus on being children. We are encouraged by the spirit of S.B. 2109 and believe that it will make a big difference for those we serve. We ask that you support its passing.

Thank you for the opportunity to provide testimony.

January 24, 2020

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senator Donna Mercado Kim

Senator Kurt Fevella
Senator Mike Gabbard

NOTICE OF HEARING

DATE: January 30, 2020
TIME: 10:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF SB2109
Relating to Children

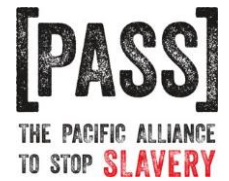
Dear Committee on Judiciary:

This is Kathryn Xian, co-founder of the Pacific Alliance to Stop Slavery, currently an expert consultant with the U.S. federal government on anti human trafficking programs. I am in support of this legislation but would strongly recommend that this measure apply to HRS 587 and HRS 571 pertaining to Family Court, not just Criminal Court. I urge lawmakers to consider other, more harmful ways in which under-trained social workers and systemic issues within the court system contribute to preventable delays.

Court appointed social workers are currently given roles tantamount to trained and experienced police detectives in assessing and finding the truth behind allegations of child abuse, yet these social workers (including CWS Investigators and Custody Evaluators) lack equivalent experience. These social workers are prone to implicit or unconscious bias and have the authority and ability to delay court processes without significant penalty. To be clear, I am not criticizing all social workers, the majority of whom do great work for our community, but there are accountability issues that must be addressed.

Furthermore, since Family Court is in a state of crisis with regard to lack of funding and inadequate staffing of judges, case back-log may allow Family Court to force Protective Order issues into Custody Court, which can take several months to over a year, during which time abused children suffer re-traumatization and a constant state of extreme anxiety at the least. This dire situation at Family Court also encourages judges to defer to the reports of CWS, which as previously stated can be rife with bias from inadequately trained and over-worked social workers.

In the very least, this judicial crisis teaches younger generations, subject to child abuse, that the system fails them more often than not and justice does not come from our courts. It exemplifies to



the parent or guardian acting as a protective-parent that the exhaustive process of obtaining justice from Family Court is an unfair and badgering reality.

Please consider that the scope of this measure may seriously fall short if it only addresses criminal proceedings.

Sincerely,

Kathryn Xian
Expert Consultant and Trainer on Anti Human Trafficking Issues, U.S. Federal Government
Co-Founder Pacific Alliance to Stop Slavery (PASS)

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

CHILD USA

THE THINK TANK FOR CHILD PROTECTION

TO: Senator Karl Rhoads, Chair
and members of the Committee on Judiciary

FROM: Marci Hamilton, CEO & Academic Director, CHILD USA; Robert A. Fox
Professor of Practice, University of Pennsylvania

RE: S.B. 2316, extension of civil statutes of limitations for child sex abuse and S.B.
2109 prompt trial for child sex abuse victims

DATE: January 29, 2020

Mr. Chairman, members of the committee, my name is Professor Marci Hamilton. Thank you for asking me to submit testimony.

I commend you and the Committee for taking up S.B. 2316 and S.B. 2109.

S.B. 2316 would extend the civil statute of limitations and give survivors of child sex abuse more time to file a civil suit. S.B. 2109 would prioritize the speedy resolution of a case involving a child victim of sexual abuse. If passed, this legislation will bring Hawaii closer to being a leader in the fight to protect children's rights.

By way of introduction, I am the Founder, CEO, and Academic Director of CHILD USA, an interdisciplinary think tank dedicated to the prevention of child abuse and neglect at the University of Pennsylvania, where I am the Robert A. Fox Professor of Practice. I am the author of *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press 2008, 2012), which makes the case for statute of limitations (SOL) reform in the child sex abuse arena, and the leading expert on the history and constitutionality of SOL reform.

CHILD USA is the leading organization tracking the SOLs for child sex abuse, and provides an analytical overview of statute of limitations reform for child sex abuse, as well as other cutting edge issues related to child protection, at www.childusa.org/law.

