

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2208, H.D. 1, RELATING TO SEXUAL ABUSE OF MINORS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Wednesday, February 23, 2022 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Caron Inagaki, Deputy Attorney General

Chair Nakashima and Members of the Committee:

The Department of the Attorney General provides the following comments and concerns.

The purpose of the bill is to amend the remedies available to victims of child sexual abuse in section 657-1.8, Hawaii Revised Statutes (HRS).

The amendments to section 657-1.8(a), HRS, at page 3, lines 4 - 7, would extend the statute of limitations for a victim of child sexual abuse to bring a civil claim for money damages against any person from eight years to thirty-two years after the eighteenth birthday of the victim regardless of when the incident occurred, and, at page 3, lines 8 - 12, from three years to five years after the date the victim discovers or reasonably should have discovered that psychological injury or illness occurring after the victim's eighteenth birthday was caused by the sexual abuse that occurred when the victim was a minor, whichever occurs later.

The bill amends section 657-1.8(b), HRS, at page 3, line 18, to page 4, line 3, by closing the window of time for a victim of child sexual abuse to bring a claim against the perpetrator or a legal entity if the victim was barred from filing a claim due to the expiration of the statute of limitations.

The bill, at page 6, line 5, to page 9, line 6, adds to section 657-1.8, HRS, new subsections (e) and (f) that provide a process to serve and name defendants in actions filed pursuant to subsection (b). At page 9, line 7, to page 10, line 2, a new subsection

(g) is also added that allows a plaintiff to request that the personnel of a legal entity undergo training on trauma-informed response to allegations of sexual abuse.

Because the contemplated amendments will extend the statute of limitations for many decades, 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.

We appreciate that victims of sexual abuse may need additional time before they are ready to file a lawsuit, but note that the passage of very long periods of time could be severely prejudicial to, and create evidentiary issues for, the litigants.

Thank you for the opportunity to make comments.



‘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

In Support of H.B. 2208 with Amendments

Dear Chair Nakashima, Vice Chair Matayoshi, and Honorable Members,

The Hawai‘i State Commission on the Status of Women **supports** H.B. 2208, which would extend the time period by which a civil action for childhood sexual abuse must be initiated and allow for damages if there is a finding of gross negligence. We request one friendly amendment outlined below.

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 Amendment:

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 have been heard. This is a hugely important step for many survivors to recover from trauma.

Please pass H.B. 2208 HD1.

Mahalo,
Khara



February 23, 2022

TO: Representative Mark Nakashima, Chair
Representative Scot Matayoshi, Vice Chair and
Members of the Committee on Judiciary and Hawaiian Affairs

From: Hawaii State Democratic Women's Caucus

RE: HB 2208 HD1 Relating to Sexual Abuse of Minors

POSITION: SUPPORT

The members of the Hawaii State Democratic Women's Caucus write in support of HB 2208 HD1 Relating to Sexual Abuse of Minors. This measure is vital to give sexual abuse victims the ability to file suit when they are ready for disclosure. Many victims are not able to disclose the abuse for decades.

The proposed language in this bill is based on a California statute and not only expands the time period during which a victim of childhood sexual abuse may initiate a civil action, but also addresses the concerns of unlimited exposure of defendants to potential lawsuits.

In trying to limit that exposure, we request that the Committee consider whether sections (e) and (f) place an undue burden on victims bringing claims by placing additional requirements on those claims. The requirements in this measure should not further deter victims from disclosing sexual abuse.

The Hawaii State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls.

We ask the committee to pass this bill. Thank you for the opportunity to provide testimony in support.



Indigenous Consultants, LLC

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P.O. Box 6377, Hilo, Hi 96720
Phone: 1 (808) 990-0529



Testimony Re: HB 2208-HD1
Date: 2-23-22
Time: 2:00pm
Committee: JHA

TESTIMONY ON OPPOSITION/ WITH AMENDMENTS

Aloha Legislators,

I am Mililani B Trask, a Native Hawaiian attorney and 1969 graduate of the Kamehameha Schools (KS) where I was a boarder for 2 years. I am licensed to practice law in Hawaii and have done so for many years. **I am currently representing a KS graduate who is suing KS/BE. I am co-counsel with Patricia M Talbert, an attorney, who also attended KS/BE.** Several children in my graduating class were victims of child sex abuse while attending KS, we know now that the sexual abuse of children at KS has been an ongoing problem since the 1960's. Several child victims have killed themselves over the years. Recent cases, including Alyssna, Kaulukukui and Maeda prove that child sex abuse at KS & in Hawaii is a serious & ongoing problem. Maeda was himself, a KS graduate who returned to the schools as a teacher & child sex abuser. He learned his behavior at KS.

Why I oppose HB 2208-HD1:

1. HB2208-HD1 has a disparate impact upon Hawaiian indigenous children victims.

HB2208 has a discriminatory impact on the Hawaiian indigenous community. We oppose HB2208-HD1 because it imposes additional burdens and hurdles upon victims that are inappropriate and unreasonable. For example, the Bill, as drafted, requires a court to make determinations about the merits of a case before any plaintiff is given leave to serve any defendant. We now know from the cases filed in Hawaii, that the vast majority of Plaintiff/victims are (1) were over age 50 at the time of filing; and (2) are Hawaiian. If HB2208 was law in Hawaii, the 32 plaintiffs who won an 80 million mediated settlement from KS, would not have been able to sue.

HB2208 has a disparate impact upon the children of the indigenous Hawaiian community. Disparate impact can be a policy that appears neutral on its face, and but has an adverse effect upon a protected class of individuals.

The undeniable majority of the recent child sex abuse cases in Hawaii have been brought and are now being litigated on behalf of former and current students at KS. While there have been fears about this abuse in the past, it was not until January 19th, 2016 that the first major case (ultimately involving 32 plaintiffs) was able to be filed. That was due to the Legislature passing a "window statute" allowing victims to sue regardless of their age. The Legislature lifted the Statute of Limitations, and a second window statute was passed allowing more victims to come forward.

