



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2021**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 163, RELATING TO CHILDHOOD SEXUAL ABUSE.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 9, 2021                      **TIME:** 9:15 a.m.

**LOCATION:** State Capitol, Via Videoconference

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

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Chair Rhoads and Members of the Committee:

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

The purpose of this bill is to amend section 657-1.8, Hawaii Revised Statutes, to extend the statute of limitations for a victim of child sexual abuse to bring a civil claim for money damages against any person to fifty years after the eighteenth birthday of the victim regardless of when the incident occurred and regardless of when the minor discovers that the victim sustained psychological injury as a result of the sexual abuse. The bill would similarly extend the time limitations for bringing claims against any legal entity that employed the abuser or owed a duty of care to the victim or, if the legal entity had responsibility or control over the activity the victim and abuser were engaged in, regardless of when the abuse may have occurred.

The bill further proposes to amend subsection (b) to delete the wording that opened a window of time for the victim to bring a claim if the victim was barred from filing a claim due to the expiration of the statute of limitations that was in effect prior to April 24, 2012.

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

Because the contemplated amendments would 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.

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

We also point out that with the new electronic filing rules that are now in effect, the wording of proposed subsection (e) on page 5, lines 12 – 15 should be clarified as follows:

(e) In any civil action filed pursuant to subsection (a) or (c), a certificate of merit shall be filed by the attorney for the plaintiff, and shall be electronically filed under sealed and remain confidential.

Thank you for the opportunity to testify.



February 7, 2021

Senate's Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, HI 96813

Hearing: Tuesday, February 9, 2019 – 9:15 a.m.

**RE: SUPPORT for Senate Bill 163 with Requested Amendment**

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

I am writing in SUPPORT with a requested amendment for Senate Bill 163 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. SB 163 would amend statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit and allows punitive damages. Permits the court to order restorative justice measures at its discretion, if requested by the victim.

We support the intent of SB 163 to help ensure that survivors of childhood sexual abuse but with the time limit for a survivor to be able to come to terms with having their childhood destroyed by a sexual predator and then rewarding the sexual predator and their protectors by not allowing for punitive damages we cannot submit testimony in strong support.

The LGBT Caucus requests that SB 163 to be amended to remove the 50-year cap.

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

For this reason the LGBT Caucus asks that you support this requested amendment to SB 163 as it is the right thing to do for the survivors of childhood sexual abuse.

Mahalo nui loa for your time and consideration,

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

**TESTIMONY OF NAHELANI WEBSTER ON BEHALF OF  
THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) PROVIDING  
COMMENTS ON S.B. NO. 163**

DATE: Tuesday, February 9, 2021

TIME: 9:15 am

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

My name is Nahelani Webster and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) regarding S.B. 163, relating to Childhood Sexual Abuse.

This measure is of significant importance because it allows victims of sexual assault to hold their abusers accountable in situations where the criminal justice system fails – especially given the extraordinarily high burden that the state must meet to convict a person of sexual assault. Although “me too” might have been a new and fresh subject last year, it continues to be relevant as, unfortunately, stories of trauma (whether reported immediately or not) persist in contemporary celebrity news as well as in our own community.

Recommended amendment to strengthen S.B. 163 is to amend section (b) on page 3 to read as follows:

“ (b) For a period of ~~(eight)~~ twelve years after April 24, 2012, a victim of child sexual abuse ~~(that occurred in this State may file a claim)~~ who resided in the State at the time of the abuse may file an otherwise time-barred claim in a circuit court of this State against the person who committed the act of sexual abuse if the victim is barred from filing a claim against the victim’s abuser due to the expiration of the applicable civil statute of limitations that was in effect prior to April 24, 2012.

A claim may also be brought under this subsection against a legal entity if:

(1) The person who committed the act of sexual abuse against the victim was employed by an institution, agency, firm, business, corporation, or other public or private legal entity domiciled within the State that owed a duty of care to the victim; or...”

The reason for the proposed amendment is that there exists a current loophole allowing abusers who reside in Hawaii, as well as their employers, to get a free pass when they take the children out of state and sexually abuse them. As we know, there are many instances where school trips venture out of state and we feel that protections for our children should not fall short due to a technical loophole in the law.

Thank you for the opportunity to provide comments on this measure. Available should you have any question.

