

**SB-2603**

Submitted on: 1/28/2020 4:51:39 PM

Testimony for JDC on 1/31/2020 10:00:00 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	No

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 2603.

We need to keep sexual predators away from their survivors!

Mahalo for the opportunity to testify,

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

**SB-2603**

Submitted on: 1/28/2020 8:35:52 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rainbow	Individual	Support	Yes

Comments:

Rainbow Family 808 Supports families and individuals in need. SB 2603 meets our requirements for support. Children need protection from dysfunctional parents and support when the children become victim survivors.

Please pass SB2603 for the benefit of all children. The children need society to protect them when they are At Risk and prevent further harm.

**SB-2603**

Submitted on: 1/28/2020 5:20:25 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn R Yamamoto	Testifying for Hawaii Family Advocacy Team	Support	No

Comments:

January 30, 2020

Testimony to Senator Rhoads, Judiciary Committee

for Public Hearing on January 31, 2020 for SB2603

**I support SB2603.**

As an advocate for families in the Child Welfare System, I experienced a case where the department supported an outcome of reunification of a foster child with a parent whom they knew had accumulated 7 restraining orders, 1 violation of a Restraining Order and 1 conviction of Harassment of the other parent. CWS omitted the information about the family violence and court orders to the judge in the case. It is imperative that CWS take all domestic violence and sexual abuse reports seriously and note that in the court records. Both are serious safety concerns that must be resolved before any action is taken to reunify or authorize unsupervised visitation.

Thank you,

Marilyn Yamamoto, Hawaii Family Advocacy Team

**SB-2603**

Submitted on: 1/29/2020 8:38:13 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kirstin Cabrales	Individual	Support	No

Comments:

**SB-2603**

Submitted on: 1/28/2020 10:38:42 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Alu Campagna	Individual	Support	No

Comments:

I strongly support this measure and believe it will help save the lives of children who are at risk of abuse. Thank you.

Senate Committee on Judiciary  
January 31, 2020 at 10:00am  
Conference Room 016  
SB2603

Good Morning Chair Rhoads, Vice Chair Keohokalole & Judiciary Committee Members ~

I am an independent Domestic Violence Survivor Advocate who primarily works with domestic violence survivors who have children in-common with their abusers.

Several years ago I began working with a mother of 3 little girls who ended her relationship with the father of the youngest 2 because of domestic violence (the father of the eldest is deceased).

A 50/50 custody arrangement was ordered, which violated HRS 571-46(9), and shortly thereafter the girls began to disclose sexual abuse when on visitations with mom's ex-partner. (The presiding family court judge thought the eldest should go on visitations with her half sisters so she wouldn't feel left out or left behind; ironically, the eldest would be the most sexually violated by this "man".)

Despite SIX counts of Sex Assault I being forwarded to Keith Kaneshiro's Prosecutors Office as a result, not a single count was ever prosecuted despite Sex Abuse Treatment Center intervention, Children's Justice Center video-taped disclosures (which were played for the court) and Kapiolani Medical Center treatment.

Yes, Child Protective Services (CWS/DHS) did become involved but despite full awareness of the pending charges against the alleged abuser, the CWS Case Manager decided to remove the girls from their mom and placed them in the home of the alleged abuser's aunt and uncle - coincidentally, the SAME HOUSE where the alleged abuser himself resided!

Had any of the six counts been prosecuted, the alleged abuser would have been convicted based upon the volumes of evidence against him for sexual offenses against 3 minor girls (all under the age of 10 at the time); he would have gone to jail for his crimes, been required to register as a sex offender and if SB2603 were in-place, his victims (as well as other children) would presumably not be at any further risk of significant harm by him.

But because these six counts were NOT PROSECUTED, the abuser never had to register as a sex offender and to this day, gets to walk free among us AND OTHER CHILDREN unencumbered.

Disturbed by mom's persistence and insistence for justice against "the father of her children", the family court gave full physical & legal custody of the two youngest victims to the abuser, who now gets to determine when and if mom sees her daughters, while the eldest was put and remains to this day in non-relative foster care custody.

A situation like this should never be allowed to repeat itself and if there's any way anyone can make a difference for this mom and her daughters, please do not hesitate to contact me. In the meantime, please fully support the passage of SB2603 because it's truly in the best interests of children and for us all.

Thank you for this opportunity to provide testimony in STRONG SUPPORT of SB2603.