In section (e), Plaintiffs must provide a meritorious basis justifying suing the initial defendants *before* a court will give leave to serve the complaint. Section (f) of the Bill, (addressing Doe defendants) carries through the same additional burden upon victims found in section (e). Plaintiff's attorneys are required to provide additional corroborative evidence for any subsequent Doe defendant. Section (g) having to do with training an entity's personnel is window dressing - it does not get to the heart of training needed. **Sections (e) and (f) should be deleted.**

2. Suicides and other egregious injuries. There is a need for legislation to allow victims to seek justice regardless of age. The window statues recognized that victims of child sex abuse often do not recognize their dysfunction resulting from Child Sex Abuse (CSA) well into adulthood. Prior to this recognition, many suffer severe psychological damage often resulting in suicide. Many become drug addicts, unemployed, homeless and suffer other devastating consequences.

3. Why did (and are) pedophiles targeting KS children? We have discovered in our representation of KS plaintiffs, that pedophiles recognized the unique lack of protections for boarding students at KS. First, many boarding students at KS were from the neighbor islands and while on O'ahu they were without the support of their families and communities. Second, children at KS who entered as young as 7th graders, were experiencing loneliness and homesickness. Pedophiles discovered that this population of Hawaiian children was particularly vulnerable and were easily preyed upon. It is also alleged that KS employees took advantage of this status and either engaged in inappropriate relations with students or did not provide security that any parent would.

Who benefits from HB2208-HD1? Which entity in our islands would be in support of HB2208-HD1, (albeit behind the scenes), and who would benefit from having a law that makes it more difficult for a victim of child sex abuse to seek justice? Answer - Pedophiles and those entities who had control over the conduct of the pedophile benefit from HB2208-HD1. The indigenous Hawaiian community has historically suffered in its access to education, housing, and basic economic survival needs. HB2208-HD1 would put in place another burden and hurdle for Hawaiian children, who are and were victims, in their effort to seek justice.

Mahalo,



Mililani B. Trask

ADMITTED TO THE PRACTICE OF LAW IN THE STATES OF HAWAII, NEW YORK AND NEW JERSEY

TALBERT LAW LLLC

Patricia Medina Talbert - NY, NJ & Hawai'i
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HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022
COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

TO: Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair
Committee Members

FROM: TALBERT LAW LLLC, Honolulu, Hawai'i
Attorneys for Plaintiff Victims of Child Sexual Abuse

HEARING DATE: Wednesday, February 23rd, 2022

I am Patricia Medina Talbert, a practicing attorney who is litigating child sex abuse cases with attorney Mililani Trask. I have been an adjunct law professor, a jurist, a special assistant deputy attorney general and I am in full support of the need to revise the statute on child sex abuse. We **support** the revision of Section 657-1.8, Hawaii Revised Statute, et seq., but HD2208-HD 1 is **not** the vehicle to do so.

I. WE OPPOSE HB2208-HD1 INsofar AS IT IMPOSES ADDITIONAL PROCEDURAL BURDENS ON VICTIMS AND HAS AN AGE CUTOFF THAT DENIES EQUAL PROTECTION.

HB2208-HD1 starts off recognizing law is needed to address the fact “that there are many reasons children delay disclosing sexual abuse,” at p. 1, lines 10-11, and then ends up by imposing burdens and hurdles no other civil plaintiff is required to overcome, at p.6, lines 19-21, p. 7-9, to line 19. This bill places burdens upon a victim of child sexual abuse that has no precedent in any other part of Hawaii’s law. More over, HB2208-HD1 denies equal protection to victims based upon age. Who is behind making it more difficult for victims to pursue justice and/or to eliminate the right all together?

II. SUPPORT FOR EXPANDING THE SOL BUT OPPOSE BARRING VICTIMS BASED UPON BEING OVER AGE 50.

We support opening the window on the statute of limitations although we question why there is a 32-year post-18th birthday cut-off. At p. 3 lines 18-21. What is the logic for limiting a claim based upon one's age? Why are victims over a certain age disqualified from seeking justice? There is no justification in the bill.

The vast majority of child sex abuse victims, from the past, are over the age of 50 in 2022. Thus, we support a window statute that follows the precedent of prior legislation in which potential plaintiffs were given a period of time within which to file, *regardless of their age*. If the Legislature wishes to do away with successive window statutes, then eliminate the age requirement completely. It would not become a free-for-all for victims because you would still have the requirement that once a victim discovers they have been subjected to child sex abuse, they must bring the claim with 5 years of that discovery - regardless of age.

III. OPPOSE UNIQUE PROCEDURAL HURDLES FOR VICTIMS in (e) and (f). THEY SHOULD BE DELETED.

We oppose adding procedural obstacles, found in sections (e) and (f), upon child sex abuse victims. As we understand it, a judge would be required to determine that a complaint is "reasonable" and there is "meritorious cause for the filing of the action against that defendant." Only then would a victim be allowed to serve the complaint. Even with the revision in HD1 saying a different judge from the ultimate "trier of fact" should make the initial finding, it does not eliminate the essential problem that HB2208-HD1 has. This bill imposes additional procedural steps upon a child sexual abuse victim.

No other negligence victim is required to do this. We can't find any precedent in other tort cases wherein a court must make a finding of "reasonable and meritorious cause" before a negligence case can go forward. The closest example is within the context of a medical malpractice case because of the concern to limit med mal cases.

Section (f) requires plaintiff attorneys to submit affidavits setting forth facts that corroborate the amending of a complaint to include Doe defendants. Doe defendants is a place saver used in a complaint when a plaintiff knows cer-

tain people or entities engaged in wrong doing. But the plaintiff does not have the identify of that person or entity. Again, this is an additional burden no other plaintiff is required to do.

As a final note, the Attorney General continues to oppose revising child sex abuse law because these cases are difficult to litigate due to the passage of time. The AG is taking positions completely contradictory on this. HRS §701-108 (of the Penal Code) says: ...sexual assault in the first and second degrees, and continuous sexual assault of a minor under the age of fourteen years *may be commenced at any time* (emphasis added). The AG does not speak out against this. Indeed, HB 1066 is making its way through the Legislature which would increase the age of a minor from 14 to 16. The AG supports this bill without amendment. If a criminal case with a higher standard of proof can “be commenced at any time,” why should a victim in a civil case for child sexual abuse, that may include rape, be denied the same treatment?