S.B. 2316 would allow more victims in Hawaii to access justice

Statutes of limitations or SOLs are judicial housekeeping rules: they set the deadline for pressing criminal charges or filing a civil lawsuit. An SOL is an arbitrary and technical legal rule that has prevented victims from naming their perpetrators publicly for fear of retaliation and from obtaining justice.

There is a worldwide epidemic of child sex abuse, with at least one in four girls and one in six boys sexually assaulted before they turn 18. The vast majority of claims expire before the victims are capable of getting to court. This bill would protect the children of Hawaii by making it



possible for victims to come forward and identify their perpetrators in a court of law. It would also shift the cost of abuse from the victims to the ones who caused it and bring delayed, but still welcome, justice to these victims. SOL reform validates victims and puts perpetrators and institutions on notice that the state stands with the victims.

There are untold numbers of hidden child predators in Hawaii who are preying on one child after another because the existing SOLs provide that opportunity. Current Hawaii law provides that a claim for injury suffered as a result of childhood sexual abuse be commenced within the later of age 26 or 3 years after the victim discovers or reasonably should have discovered that their injury or illness was caused by the abuse. S.B. 2316 would extend the civil SOL, allowing more victims of childhood sexual abuse to come forward when they are ready. By extending the SOL both prospectively and retroactively, access to justice for some past and all future victims will be available; this will also greatly reduce the present danger to Hawaii's children.

There are three compelling public purposes served by child sex abuse statute of limitations reform:

- 1) SOL reform *identifies previously unknown child predators to the public so children will not be abused in the future;***
- 2) It *shifts the cost of abuse from the victims to the predators and those that hid them; and***
- 3) It *educates the public about the prevalence and harm from child sex abuse so that families and the legal system can protect victims more effectively.***

The net result is that society as a whole comes together to support the traumatized victims and to heal itself. This is a vital step in the process toward children's civil rights and human rights overall.

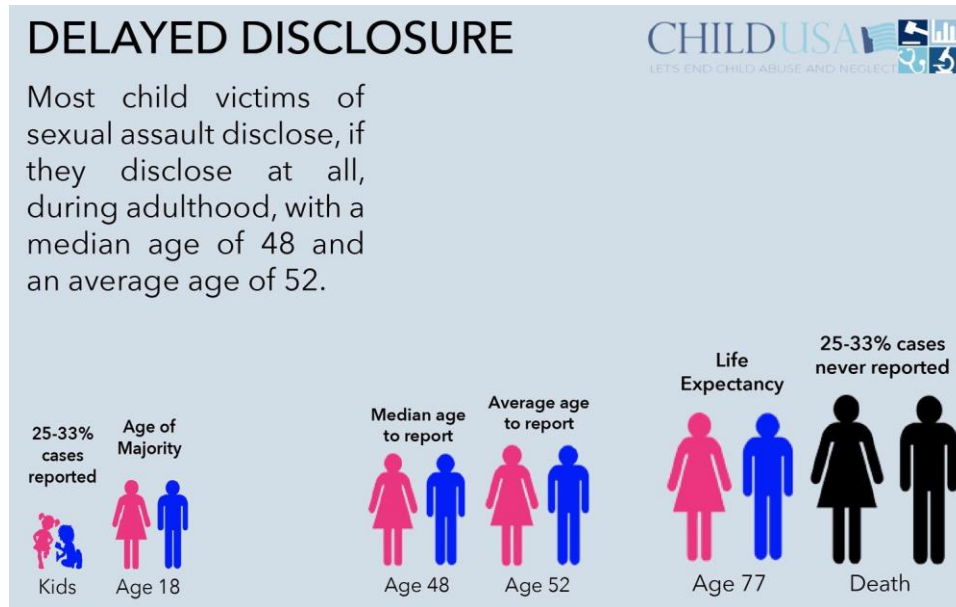
Historically, a wall of ignorance and secrecy has been constructed around child sex abuse, which has been reinforced by short SOLs that kept victims out of the legal system. Perpetrators and institutions have benefitted from short SOLs and until recently, most states have shut down most cases. That is a major reason we knew so little about the epidemic of sex abuse.