Respectfully,

*Dara Carlin, M.A.*

Domestic Violence Survivor Advocate

**SB-2603**

Submitted on: 1/29/2020 8:23:35 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kara england	Individual	Support	No

Comments:

Thank you for your support!

Kara England



**SB-2603**

Submitted on: 1/29/2020 11:31:59 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patrick furlotti	Individual	Support	No

Comments:

Hi I believe that sex offenders should not have custody of their children in the state of hawaii.

**SB-2603**

Submitted on: 1/28/2020 5:30:33 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments:

I strongly support SB2603. The Family Court must be held accountable for allowing those who are sexual predators have visitation or custody rights of a minor child. The actions should be to protect the child and not the adult. When I was letting others know about SB2603, people were shocked that this wasn't already a law. DHS should have been pushing for this law.

Please pass SB2603.

Thank you for letting me provide my comments.

Mike Golojuch, Sr., Lt Col, USAF (Ret)

Secretary/Board Member Rainbow Family 808

**SB-2603**

Submitted on: 1/29/2020 12:04:23 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennylee Harris	Individual	Support	No

Comments:

I SUPPORT BILL SB 2603

To not allow convicted sexual offenders custody of child in a family court battle!

I'm writing in regards to convicted sexual offenders and murderers to not be able to have custody of children when parents separate. Someone that is ill-minded, that have hurt their own children sexually and other innocent children, murderers who have killed another being or have severely hurt someone is not capable and sane physiological to have custodial rights to their own children!

As a parent ( I'm a Mother. Not looking at Gender) but if I was sexually abusing my son or daughter and I was in a custody battle I would definitely need counseling/help if not the cycle continues and keeps going. As a parent my instinct is to and only protect my child from dangers. Supervised visitation is the only solution to keep Hawaii's children safe.

What are your reasonings to continue to let a sexual offender to have custody of a child!? Do you think they won't do it again and again and again!? They will continue it and the innocent child continues to suffer. Do you know a lot of Hawaii's drug addicts today are victims of sexual abuse from loved ones? Hawai'i doesn't need more mentally ill homeless drug addicts on the streets!

Almost every other state does not allow Sexual predators custody of their own children, WAKE up Hawai'i legislators and protect our Keiki! Our Children need our protection as parents and if the other isn't capable from their severe/damaging actions then NO CUSTODY IS ALLOWED!

I hope you all take this to heart as if you were in this situation and it was your child!

Mahalo!

Jennylee Harris

**SB-2603**

Submitted on: 1/28/2020 9:09:45 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alyssa Hudson	Individual	Support	No

Comments:

Chair Rhoads and Vice Chair Keohokalole

Subject: Senate Bill 2603

January 28, 2020

My name is Alyssa Hudson, and I am a concerned citizen. I am testifying in support of S.B. 2603.

This bill will save so many little boys and girls who may possibly be in the hands of, custody of sexual offenders. It will protect our Hawaiian keiki from being in the access of these offenders. As a woman, mother, sister, daughter in our community I want to protect all of Hawaii's keiki from ever being subjected to potential sexual offenses. Without this bill, men and women who have previously been charged with serious sexual offenses on minors have a right to having full/partial custody of their children giving them unsupervised access to potentially harming our keiki and causing Further generations pain.

Thank you for the opportunity to testify in strong support on this matter of great importance to our future generations.

Alyssa Hudson

alyssa.hudson@gmail.com

**SB-2603**

Submitted on: 1/29/2020 9:05:16 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Danielle kiersz	Individual	Support	No

## Comments:

I strongly believe that a registered sex offender should not have custody of his or her child. It puts the child in danger for abuse. Seeing that this law is in place in almost every state in the country it shows that this law must be enforced for the innocent lives of children are at stake.

**SB-2603**

Submitted on: 1/30/2020 8:57:35 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
deanna kiersz	Individual	Support	No

Comments:

This law should absolutely go into effect to save our children from sexual abuse! I'm a kindergarten teacher and I see this first hand it it breaks my heart. It's not fair to the child. Hawai'i is the one of the last states for this to go into effect and I think it's about time!!! Sex offenders are moving to Hawaii because of this law! Let's please protect the innocent children!!!!

**SB-2603**

Submitted on: 1/30/2020 8:48:58 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
michael kiersz	Individual	Support	No

Comments:

I think it's ridiculous that Hawai'i is the one of the last states in the country that does not protect children from sex offenders. Please motify the law to help protect our children.