Executive Director  
Cindy Shimomi-Saito

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Date: February 9, 2021

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 SB 163, Relating to Childhood Sexual Abuse

Hearing: Tuesday, February 9, 2021, Via videoconference

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

The Sex Abuse Treatment Center (SATC) is in **support of SB 163, with amendments.**

Studies on delayed discovery through CHILD USA<sup>1</sup> confirm what we see at the SATC; survivors of childhood sexual abuse more often than not, withhold disclosure for many, many years. The impact of manipulation and grooming by the offender, threats made, concerns about the reactions of others, fear of consequences, feelings of self-blame, and fear of being blamed by others are amongst the myriad of reasons children remain silent. Sometimes children attempt disclosure but are subjected to silencing by the reactions of others.

Child predators rely on the silence of their victims. Hawai'i's current statute of limitations (SOL) to age 26, and 3 year discovery rule, do not sufficiently account for the time needed by survivors to break their silence.

As studies have shown age 52 as the average age of disclosure for victims of child sexual abuse, there is a national trend toward the elimination of civil SOL. Currently, 10 states have eliminated civil SOL and 14 states have extended civil SOL past age 50. SB163's extension of the SOL to within fifty years of the 18<sup>th</sup> birthday of the minor would place Hawai'i in line with this national trend.

SB 163 supports this trend with the expansion of Hawai'i's SOL to within fifty years of

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<sup>1</sup> Delayed discovery studies available at [www.childusa.org/delayed-disclosure](http://www.childusa.org/delayed-disclosure).

the 18<sup>th</sup> birthday of the minor. This proposed expansion is trauma-informed and honors the survivor process.

The SATC would like to suggest the following amendments:

- 1) Extend the time a survivor of childhood sexual abuse may bring forth an otherwise time-barred action. This not only gives survivors the opportunity for justice, but it also serves to inform the public of predators who may otherwise remain hidden and protected.
- 2) Insert language to ensure that survivors who were residents of Hawai'i at the time the sexual abuse took place, and whose victimization was committed by a person who was employed by an entity domiciled in the State of Hawai'i that owed a duty of care to the victim, may file a claim regardless if the abuse took place outside of the State of Hawai'i.
- 3) While SB 163 includes the possibility of court ordered restorative justice measures, the SATC believes that such measures should be initiated by the victim to ensure against unintended negative consequences; victim impact panels and classes for example, would only be appropriate if desired by the victim. By seeking the input of the victim, measures to reduce the risk of future harm to children can be identified, and ordered by the court.
- 4) The SATC would also like to suggest the possibility of court ordered trauma-informed response training for the personnel of the legal entity involved. Ensuring an environment in which trauma is understood is beneficial to all. As research has shown that adverse childhood experiences can become toxic stress which can negatively impact a child's emotional, physical, and spiritual health, trauma-informed training can equip personnel to respond to children in a manner that is responsible, safe, non-judgmental, and supportive.

At SATC, we see first-hand the tremendous courage it takes for a minor to disclose sexual assault. We also see the harmful impacts when a survivor's disclosure is minimized or ignored. Failure to respond appropriately to a disclosure of victimization reinforces the minor's belief that he/she is unsafe, heightens a sense of powerlessness, and further victimizes the survivor.

SB 163 serves survivors by giving them the time needed to regain their voice, and the opportunity to seek justice. Additionally, it serves the community as it has the potential to expose child predators who have been hidden. And lastly, it ensures measures to protect the children of Hawai'i and reduce future risk.

For these reasons, the SATC supports SB 163 with suggested amendments and respectfully asks you to take this needed action. Thank you for the opportunity to provide testimony.

**SB-163**

Submitted on: 2/5/2021 5:09:28 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
nanci kreidman	Testifying for domestic violence action center	Support	No

Comments:

Please.

children are suffering. and carry the trauma into adulthood.

thank you.

love, nanci kreidman



**SB-163**

Submitted on: 2/5/2021 5:36:17 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

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

Comments:

Members of AAUW of Hawaii are grateful for this opportunity to testify in strong support of S.B. 163, which would extend civil statute of limitation on sexual abuse of minor to within 50 years of the 18th birthday of the minor. Studies have shown age 52 as the average age of disclosure for victims of child sexual abuse because the abuse is so personal, confusing, and traumatic. It takes much courage for the victims to disclose. Not only would this measure would give the survivors the time they need to seek justice and healing, it would potentially expose child predators who have been hiding and reduce future risk to our keiki.

Please pass this important measure to protect our keiki and mahalo.

Younghee Overly, Public Policy Chair of AAUW of Hawaii

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu), and over 3800 members and supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.



## SB 163, RELATING TO CHILDHOOD SEXUAL ABUSE

FEBRUARY 9, 2021 · SENATE JUDICIARY  
COMMITTEE · CHAIR SEN. KARL RHOADS

**POSITION:** Support.

**RATIONALE:** Imua Alliance supports SB 163, relating to childhood sexual abuse, which amends statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit and allows punitive damages, and permits the court to order restorative justice measures at its discretion, if requested by the victim.