It is a medical fact that victims of child sex abuse often need decades to come forward. They are traumatized from the abuse, incapable of processing what happened to them, and often dependent on the adults who perpetrated or caused the abuse. Extending the civil SOLs for child sex abuse ensures that justice will be made available to more victims. Short SOLs for child sex abuse play into the hands of the perpetrators and the institutions that cover up for them, and disable victims' voices and empowerment.

Based on the best science, age 52 is the average age of disclosure for victims of child sex abuse.¹ Yet, until recently, many states blocked criminal charges and civil lawsuits well before age 52. By the time most victims were ready to come forward, the courthouse doors were locked, shutting victims out of justice.

¹ Delayed discovery studies available at *Delayed Disclosure of Child Sex Abuse*, CHILDUSA.ORG (last visited Jan. 28, 2020), available at www.childusa.org/delayed-disclosure.

As the following graphic demonstrates, the average age for disclosure of child sex abuse is age 52 and the median age is 48. Extending the statutes of limitations for child sexual abuse, which is a growing national trend, makes justice more accessible to many more residents. While the proposed extension of the civil to age 58 is an improvement, the best way to ensure justice for all victims is to prospectively eliminate the civil statutes of limitation. Ten states already have no civil statute of limitations for child sex abuse for at least some claims, having eliminated the civil SOLs prospectively.²



Studies establish that child sex abuse survivors have an inherently difficult time coming forward. Yet, it is in society's interest to have sex abuse survivors identify hidden child predators to the public—whenever the survivor is ready.

Because of its lifelong effect on health and well-being that can erect high barriers to disclosure and the fact that many perpetrators pursue and assault children even in their elder years, childhood sexual abuse needs to be added to the list of laws that should not be subject to an SOL, like kidnapping, fraud and embezzlement, war crimes, treason, and murder in the United States.

There is a national and global movement for SOL reform. The trend is toward elimination of civil and criminal SOLs and the revival of expired civil SOLs. At this point, 10 states have eliminated civil SOLs and 14 states have extended civil SOLs past 50 years of age. For an analysis of the SOL reform movement from 2002 through 2019, see CHILD USA's 2019 SOL Report.³ 2019 was a banner year for SOL reform with 23 states and Washington D.C. improving

² AK, CT, DE, FL, IL, ME, MN, NE, UT, and VT. For more information of civil SOL elimination, visit *Statute of Limitation (SOL) Reform by Jurisdiction: Who Has Done the Most for Victims of Child Sex Abuse?*, CHILDUSA.ORG (last visited Jan. 28, 2020), available at www.childusa.org/best-sols.

³ 2019 SOL Report, CHILDUSA.ORG (last visited Jan. 28, 2020), available at www.childusa.org/sol-report-2019.

their SOLs for child sex abuse.⁴ In January of 2020 alone, 19 states are already considering SOL reform.⁵

Hawaii has positioned itself as a leader in the SOL reform movement, by enacting the longest civil revival window, during which survivors of child sex abuse were and still are able (until April 24, 2020) to file civil claims for past abuse that would have otherwise been time-barred. That being said, Hawaii's current civil SOL which expires at age 26 or 3 years after discovery of the abuse is relatively short in comparison to the rest of the states.⁶ This proposed civil SOL extension to age 58 is in line with the recent trend eliminate the civil SOL and to give victims into their 50's to come forward in accordance with the delayed disclosure of abuse science.