CONCLUSION. HB2208 HD1 is moving in the right direction in spirit but gets off track along the road of good intentions. For these reasons, we support the concept of opening the statute of limitations and oppose placing unique procedural hurdles and burdens upon these victims not found elsewhere in our civil jurisprudence.

Respectfully submitted,

Patricia Medina Talbert

Patricia Medina Talbert

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Joshua A. Wisch

Date: February 7, 2022

To: Rep. Mark Nakashima, Chair
Rep. Scot Matayoshi, Vice-Chair
House Committee on Judiciary and Hawaiian Affairs

From: Lynn Costales Matsuoka, Associate Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on HB 2208 HD1
Relating to Sex Abuse of Minors

Hearing: February 23, 2022, via video conference 9:30 AM

Good Morning Chair, and Members of the Judiciary Committee:

The Sex Abuse Treatment Center (SATC) is in support of the intent of HB 2208 HD1, but has reservations to the added provisions relating to the filing requirements imposed upon victims seeking to pursue a civil action against those responsible for the sexual abuse.

The SATC supports the time extension to file a civil action by 32 years after the minor turns 18 years old. This would allow a victim who was sexually abused as a child to bring a civil suit by the age of 50 years, which is in line with the national trend extending the civil statute limitations to age 50 and beyond, as well as those states that have eliminated the civil statute of limitations altogether.

The SATC further supports the provision (g) requiring trauma informed training of personnel of any legal entity that is named as a defendant in a civil action. We submit that the training should be specific to the dynamics of sexual abuse of minors and include some provision that requires the legal entity to take immediate action to protect the child from further harm.

The SATC does have reservation regarding the added provisions of (e) and (f) which are patterned after the California statute. Here, victims would be saddled with additional requirements when filing against a legal entity. More concerning is the requirement that legal entities could not be immediately identified in any given complaint, regardless of a victim's knowledge of who that entity may be and the facts supporting the culpability of that entity. Instead, victims are required to identify any legal entity as a "doe" defendant, then satisfy requirements beyond what is already

required under Hawai'i Rules of Civil Procedure Rule 17 relating to unidentified defendants. These requirements lends itself to the further secrecy of the sexual abuse, by requiring victims to actively engage in keeping the identity of the legal entity hidden, and placing the power of the disclosure with a judge. When a victim is ready to disclose and elects to move forward with seek For these reasons, the SATC respectfully requests that amendments be made to HB 2208 HD1, by deleting subparagraphs (e) and (f).

Thank you for your consideration.



TO: Honorable Members of the Committee on Judiciary & Hawaiian Affairs

FROM: Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USA Advocacy

RE: HI HB 2208 HD1: Relating to Sexual Abuse of Minors.

DATE: February 22, 2022

Dear Honorable Members of the Committee on Judiciary & Hawaiian Affairs,

Thank you for allowing us to submit testimony in support of HB 2208, which will extend the statutes of limitation (“SOLs”) for child sexual abuse (“CSA”). This legislation will not only bring long overdue justice to survivors, but it will also greatly reduce the present danger to children in Hawaii by exposing hidden predators who are still abusing children today.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USA Advocacy, an advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

I. Research on Trauma and Delayed Disclosure Supports SOL Reform for Child Sexual Abuse

A. There is a Nationwide Epidemic of CSA Causing Lifelong Damage to Victims

Currently, more than 10% of children are sexually abused, with at least one in five girls and one in thirteen boys sexually abused before they turn 18. CSA is a social problem that occurs in all social groups and institutions, including familial, religious, educational, medical, and athletic. Nearly 90% of CSA perpetrators are someone the child knows; in fact, roughly one third of CSA offenses are committed by family members.

The trauma stemming from CSA is complex and individualized, and it impacts victims throughout their lifetimes:

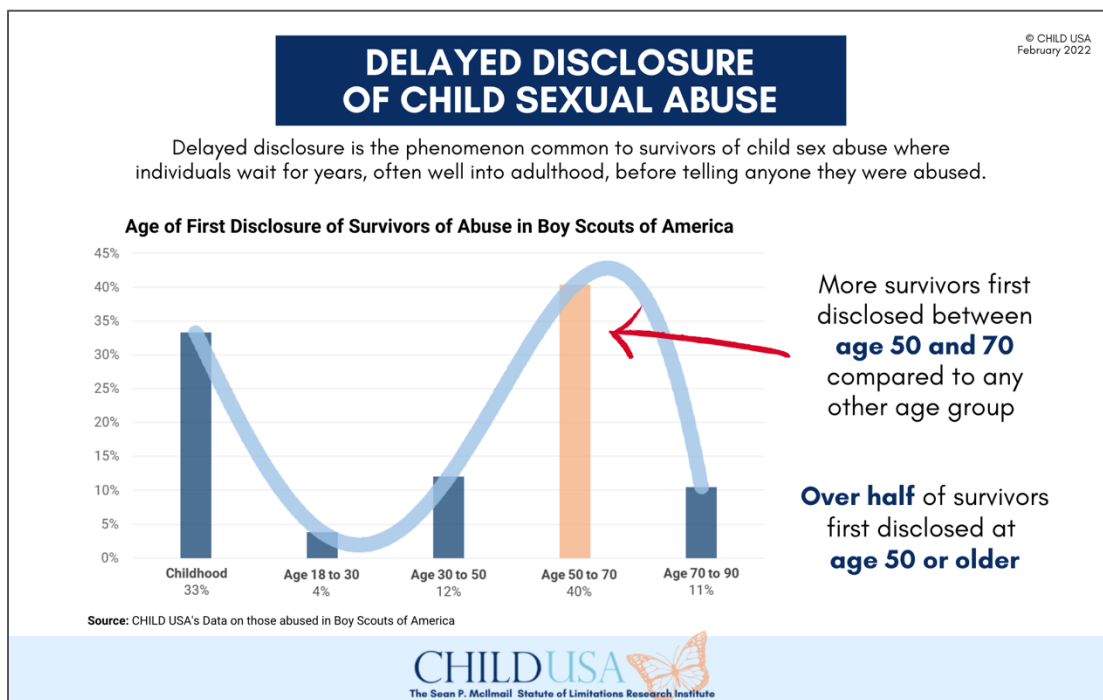
- Childhood trauma, including CSA, can have **devastating impacts on a child’s brain**, including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD); and disability.