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

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

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

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

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

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**



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

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

**DATE/LOCATION: February 9, 2021; 9:15 a.m., Video Conference**

**RE: TESTIMONY IN SUPPORT OF SB 163– RELATING TO CHILDHOOD SEXUAL ABUSE**

**We ask you to support SB 163 which amends statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil suit, allows punitive damages, and permits the court to order restorative justice measures, if requested by the victim. We support this bill which encourages survivors in their quest for peace and healing and holds perpetrators accountable.**

**The statistics are daunting:**

- 1 in 4 girls will be the victim of child sexual abuse by their 18th birthday.
- 1 in 6 boys will be the victim of child sexual abuse by their 18th birthday.
- 1 in 5 youth receive a sexual approach or solicitation over the internet.
- The average age for first abuse is 9.6 years of age.
- Only 12% of child sexual abuse is reported to police.
- 60-80% of childhood sexual abuse victims NEVER disclose their abuse to anyone.
- 29% of forcible rapes occur when the victim was under 11 years of age.
- 44% of sexual abuse victims are under the age of 18.
- 93% of juvenile sexual assault victims know their attacker.
- Our Children's Justice Center supports over a 1,000 children each year. That's about 3 new children every day (which is still a fraction of all those who are impacted by sexual abuse).

The pain and trauma survivors of childhood sexual abuse endure never expires. Statutory limitations protect the wrong people and this bill seeks to remedy that by acknowledging that a survivor's bravery is encouraged when they are ready to come forth, which is typically decades after the abuse occurred. We support survivors being given the chance to seek justice in their own time and, ideally, would like to see the statutory limitations repealed completely. At least 32 states have no criminal or civil state of limitations on childhood sexual abuse crimes.

We encourage you to think... what if this happened to your child? Someone you loved? What would you like to see justice look like for them? We urge you to stand up for justice for all the survivors of childhood sexual abuse.

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

Thank you for the opportunity to testify in **support of SB 163**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.

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**SHERYL HAUK**

248-935-7721  
shauk62@aim.com

2258 Shore Hill Dr  
West Bloomfield, MI  
48323

Dear Honorable Senators,

I am a 58 year old mother of 4 and grandmother of 2 , which for a bystander, looks successful and happy. However, each morning I wake up to battle my demons. These are the childhood memories that haunt me. They are the demons that hear every nasty word and gesture of those around, altering perspectives, every experience , and every moment due to hyper vigilance from PTSD. I get little sleep, for night-terrors wake me screaming on a regular basis. These are demons that relive the horror of 18 years of childhood physiological, physical, sexual, and mental abuse, down to the last detail. New for the last 9 months, I have been confined to my home, due to the high risk complications if I contact COVID. This would not be the case if I had not been sexually abused as a child, as my body has been compromised by the cortisol running through my body from PTSD.

I have already shared my story with many of you and together we have worked on similar legislation to SB163, a bill that repeals the statute of limitations for victims who experience the trauma from sexual abuse as a child. This new legislation, SB163, addresses many of your concerns for validity, with a certificate of merit from a qualified professionals. This crime is often referred to as a "silent crime" because victims have difficulty coming forward. Non-offending adults are often complicit in not reporting the abuse, and perpetrators—who are often trusted by the child or known in the community—can manipulate situations so that they can continue the abuse. In addition, the abuse is often not physically apparent; rather, the evidence of abuse may manifest itself in behavioral and psychological changes that can be misidentified as moodiness or disobedience. Reporting on child sexual abuse (CSA) presents a number of challenges. The victims—children from birth to 17 years of age—are often traumatized by the experience and afraid to come forward.

I ask you to support the passage of SB163 and send the message to the world that Hawaii recognizes the damages this childhood trauma causes and stand against it. COVID has taught so many of us how fragile life and time can be . Sexual abuse of children canNOT be tolerated and abusers NEED to understand they will be accountable whether it is tomorrow or 50 years from now. Society is not kind to victims with a voice, as I have found out and it takes courage and support to step out of the darkness. It took me 52 years to find that voice and courage. Please support and pass SB163 and the thousands of Hawaii's people who simply need time.

Mahalo,

Sheryl Hauk

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**SB-163**

Submitted on: 2/5/2021 2:32:28 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Comments	No

Comments:

Page 4, line 7 should be deleted.

I am concerned with page 4 line 7 because it mentioned the idea of intergrating "restorative justice" measures.