S.B. 2109 reflects the interests of federal law and Hawaii to protect children from traumatic court experiences

Child protection is one of the most critical interests and responsibilities of government.⁷ “There is also no doubt that[] ‘[t]he sexual abuse of a child is a most serious crime and an act repugnant to the moral instincts of a decent people.’”⁸ Courts widely accept that children are often retraumatized by exposure to court proceedings relating to the traumatizing event of their own abuse.⁹ In recognition of this fact, state courts across the nation, including Hawaii, have established laws designed to protect child victims of sexual abuse in court proceedings.¹⁰ S.B. 2109 would protect child sex abuse victims by prioritizing the speedy resolution of cases relating to their abuse. This legislation is an important step forward in recognizing children's rights and the value of protecting child sex abuse victims in traumatic legal proceedings.

Once again, I commend you for supporting this legislation which is desperately needed to help victims of childhood sexual abuse, and for taking up the cause of child sex abuse victims.

⁴ For more information on SOL reform in 2019, visit *2019 Summary of Child Sexual Abuse Statutes of Limitations (SOLs): Introduced, Signed into Law and State Laws by Category*, CHILDUSA.ORG (last visited Jan. 28, 2020), available at www.childusa.org/2019sol.

⁵ For the latest updates on the current landscape of SOL reform in 2020, see *2020 SOL Reform Activity*, CHILDUSA.ORG (last visited Jan. 28, 2020), available at www.childusa.org/2020sol; *Current Laws for Child Protection*, CHILDUSA.ORG (last visited Jan. 28, 2020), available at www.childusa.org/law.

⁶ The majority of states give victims up to at least age 35 to file civil lawsuits. CHILD USA’s 2019 SOL Report, available at www.childusa.org/sol-report-2019.

⁷ See *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607 (1982); *Ashcroft v. Free Speech Coal*, 535 U.S. 234, 263 (2002) (O’Connor, J., concurring); *N. Y. v. Ferber*, 458 U.S. 747, 761 (1982). See also *Rights of Child Victims*, US Dept. of Jus. (last visited Jan. 29, 2020), available at <https://www.justice.gov/criminal-ceos/rights-child-victims>.

⁸ *Packingham v. North Carolina*, 137 S. Ct. 1730, 1736 (2017) (citing *Ashcroft*, 535 U.S. at 244).

⁹ See generally Myrna S. Raeder, *Enhancing the Legal Profession’s Response to Victims of Child Abuse*, 24 Crim. Just. 12 (2009); Lisa Conradi, *Supporting the Mental Health of Trauma-Exposed Children in the Welfare System*, 34 ABA CHILD L. PRACTICE 1 (Jan. 2015); Naila S. Awan, *Balancing a Child’s Right to be Heard with Protective Measures Undertaken in “the Best Interests of the Child”*: Does the International Criminal Court Get it Right?, 35 CHILD. LEGAL RTS. 98, 103 (2015).

¹⁰ HAW. REV. STAT. § 626-1; see also 18 U.S.C. § 3509; ALASKA STAT. ANN. § 12.45.046 (West 1994); ARIZ. REV. STAT. ANN. § 13-4253 (1985); CAL. PENAL CODE § 1346; MONT. CODE ANN. § 46-15-320 (West 2019); OR. REV. STAT. ANN. § 44.545 (West 1991); WASH. REV. CODE ANN. § 10.52.100 (West 1992); ALA. CODE § 15-1-2; LA. STAT. ANN. § 15:283.

Hawaii's children deserve SOL reform and court reform to protect children today and into the future. Extending the civil SOL is a positive step for Hawaii's children and families.

Please do not hesitate to contact me if you have questions regarding SOL reform or if I can be of assistance in any way on other child protection issues.

Sincerely,

A handwritten signature in black ink that reads "Marci A. Hamilton". The signature is written in a cursive style with a long horizontal line extending to the right.

Marci A. Hamilton
Founder, CEO & Academic Director
CHILD USA

3508 Market St. #210
Philadelphia, PA 19104

January 27, 2020

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair

NOTICE OF HEARING

Thursday, January 30, 2020
Conference Room 016
10:00 am

I am an advocate for families in the Child Welfare Services system and member of the Hawaii State and National Family Advocate Team. I strongly SUPPORT SB2109.