- CSA victims suffer an **increased risk of suicide**—in one study, female CSA survivors were two to four times more likely to attempt suicide, and male CSA survivors were four to 11 times more likely to attempt suicide.
- CSA leads to an increased risk of **negative outcomes across the lifespan**, such as alcohol problems, illicit drug use, depression, marriage issues, and family problems.

B. CSA Victims Commonly Delay Disclosure of Their Abuse for Decades

Many victims of CSA suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, CSA victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities. Additionally, CSA survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma surrounding victimization. Further, many injuries resulting from CSA do not manifest until survivors are well into adulthood. These manifestations may coincide with difficulties in functioning and a further delay in disclosure of abuse.



Moreover, disclosure of CSA to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process, which involves the survivor knowing that he or she was abused, being willing to identify publicly as an abuse survivor, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that:

- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time at **age 50 or older**.
- **One-third** of CSA survivors **never report** their abuse to anyone.


For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse. To effectively protect children from abuse, CSA laws must reflect this reality.

II. SOL Reform Serves the Public Good by Giving Survivors Access to Justice and Preventing Future Abuse


Historically, a wall of ignorance and secrecy has been constructed around CSA, which has been reinforced by short SOLs that kept victims out of the legal system. Short SOLs for CSA play into the hands of the perpetrators and the institutions that cover up for them; they disable victims' voices and empowerment and leave future children vulnerable to preventable sexual assault.

There is a vibrant national and global movement to eliminate civil and criminal SOLs and revive expired civil claims as a systemic solution to the CSA epidemic. **There are three compelling public purposes served by the child sexual abuse SOL reform movement**, which are explained in the graphic below:


HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE




Identifies Hidden Child Predators and the Institutions that Endanger Children
to the public, shielding other children from future abuse.



Shifts the Cost of Abuse
from the victims and taxpayers to those who caused it.



Prevents Further Abuse
by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.



The Sean P. McMillan Statute of Limitations Research Institute

© CHILD USA
February 2022

A. SOL Reform Identifies Hidden Child Predators and Institutions that Endanger Children

It is in society's best interest to have sex abuse survivors identify hidden child predators to the public—whenever the survivor is ready. The decades before public disclosure give perpetrators and institutions wide latitude to suppress the truth to the detriment of children, parents, and the

public. Some predators abuse a high number of victims and continue abusing children well into their elderly years. For example, one study found that 7% of offenders sampled committed offenses against 41 to 450 children, and the highest time between offense to conviction was 36 years. SOL reform helps protect Hawaii's children by identifying sexual predators in our midst. By extending, eliminating, and reviving short restrictive SOLs, especially allowing claims for past abuse to be brought to court, hidden predators are brought into the light and are prevented from further abusing more children in Hawaii.

B. SOL Reform Shifts the Cost of Abuse

CSA generates staggering costs that impact the nation's health care, education, criminal justice, and welfare systems. The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 is \$9.3 billion, and the average cost of non-fatal per female victim was estimated at \$282,734. Average cost estimates per victim include, in part, \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs. Costs associated with suicide deaths are estimated at \$20,387 for female victims.

It is unfair for the victims, their families, and Hawaii taxpayers to be the only ones who bear this burden; this bill levels the playing field by imposing liability on the ones who caused the abuse and alleviating the burdens on the victims and taxpayers.

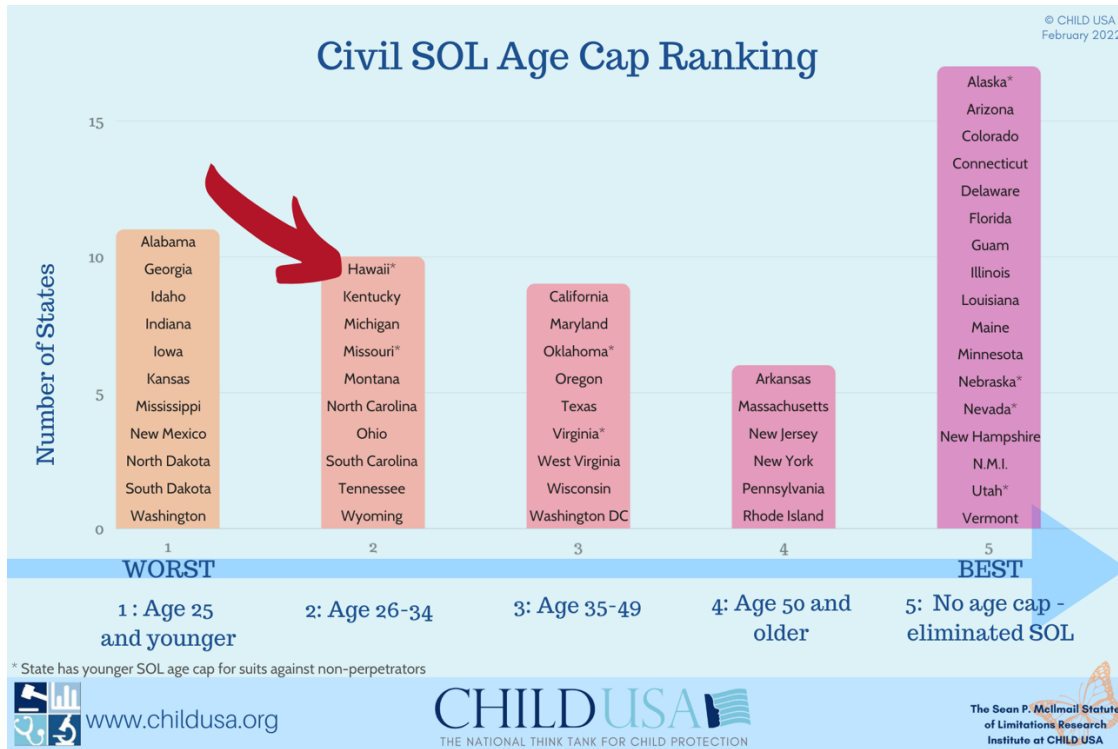
C. SOL Reform Prevents Further Abuse

SOL reform also educates the public about the dangers of CSA and how to prevent it. When predators and institutions are exposed, particularly high-profile ones like Larry Nassar, Jeffrey Epstein, the Boy Scouts of America, and the Catholic Church, the media publish investigations and documentaries that enlighten the public about the insidious ways child molesters operate to sexually assault children and the institutional failures that enabled their abuse. By shedding light on the problem, parents and other guardians are better able to identify abusers and responsible institutions, while the public is empowered to recognize grooming and abusive behavior and pressure youth serving organizations to implement prevention policies to report abuse in real time. Indeed, CSA publicity creates more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.