**SB-2603**

Submitted on: 1/28/2020 11:48:59 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Natalie Speedracer	Individual	Support	Yes

Comments:

My children were forced to have visitation with their father after detectives conferred his sex assault case to prosecuting attorneys. They reported and showed physical signs of more sex assaults after these visits. We are still waiting for PA to wake up and indict him asap regardless of CWS opinion on the subject. A safe innocent parent can NOT protect their child if the state, CWS or FAMILY COURT orders the child to visit A VIOLENT perp or SEX OFFENDER! This is common sense, there is already a state statute that prohibits child custody to a domestic abuser and this is NOT ENFORCED BY FAMILY COURT. It absolutley endangers the child, no question. Without a doubt it is not safe for a child to be in the presence of a convicted violent or sex offender.

**SB-2603**

Submitted on: 1/29/2020 9:42:46 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elisabeth Wertheim	Individual	Support	No

Comments:

Chair Rhoads and Vice Chair Keohokalole

Senate Bill 2603. January 31, 2020

My name is Elisabeth Wertheim.

I am a concerned citizen, living in Haiku, Maui for 42 years.

I am testifying in extremely strong support of S.B. 2603

This bill will directly protect a close relative of mine who has

hitherto not had protection..

Thank you both for providing this opportunity to us citizens to have our voices heard regarding this much needed matter.

Sincerely,

Elisabeth Wertheim

Liz.west1930@gmail.com

**SB-2603**

Submitted on: 1/29/2020 10:51:00 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica Wertheim	Individual	Support	Yes

Comments:

Jessica Wertheim

Testimony for SB 2603

Senate Committee on Judiciary

Chair Rhoads and Vice Chair Keohokalole

January 31, 2020 at 10:00 AM in Conference Room 016

Aloha. Good Morning Chair, Vice Chair, and Senators. Thank you for hearing SB2603, Relating to Family Courts.

This is a personal issue for me. I have been struggling within the system for two years trying to protect my child. This bill will help protect my child by updating Hawaii's family and child safety laws to match California and most other states. It says that if a parent is convicted of a felony violent sexual act against a minor then it is presumed unsafe for a child to be unsupervised with that parent.

This law will prevent irrevocable harm and empower judges to take the side of children, not based on suspicion but on hard evidence. This law allows a judge to trust child advocates that say a felony violent or sexual conviction of a parent means a presumption that they are a danger to children.

I humbly ask that an amendment be considered to include "Restraining Orders" as a sufficient proceeding. Please insert "restraining order" to Page 3 line 16 and page 7 line 10.

Mahalo nui loa. Sincerely,

Jessica Wertheim

**SB-2603**

Submitted on: 1/29/2020 10:17:23 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kathryn xian	Individual	Support	No

Comments:

Aloha, Members of the Committee:

Please pass this bill. It is clearly needed.

Sincerely,

Kathryn Xian

**SB-2603**

Submitted on: 1/29/2020 5:34:48 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Guy Yatsushiro	Individual	Support	No

Comments:

**SB-2603**

Submitted on: 1/29/2020 10:12:07 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauren Nicole Yeager	Individual	Support	No

## Comments:

I would like to testify in support of Bill SB 2603. I cannot believe that the standards of child protection described in the bill are not already legal practice in the state of Hawai'i. It seems like a no-brainer that a parent convicted of a felony regarding the sexual abuse of a minor not be allowed custody of their child. A person is registered as a sex offender for what other reason than to act as a warning to others of their horrific behavior patterns? The fact that a parent with a sexual abuse charge of a minor be allowed to have custody of their child absolutely makes no sense to me. Because children are so unlikely to speak up about sexual abuse in general, let alone involving a parent, I cannot believe a law pertaining to this issue has not been enacted sooner. I have seen the flaws in the current law first hand. My friend's daughter is showing signs physically and phycologically of being sexually abused by her father - who has a felony record of sexual abuse of a minor. The mother and father are separated and they have joint custody. Whenever their daughter returns from her father's house, there are signs of physical abuse. The father has a felony charge against him for the sexual abuse of a minor - yet, somehow the current law is allowing him to have custody of his daughter and in effect is allowing her to be put in a very abusive situation. Not only for this little girl am I in complete and utter support of SB 2603, but for so many children in the state of Hawai'i who don't have anyone speaking up for them.

**LATE**

**SB-2603**

Submitted on: 1/30/2020 11:21:31 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Wertheim	Individual	Support	No

Comments:

I believe that registered sex offenders **MUST NOT** be given unsupervised visitation rights. When there is a record of same, full custody must be awarded the parent with a clean record and loving and stable home. Thanks



**SB-2603**

Submitted on: 1/29/2020 9:43:27 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

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

Comments:

I strongly believe that this bill should be enforced for the safety of the child!!!!