The following are my comments on the rights to speedy trial to parents in the family court system who also have rights to a trial/adjudication when they are alleged to have abused or neglected a child that does not rise to the level of a criminal offense.

The public is unaware of the proceedings that affect parents in the CWS system due to the confidentiality laws. Children can, by law, be removed to foster care, on the lowest standard of evidence that may include opinion and bias on the part of a CWS investigator. When a parent challenges the jurisdiction and evidence of alleged abuse, they are exercising their right to see the state evidence that has separated them from their children. I have knowledge of two cases where a trial was scheduled more than 6 months after the removal, continuances granted by the State's declaration of being unprepared and one case that was dismissed by the State on the date of trial. The tragedy of this is that an innocent child was held in foster care that is known to cause irreparable damage by an attack on the bonding and attachment that all children have, even with less than fit parents.

I suggest that the right to a speedy trial be included in the HRS87A and the Hawaii State Constitution Bill of Rights.

Thank you,
Marilyn Yamamoto
Hawaii State Advocacy Team

SB-2109

Submitted on: 1/25/2020 9:46:27 AM

Testimony for JDC on 1/30/2020 10:00:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole and Committee Members,

The LGBT Caucus of the Democratic Party of Hawai'i stands in full support of the passage of Senate Bill 2109.

This bill is just common sense to protect our keiki.

Mahalo for the opportunity to testify,

Michael Golojuch, Jr.
Chair
LGBT Caucus of the Democratic Party of Hawai'i

SB-2109

Submitted on: 1/27/2020 4:44:44 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Agard	Individual	Support	No

Comments:

Please support SB2109.

As a community I believe we have a duty to protect our children from harm, especially in trial settings. While there are legitimate reasons for continuances, it is important to stand up against the use of trial delay tactics as a defense strategy waged against our children.

Please support SB2109

SB-2109

Submitted on: 1/29/2020 9:02:13 AM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Celeste Duncan	Individual	Support	No

Comments:

SB-2109

Submitted on: 1/27/2020 11:08:13 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

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

Comments:

SB-2109

Submitted on: 1/27/2020 10:56:43 AM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Golay	Individual	Support	No

Comments:

SB-2109

Submitted on: 1/27/2020 12:11:09 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandra Navarro	Individual	Support	No

Comments:

This is what we need in these times of escalating violence.

SB-2109

Submitted on: 1/27/2020 6:46:45 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Ramirez	Individual	Support	Yes

Comments:

Children need resolution and to know that justice will be served and they will be protected. Their childhood should be spent at the beach, in school, extra-curricular activities, the mall or movies—not inside a courtroom next to their perpetrator.

I Support SB 2109

thank you.

Deb Ramirez

SB-2109

Submitted on: 1/26/2020 9:21:36 AM

Testimony for JDC on 1/30/2020 10:00:00 AM

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

Comments:

SB-2109

Submitted on: 1/28/2020 11:10:20 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Speedracer	Individual	Support	Yes

Comments:

My children alledge they were sexually assaulted numerous times. After the detectives investigated, collected evidence, and did forensic interviews at the CJC we had to wait 3 months to get a chance for the girls to meet the PA assigned to us. By then the perp had used CWS to gain not just access but have the girls taken into CWS custody and PLACED AT HIS HOUSE WITH HIS AUNT AND UNCLE PAID TO BE FOSTER FACILLATATORS. three long months with NO CONTACT with me, their mother, their one protector. During those three months we dont know what they went through, what threats he may have made, what manipulations they suffered. The perps aunt took them finally to meet the PA and the very breif, unrecorded meeting she determined "they seemed fine" and decided NOT TO INDICT! There is both testimony and physical evidence. He caused a sexually transmitted infection in my 8 year old and a destroyed hymen in my 4 year old daughter. If we had more protection, oversight, and faster response by prosecutors this may have saved me and my beloved children.