III. Hawaii Should Join the National Trend Toward SOL Reform for CSA

The SOL reform trend for states is to eliminate civil and criminal SOLs *and* revive expired civil claims—like Vermont, Maine, Guam, and NMI have already done. Hawaii made tremendous progress and is already amongst the two-dozen states across the U.S. and two territories that have revival laws giving survivors an opportunity to file claims for decades old abuse that were blocked by short SOLs. However, Hawaii is lagging behind with its short SOL for civil claims. Hawaii's civil SOL for claims against perpetrators expires when victims reach age 26 or 3 years after discovering their injuries. Its SOL is even shorter for claims against institutions and others, expiring when victims reach age 20 or 2 years after discovery. As shown below, most states give survivors more time to file claims than Hawaii, with 15 states and two territories already eliminating civil SOLs for CSA. This civil SOL extension bill is in line with the national trend to

give older victims more time to come forward in accordance with the delayed disclosure of abuse science.



IV. Conclusion

Once again, we commend you for supporting this legislation, which is desperately needed to validate adult survivors of CSA and protect Hawaii children from preventable sexual abuse. Extending the civil SOL is a positive step for Hawaii's children and families. For more information about statute of limitations reform, visit childusa.org/sol/ or email info@childusa.org. Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,

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COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

DATE: February 23, 2022 2:00 P.M. - VIA VIDEO CONFERENCE

Testimony in Strong Support for HB2208 HD1 HD1 RELATING TO SEXUAL ABUSE OF MINORS

The National Association of Social Workers – Hawai'i (NASW- HI) strongly supports HB2208 HD1, which would expand the statute of limitations to initiate civil action for childhood sexual abuse (CSA) against abusers or a legal entity having a duty of care; and would authorize a court to require organizations or institutions who sanction or employ perpetrators to undergo training on trauma-informed response.

NASW describes the practice of Social work as “the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services; counseling and psychotherapy with individuals, families, and groups; helping communities or groups provide or improve social and health services; and participating in legislative processes. The practice of social work requires knowledge of human development and behavior; of social, economic, and cultural institutions; and of the interaction of all these factors.” Accordingly, social workers often find themselves in situations where they are mandated to report child sexual abuse and/or *suspected* child sexual abuse to authorities; or work with institutions that need reform and training in this area.

Thus, NASW-HI greatly appreciates this measure and wishes to highlight the following research statistics:

- Suicide attempts are high among CSA survivors; with female survivors 2 to 4 times more likely to attempt suicide, and male survivors 4 to 11 times more likely to attempt suicide.ⁱ
- 44.9% of male victims and 25.4% of female victims of CSA have been found to delay discussing their abuse with anyone by more than 20 years.ⁱⁱ
- Between 70% and 95% of child sexual assault victims never report the abuse to authorities.ⁱⁱⁱ
- CSA victims suffer from a higher rate of PTSD symptoms, which delays disclosure.^{iv}
- Some predators abuse multiple victims over the course of their lifetime. One study found that 7% of the offenders sampled committed offenses against 41 to 450 children, with the time between offense to conviction up to 36 years.^v
- The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 was \$9.3 billion, and the average cost of non-fatal per female victim was estimated at \$282,734. Average cost estimates per victim include, in part, \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs,

\$2,434 in costs associated with crime, and \$3,760 in special education costs. Costs associated with suicide deaths are estimated at \$20,387 for female victims.^{vi}

- Fifteen states and two U.S. territories no longer have civil Statutes of Limitations for CSA.^{vii}
- Twenty-seven United States and territories currently have laws allowing for the revival of CSA claims.^{viii}

Thank you for the opportunity to provide this testimony in support.

Sincerely,

, MSW, LCSW

Sonja Bigalke-Bannan, MSW, LCSW
Executive Director,
National Association of Social Workers- Hawai'i Chapter

ⁱ Beth E. Molnar et al., *Psychopathology, Childhood Sexual Abuse and other Childhood Adversities: Relative Links to Subsequent Suicidal Behaviour in the US*, 31 PSYCHOL. MED. 965 (2001).

ⁱⁱ Patrick J. O'Leary & James Barber, *Gender Differences in Silencing following Childhood Sexual Abuse*, 17 J. CHILD SEX. ABUSE 133 (2008).

ⁱⁱⁱ See David Finkelhor et al., *Sexually Assaulted Children: National Estimates and Characteristics*, US Dept. of Justice, Office of Justice Programs (2008), available at <https://www.ojp.gov/pdffiles1/ojjdp/214383.pdf> (Based on an analysis of an estimated 285,400 child sexual assault victims, researchers found that only 30% of cases involved police contact.); Kamala London et al., *Review of the Contemporary Literature on How Children Report Sexual Abuse to Others: Findings, Methodological Issues, and Implications for Forensic Interviewers*, 16 MEMORY 29, 31 (2008) ("Researchers have found a range of 5% to 13% of child sexual abuse victims reporting abuse to authorities across different studies.").

^{iv} Sarah E. Ullman, *Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors*, 16 J. CHILD SEX. ABUSE 19, 30 (2007).

^v Michelle Elliott et al., *Child Sexual Abuse Prevention: What Offenders Tell Us*, 19 CHILD ABUSE NEGL. 579 (1995).

^{vi} Elizabeth J. Letourneau et al., *The Economic Burden of Child Sexual Abuse in the United States*, 79 CHILD ABUSE NEGL. 413 (2018).

^{vii} AK, AZ, CO, CT, DE, FL, IL, LA, ME, MN, NE, NV, NH, UT, VT, Guam, and NMI. For more information on civil SOL elimination, visit *2021 SOL Tracker*, CHILDUSA.ORG (last visited Dec. 1, 2021), available at www.childusa.org/2021sol.