**LATE**

Testimony in Support of SB2603

I am Rev. Ka'imi Nicholson, from Palolo Valley. I am both a minister and a therapist, and for over nine years, I worked in the Parent's United Program of Child and Family Service, with families that had experienced incest. I strongly support Senate Bill 2603. Among therapists it is well known, and in the research literature it is well documented that behavioral health treatment for sex offenders is of limited effectiveness. For example, one of the few randomized controlled trial longitudinal studies to evaluate treatment for adult sex offenders (Marques, et al, 2005, the California Sex Offender Treatment and Evaluation Project) found that over an 8-year follow-up period, there was no, *zero*, significant difference in rates of re-offense among the groups who underwent treatment and those who did not.

Another researcher (Hanson, et al 2009) conducted a meta-analysis of 23 different recidivism outcome studies, and found that the average overall recidivism rate was 32 percent for *treated* sex offenders and 48 percent for those who were untreated sex offenders. And please keep in mind, also, that researchers widely agree that observed recidivism rates are underestimates of the true re-offense rates of sex offenders, because the majority of sex offenses are never reported to authorities.

Source: The US Department of Justice, SMART "Sex Offender Monitoring Apprehending Registering and Tracking" office.

[https://www.smart.gov/SOMAPI/sec1/ch7\\_treatment.html](https://www.smart.gov/SOMAPI/sec1/ch7_treatment.html)

In my own therapy practice, I have been shocked and distressed to witness our Hawai'i state Child Welfare Service inadequately protecting a child whose father has 50% custody and is a registered sex offender, despite a large quantity of distinct circumstantial evidence that the child has been sexually molested by her father. This law is needed for the protection of this precious child and many more.

*Mahalo nui loa.*

Sincerely, Ka'imi Nicholson



Executive Director  
Cindy Shimomi-Saito

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**Date:** January 30, 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 Support of S.B. 2603  
Relating to Family Courts

**Hearing:** Friday, January 31, 2020, 10:00 a.m., Conference Room 016

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

The Sex Abuse Treatment Center (SATC) supports S.B. 2603.

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. 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. At SATC, over half of the victims seen are under the age of 18.

The majority of children are abused by someone they know and trust. Usually they don't tell about the abuse right away, and sometimes they never tell at all. As child sexual abuse can be devastating with lifelong impact, all efforts should be made to reduce the child's vulnerability to such a crime.

The SATC believes in safety first. Granting custodial rights or unsupervised visitation to a person who has a felony conviction of a violent or sexual offense of a minor, or who is required to register as a sex offender, is detrimental to the well-being of the child. What is already proven—that the person committed this crime or is a registered sex offender—should result in the presumption of risk to the safety of the child.

S.B. 2603 includes more restrictive standards when making such custodial decisions, yet it allows for rebuttal. Under such circumstances, presuming risk until shown otherwise is far more responsible than assuming safety until proven wrong.

The SATC supports S.B. 2603 as it protects and prioritizes the safety of the child. Thank you for the opportunity to provide testimony.

**LATE**

**SB-2603**

Submitted on: 1/31/2020 8:58:02 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sean Stephens	Individual	Support	Yes

Comments:

Hello, my name is Sean Stephens

I am writing in support of SB 2603, as I believe children should have a right to safety and should not be concerned with ANYONE let alone a parent inflicting any kind of harm on them at any point. To me it seems like a level of common sense that we as a society don't reward crimes with the potential to commit more crimes, we stop the behavior by heavily restricting the situation, removing the situation as a whole, or incarceration. Just the same that we wouldnt give someone who committed a murder more potential murder weapons, the same applies to someone who sexually abuses a child, if the crime is committed once, it only makes sense that we then remove any children from their direct care including their own from having the potential for this to occur to them possibly even repeatedly.

I care greatly for this community and the safety of our children. I believe SB 2603 will make our community a much safer place for children of our future.

**LATE**

January 31, 2020

To Whom it May Concern:

I find it outrageous that a pedophile can molest an 11 year old girl and be convicted of a felony for it and then be able to live alone with a nine year old girl.

The 9 year old girl has a hard time making friends because other girls are not allowed to play with her because her father is a child molester. The father tries to keep her locked in the house and away from people so he can continue on with his sick plans for her without her knowing the truth about her father.