SB-2109

Submitted on: 1/26/2020 7:34:47 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
maria Tijerina	Individual	Support	Yes

Comments:

The failure to provide a speedy trial to child abuse victims is troublesome. Not only is the event traumatizing enough for the child, their childhood memories are haunted by the sexual assault. Undue delays in trial exacerbate the traumatizing memories and prolong the healing process by creating more anxiety for the child. This can be extremely emotionally damaging for the child. This child will feel as if the assault that happened to them doesn't matter because the abuser is still living his/her life over the months or years the case is being drawn out, with no consequences. Also the abuser will have access to other children who can also become victims. As all this time goes by, details of the abuse (that are crucial to the child's testimony) can be suppressed as a coping mechanism for the child AND any evidence can be lost and tampered with as well. As hope for justice starts to fade, families of the abused child will be so desperate to "forget" and help their child "forget" (just to get them a normal life back) that they will start to give up and drop charges, offer or accept plea deals that don't match the crime; all in order to resolve the case without true justice. After witnessing this, other families of abused children will be hesitant to report crimes because of the lack of urgency of the Justice System to speed up these trials.

Other damaging consequences to the child, due to the abuse and chronic stress, may not only contribute to disease and ill health via allostatic load (which is the sum total of stress encountered over the life of an individual), but also disrupts areas of the brain responsible for stress regulation and coping. Chronic stress and allostatic load during childhood may increase the susceptibility of the child to diseases as varied as arthritis, adolescent alcohol abuse, depression and other mental illnesses that can continue on into adulthood.

SB-2109

Submitted on: 1/27/2020 1:13:56 PM

Testimony for JDC on 1/30/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Zwicky	Individual	Support	No

Comments:

As a counselor who works with children with trauma including sex abuse I have seen how lengthy trials have a severe negative impact and affect on the children. By getting them through trial quicker it will decrease the amount of time spend in therapy and other services as they will not be retraumatized and have their trauma continue to be exposed over and over again.

LATE

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

I am a survivor of childhood sex abuse and I support SB 2109.

As a child, sex abuse is confusing, creates feelings of shame, guilt and anger, and destroys your ability to trust. Having to relive the experience over and over for a trial can be re-traumatizing for the survivor. This bill will help reduce trial time and let the survivor move on with the important life-time process of healing. Thank you.

Andre Bisquera

LATE

To: Senate Committee on Judiciary, January 29th, 2020

From: KEOLA PAGUD

Re: Testimony in SUPPORT OF SB 2109

Hello and aloha Chair and members of the Senate Committee on Judiciary. My name is Keola Pagud and I support SB 2109. I am a former foster youth, an advocate, and an Master of Social Work candidate at the University of Hawai'i at Mānoa. As a State of Hawai'i Child Welfare Services field education student, I have been providing support to a teenager for a few months. This teenager's father is being prosecuted on the basis of physical abuse toward him and his grandparents. The criminal case hearings allowed two continuances which spaned over a few months. Through these recurring delays, it appears that my client continues to be fearful about the process and what is to come.

By ensuring that trials are promptly scheduled and by minimizing continuances, this will help to minimize the trauma that child abuse victims experience through these situations. Thank you for your time and consideration, please pass SB 2109.

Best,
Keola Pagud

LATE

SB-2109

Submitted on: 1/30/2020 8:19:11 AM

Testimony for JDC on 1/30/2020 10:00:00 AM

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

Comments:

Rainbow Family 808 is a non-profit that supports Justice issues for children and families. We strongly support SB2109 for the well-being of minors.

it is imperative that minors receive a timely court process in order that minimum harm is done to the minor.

Thank you for addressing this important legal procedure is passed in a swift manner for SB2109 for minors addressed in SB2109.

Sincerely,

Carolyn Martinez Golojuch, MSW

PRESIDENT/Founder Rainbow Family 808