^{viii} See *Revival and Window Laws Since 2002*, CHILDUSA.ORG (last visited Dec. 1, 2021), available at <https://childusa.org/windowsrevival-laws-for-csa-since-2002/>.



The Hawaiian Islands Association
for Marriage and Family Therapy
(HIAMFT)

We know systems.
We know relationships.
We know FAMILY MATTERS.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

DATE: February 23, 2022 2:00 P.M. - VIA VIDEO CONFERENCE

Testimony in Strong Support for HB2208 HD1 RELATING TO SEXUAL ABUSE OF MINORS

The Hawaiian Islands Association for Marriage and Family Therapy (HIAMFT) strongly supports HB2208 HD1, which would expand the statute of limitations to initiate civil action for childhood sexual abuse against abusers or a legal entity having a duty of care; and would authorize a court to require organizations or institutions who sanction or employ perpetrators to undergo training on trauma-informed response.

Marriage and Family Therapists (MFTs) are one of five core mental health professions (along with psychiatrists, psychologists, social workers and advanced practice psychiatric nurses) identified by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services. MFTs are trained to diagnose and treat mental health issues, such as but not limited to, anxiety, depression, substance abuse, alcoholism, relationship & marital problems, child-parent problems, ADD/ADHD, and schizophrenia; attending to a patient's primary relationship networks and using a perspective that considers the full context of a patient's situation. This is particularly important when working with critically serious issues like childhood sexual abuse.

Accordingly, HIAMFT wishes to highlight the following research statistics:

- 10% of children are sexually abused; 1 out of 5 girls; and 1 of 13 boys.ⁱ
- Nearly 90% CSA perpetrators are someone the child knows.ⁱⁱ
- CSA victims avoid disclosing their abuse because they often fear disruptions in family stability, loss of relationships, or involvement with the authorities.ⁱⁱⁱ

Thank you for the opportunity to provide this testimony in strong support of this bill.

Sincerely,

A handwritten signature in black ink that reads "John Souza, Jr., LMFT, DMFT". The signature is written in a cursive, flowing style.

Dr. John Souza, Jr., LMFT, DMFT, President
The Hawaiian Islands Association for Marriage and Family Therapy

ⁱ G. Moody, et. al., Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender, 18(1164) BMC PUBLIC HEALTH (2018) (finding a 20.4% prevalence rate of CSA among North American girls); M. Stoltenborgh, et. al., A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World, 16(2) CHILD MALTREATMENT 79 (2011) (finding a 20.1% prevalence rate of CSA among North American girls); N. Pereda, et. al., The prevalence of child sexual abuse in community and student samples: A meta-analysis, 29 CLINICAL PSYCH. REV. 328, 334 (2009) (finding a 7.5% and 25.3% prevalence rate of CSA among North American boys and girls respectively).

ⁱⁱ Perpetrators often being parents, stepparents, siblings, and grandparents. Sarah E. Ullman, Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors, 16 J. CHILD SEX. ABUSE 19 (2007); David Finkelhor & Anne Shattuck, Characteristics of Crimes Against Juveniles, University of New Hampshire, Crimes Against Children Research Center (2012), available at http://www.unh.edu/ccrc/pdf/CV26_Revised%20Characteristics%20of%20Crimes%20against%20Juveniles_5-2-12.pdf.

ⁱⁱⁱ Delphine Collin-Vézina et al., A Preliminary Mapping of Individual, Relational, and Social Factors that Impede Disclosure of Childhood Sexual Abuse, 43 CHILD ABUSE NEGL. 123 (2015).

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO
HB 2208**

Date: Wednesday, February 23, 2022

Time: 2:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **OPPOSITION** to HB 2208, Relating to Sexual Abuse of Minors.

HAJ supports the amendments extending the statute of limitations for HRS 657-1.8, however, we oppose the proposed subsections (e) and (f) as both place an onerous burden on the victim in filing the suit and creates more barriers to holding perpetrators of child sexual assault accountable. In particular, subsection (e) requires the court to determine at the outset of the lawsuit whether there is a meritorious claim rather than allowing for a jury to decide. Subsection (e) requires the court to evaluate child sexual abuse claims *prior to serving* the complaint, rather than leaving that critical task to the triers of fact, a jury. The practical effect of such a requirement is that it will be more difficult for victims of child sexual abuse to bring their claims and seek justice. This will act as a deterrent and become an additional reason why victims don't disclose sexual abuse.

Further, Subsection (f) relates to naming a new defendant after the case is filed. This subsection again puts the determination of merit into the hands of the Court and out of the hands of the finder of fact. This abrogates Hawaii Rules of Civil Procedure (HRCPP), Rule 17 which deals with unidentified defendants:

“(3) Any party may, by motion for certification, make the name or identity of the party defendant known to the court within a reasonable time after the moving party knew or should have known the name or identity of the party defendant. The motion shall be

supported by affidavit setting forth all facts substantiating the movant's claim **that the naming or identification has been made in good faith and with due diligence**. When the naming or identification is made by a plaintiff, it shall be made prior to the filing of the pretrial statement by that plaintiff, or within such additional time as the court may allow. The court shall freely grant reasonable extensions of the time in which to name or identify the party defendant to any party exercising due diligence in attempting to ascertain the party defendant's name or identity.” HRCF Rule 17(d)(3) (emphasis added).

(4) When a party defendant has been named or identified in accordance with this rule, the court shall so certify and may make any order that justice requires to protect any party from undue burden and expense in any further proceedings involving the party defendant. HRCF Rule 17(d)(4).

The procedure for naming unidentified defendants already provides safeguards for late-named parties and does not require the court to make determinations of merit at the outset of the lawsuit. In turn, proposed subsection (f) will have the consequence of making it more difficult for victims of sexual abuse to hold their abusers accountable.

Ultimately, this measure will prevent victims from coming forward by creating unnecessary procedural hurdles and offer unwarranted protection to abusers. The addition of these subsections is concerning and give the impression that the legislature is more interested in protecting the rights of the perpetrators than they are in protecting the victims.

It’s important to note that this is a civil liability statute, not criminal, and therefore, the normal constitutional rights of the accused that are central in criminal law should not apply. If there is a concern about plaintiff’s lawyers bringing “unsubstantiated or fraudulent claims”, Rule 11 already prevents the filing of frivolous lawsuits with no factual basis. Furthermore, the current version of HRS § 657-1.8 already contains safeguards for the filing of frivolous claims that do not burden the judiciary and take the fact-finding out of the hands of the jury. HRS § 657-1.8(d)(1) requires a certificate of merit to be filed by the plaintiff that contains a statement by a psychologist, therapist,

counselor, or social worker that concludes there is a reasonable basis to believe the plaintiff was subject to child sexual abuse. HRS § 657-1.8(c) allows a defendant to recover attorney's fees if the court determines that a false accusation was made.

Requiring victims to file certificates of corroboration and have Courts make determinations at the outset of litigation intrude on Rule 17 and Rule 11 of the Hawaii Rules of Civil Procedure which already guard against the filing of frivolous or fraudulent claims.

While HAJ appreciates the legislature's concern regarding unsubstantiated or fraudulent claims, there are not hundreds of cases being dismissed because of lack of merit, nor are there thousands of frivolous sex abuse cases clogging up the courts. On the contrary, there are still very few sex abuse cases being filed because victims of abuse are still afraid of coming forward. This bill will only make it harder for victims of child sexual abuse to bring claims by requiring the Courts to make factual determinations of merit at the outset of the lawsuit. Subsections (e) and (f) will also further burden an already overburdened judiciary by making the Court make factual determinations at the outset of litigation.

For these reasons we oppose this measure and respectfully recommend that subsection (e) and (f) from page 6, line 19 to page 9, line 19 be deleted. Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.



Hawai'i Psychological Association

For a Healthy Hawai'i

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COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

DATE: February 23, 2022 2:00 P.M. - VIA VIDEO CONFERENCE

The Hawai'i Psychological Association (HPA) strongly supports HB2208 HD1, which will extend the period during which a victim of childhood sexual abuse (CSA) may bring an otherwise time-barred action against the victim's abuser or a legal entity having a duty of care. The bill also includes safeguards against unsubstantiated or fraudulent claims of past abuse.

This legislation will not only bring long overdue justice to survivors, but it will also greatly reduce the present danger to children in Hawai'i by exposing hidden predators who are still abusing children today. The members of the Hawaii Psychological Association provide mental health treatment for many children and adults who are survivors of CSA, and we know that this legislation is needed by the people we serve. We applaud the legislators who have introduced this important measure.

This testimony draws on extensive social science research, including the work of many psychologists. Most of this information was compiled by the national advocacy group Child USA (<https://childusa.org>) which focuses on laws and issues related to child abuse and neglect, and which has worked on reforming statutes of limitation (SOL) in many states.

There is a lot of information available that is relevant to this proposed legislation. We would like to emphasize several major conclusions from the literature:

- **Child sexual abuse is prevalent:** in several meta-analyses, prevalence rates of CSA were 20% or higher for girls in North America and over 7% for boys.^{1,2,3}
- **CSA causes serious emotional and psychological damage to the young people who are victimized:** in one study, female CSA survivors were two to four times more likely to attempt suicide, and male CSA survivors were four to 11 times more likely to attempt suicide.⁴
- **Research on the effects of trauma from CSA demonstrates that delays in disclosure of the abuse are common – often delays of several decades.** In one study, 44.9% of male victims and 25.4% of female victims of CSA delayed discussing their abuse with anyone for more than 20 years.⁵ Another study found that between 70% and 95% of child sexual assault victims never report the abuse to authorities.⁶

- **Victims and society benefit when perpetrators are held accountable even years after the abuse:** Research has found a higher rate of PTSD symptoms in CSA victims delaying disclosure compared to those who did not delay disclosure.⁵ Whenever disclosure occurs, it potentially can prevent victimization of other children. One study found that 7% of offenders sampled committed offenses against more than 40 children, and the highest time between offense and conviction was 36 years.⁶ By allowing claims for past abuse to be brought to court, hidden predators are brought into the light and are prevented from further abusing more children.

We urge the committee to endorse HB2208 HD1 and ensure that survivors of sexual abuse can seek compensation for their years of suffering even if it takes them many years to sort out their feelings and report what happened to them.

Respectfully submitted,



Alex Lichton, Ph.D.
Chair, HPA Legislative Action Committee

References

- ¹G. Moody, et. al., *Establishing the international prevalence of self-reported child maltreatment: a systematic review by maltreatment type and gender*, 18(1164) *BMC PUBLIC HEALTH* (2018)
- ²M. Stoltenborgh, et. al., *A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World*, 16(2) *CHILD MALTREATMENT* 79 (2011)
- ³N. Pereda, et. al., *The prevalence of child sexual abuse in community and student samples: A meta-analysis*, 29 *CLINICAL PSYCH. REV.* 328, 334 (2009).
- ⁴Beth E. Molnar et al., *Psychopathology, Childhood Sexual Abuse and other Childhood Adversities: Relative Links to Subsequent Suicidal Behaviour in the US*, 31 *PSYCHOL. MED.* 965 (2001).
- ⁵Patrick J. O'Leary & James Barber, *Gender Differences in Silencing following Childhood Sexual Abuse*, 17 *J. CHIL. SEX. ABUSE* 133 (2008).
- ⁶Kamala London et al., *Review of the Contemporary Literature on How Children Report Sexual Abuse to Others: Findings, Methodological Issues, and Implications for Forensic Interviewers*, 16 *MEMORY* 29, 31 (2008)
- ⁷Sarah E. Ullman, *Relationship to Perpetrator, Disclosure, Social Reactions, and PTSD Symptoms in Child Sexual Abuse Survivors*, 16 *J. CHILD SEX. ABUSE* 19, 30 (2007).

HB-2208-HD-1

Submitted on: 2/19/2022 5:59:16 PM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in STRONG SUPPORT.

TO: COMMITTEE ON JUDICIARY and HAWAIIAN AFFAIRS
Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

HEARING: Wednesday
February 23, 2022
2:00 PM
Conference Room 325 via Videoconference

FROM: Angilynne Pekelo-Cedillo

RE: Support for HB 2208-Relating to Sexual Abuse of Minors

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

I am in strong support of HB 2208, which will

- (1) Expand the time period by which a civil action for childhood sexual abuse may be initiated;
- (2) Adopt procedural requirements prior to the filing of a civil action for childhood sexual abuse or naming of "Doe" defendants; and
- (3) Allow a court to order the personnel of a legal entity against whom a claim is brought to undergo training on trauma-informed response to sexual abuse allegations.

I myself am not a survivor of child sexual abuse but a mother of three daughters that were sexually abused by a family member that has been imprisoned for his actions. He was charged for one of my daughters that was “strong” enough at 8 years old to come forward about her abuse. My other daughters whom are now adults are now willing to discuss the sexual abuse that they experienced. It has been nearly a decade since the truth was revealed by one courageous child. The explanation that I have been given by my other children was that they were scared, they did not know that it was wrong, he threatened them and my life if they said anything, they did not want to cause “drama”, etc. It is with this knowledge that I am in my masters program at the University of Hawaii at Manoa Thompson School of Social Work & Public Health. When a child's voice cannot be heard, they need an advocate and in order for an adult's inner child to heal from the suppression of childhood devastation, they must be granted the ability to do so without limitations.

Thank you for the opportunity to share my testimony in support of HB 2208.

Mahalo,
Angilynne Pekelo-Cedillo

HB-2208-HD-1

Submitted on: 2/21/2022 4:49:52 AM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Younghee Overly	Individual	Support	No

Comments:

Mahalo for this opportunity to testify in strong support of HB2208 which would expands the time period by which a civil action for childhood sexual abuse may be initiated to 32 years after the victim's 18th birthday.

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair
Committee on Judicial and Hawaiian Affairs

River C. Nygard
rcnygard@hawaii.edu

Wednesday, February 23rd, 2022

Support for H.B. No. 2208 H.D. 1, Relating to Sexual Abuse of Minors

I am a graduate student at the Thompson School of Social Work obtaining my Master of Social Work degree and a practicum student at Queen's Medical Center Punchbowl in Kekela, the adult inpatient psychiatric unit. Through my combined educational and practical experience working on unit as a psychiatric social worker, I feel compelled to testify in strong support of H.B. No. 2208.

Experiencing sexual abuse as a minor is highly stigmatized and rarely discussed, despite affecting a reported 20% of girls and 5% of boys. Undergoing an adverse childhood experience such as this greatly affects brain development and has been shown to correlate with a multitude of negative outcomes in adulthood, such as chronic health conditions and poor physical health, mental illness and addiction, and overall life hardship.

I do not work with children at Kekela but I do work with adults who used to be, and of those former children, a significant amount of them are victims of childhood sexual abuse. Some of them do not even realize what they went through is abnormal or constitutes abuse, and for many, it is their first time ever confiding in someone about it, at which point according to current civil statutes of limitations it is often too late to take legal action against their abuser. Their clock has run out before they even realize what happened or garnered the courage to speak out. What this says to these victims - these former children who had their innocence stolen and lives altered forever - is that their trauma no longer matters because too much time has passed. They are left dealing with the ramifications of someone else's violence and abuse, and justice cannot be served.

There are many barriers to reporting childhood sexual abuse, as outlined in the proposed legislation, and I implore you as a future social worker and community member to please help break down one of those barriers - time. I urge the committee to pass H.B. No. 2208 H. D. 1. Thank you for your time and the opportunity to testify on a bill that has the power to positively affect the lives of childhood sexual abuse victims across Hawai'i.

HB-2208-HD-1

Submitted on: 2/22/2022 2:13:21 PM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sheryl Hauk	Individual	Comments	Yes

Comments:

I SUPPORT HB2208 IN CONCEPT REGARDING EXPANDING STATUTE OF LIMITATIONS; AND OPPOSE IMPOSING ADDITIONAL PROCEDURAL REQUIREMENTS ON VICTIMS, as well as a 2060 effective date.

I have testified many times in front of this committee, in person, on zoom, written and orally. The last six years I have supported bills that would extend the statute of limitations on civil suits of victims of childhood sexual assault. Many of you have heard my personal story and the journey to advocate laws to protect both the plaintiff and defendant.

In December I came home to Hawaii to heal from the trauma of school shootings and COVID in Michigan. As I was returning to the mainland, I stood in the TSA pre-check line and in front of me was a voice of a legislature returning to her/his/them constituents for the holidays. Although masked, I knew the voice from many committee meetings and testimonies. As I introduced myself and reminded the legislator who I was , the reaction was, "Oh... didn't we pass the those laws last spring?" " No," I said, "it died last minute in the special committee."

This bill will end up just as the rest have with its new amendment of a start date has amended to 2060 and 32 years..while longer for you..is short for me as it took me 50 years to have the courage to speak up.

For 6 years, bills have come to this governing body, voted the necessary 3 times in the House of Representatives and 3 times in the Senate, only to die in special committees. Please STOP playing games. Why is there still a discussion? As the rep/senator in that TSA line said, "Didn't we pass that bill?"

Sincerely,

Sheryl Hauk

LATE

HB-2208-HD-1

Submitted on: 2/23/2022 9:48:19 AM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ilima DeCosta	Individual	Comments	No

Comments:

Mahalo to the introducers of HB2208, for considering extending the statute of limitations for sexual assault against minors. As a kanaka maoli adult survivor of child sexual assault and DV advocate, I have to wonder why the legislature has decided that 32 years have turning 18 is the correct number of years to extend the statute of limitations. Do our elected officials believe that the harms caused by childhoods sexual assault end on the day after the statute tolls? Or, is the measure (kinda like the DHHL "blood quantum" rule) intended to limit the numbers of otherwise eligible victims of childhood sexual assault. True, this is a step in the correct direction, but how long must victims wait until the crimes committed against them are taken more seriously by Hawaii leadership? Just something to ponder, as you inhibit my rights to hold my abuser accountable. Mahalo.

LATE

HB-2208-HD-1

Submitted on: 2/23/2022 12:23:21 PM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nanea Lo	Individual	Support	No

Comments:

Hello,

Please support HB2208.

me ke aloha 'āina,

Nanea Lo.