Child sexual abuse is intrinsically evil and repulsive. A court order to mandate an organized meeting between the (child sexual abuse) victim and the offender(s) is, in my opinion, incomprehensible.



**SB-163**

Submitted on: 2/5/2021 3:04:30 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl B.	Individual	Support	No

Comments:

SUPPORT

Research shows that there are no specific timelines for when a victim of abuse will feel safe and comfortable reporting their abuse. As in the case of Kamehameha Schools and others on our islands, it has taken a while for people to come forward and they should always have that possibility.

**SB-163**

Submitted on: 2/5/2021 4:08:19 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

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

Comments:

I strongly support SB163. If I was to make any change, it would be to delete any time limit for a person to file their claim of childhood sexual abuse.

Mike Golojuch, Sr.

**SB-163**

Submitted on: 2/6/2021 2:45:41 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
christine Johnson	Individual	Support	No

Comments:

Aloha Senator Chris Lee and all Hawaii State Legislators!

Mahalo for this opportunity to testify on this important Bill SB163.

I am a Retired Registered Nurse and have been an advocate and activist to remove the Statute of Limitations on Child and Adult sexual assault/abuse Civil and Criminal RETROACTIVELY since 1985.

I am not a lawyer.

I was the wife of a victim of child and adult sexual abuse by priests who committed suicide when he was 33 years old. i am the mother of a then 11 year old boy who was sexually molested by a Jesuit Catholic Priest in Santa Barbara California in 1985.. (the priest pled guilty/no contest and got only 2 years probation and was removed from the priesthood.) My son told me right after it happened. Sadly the Priest and Jesuits and Archdiocese of LosAngeles, tried to run out the Statute of Limitations on filing a civil suit and then retaliated against us when i finally filed one for my son. I eventually (7 years after filing) won a small settlement for him at great cost to our health. .The judge in our case was pro church and actually had to resign for his misconduct in our case and many others after over 25 complaints were filed against him.

Why am i sharing all this? Because i want to explain, why i want and have propped that there be a bill with absolutely NO time or age limits on filing civil suits for victims of child sex abuse, a bill that removes the time limits and age limits retroactively, permanently. done, nada end of story.

This Bill (SB 163) is a huge improvement over the present and previous limits. However, if i were sexually abused as a child in Hawaii instead of New York State (where i was ritually sexually abused by a Catholic nun in grammar school.) I would be out of luck because i would be past 50 years from my 18th birthday by the time i was ready to file a civil suit and i have proof and have already been deemed credible by the Diocese of Rochester Victims program.

I am a good example of a decent credible real victim/survivor of child sex abuse with proof who because i am past the 50 year limit. could not be validated.

I have always been for all victims of child sex abuse and as an activist for Statute of limitations reform retroactively in California and Hawaii and have helped in NYS, NJ, Pa.. i have met 80 and even older than age 80years child victims who have proof (letters from the predator acknowledging abuse and apologizing , their abuse was recorded in church records or police reports of the abuse.. family members who witnessed or wrote about the abuse.. etc. so i would ask you all to consider amending the bill or in the future create a bill with no numbers attached.. just the words permanently removes all time and age limits retroactively and going forward on child sex abuse period..

In my life i never had time to address my abuse by the nuns. i did tell my parents and family and back then they did try to confront the nuns.. but they were retaliated against and i became angry and refused to go back to the school but i was forced to. I went on to highschool and college and became a R.N. Started working, moved to California, met my husband , married, after a few years had our son, then husband died, i was a single parent, working and caring for my son and others, and at age 11 my son was molested and my whole life became about going after the church and changing the laws that protect predators. and by the time i had a chance to look at my life and my abuse i would have been too old to use this bill.

I don't enjoy telling all this but my heart goes out to all victims especially oldest child victims who just didn't have time to deal until age 69 or 70's or 80's or even 100.

I know there are some States that just said no more time limits or age limits and they no longer have any.. Its not impossible.. and it makes sense because the burden of proof is on the victims so that no matter how old or young they are they have to have proof or their case can not go anywhere...

Thank you again for reminding me about the hearing.

And know that New York State finally passed their window law THE CHILD VICTIM'S Act it has been extended to two years instead of the one year that passed because of covid.

Because of the horrible experience i had in California with my sons case (and he won a settlement). i promised myself never to subject myself to that dysfunctional, revictimizing legal justice system.. i did do paper work and was investigated by The Diocese and Nuns lawyers.

Have not heard back yet on the outcome. I guess i have learned the hard way that entrusting my story or life or putting the outcome in the hands of corrupted people and their systems is not an option. (smile)

Respectfully,

Christine Johnson.

Kihei Maui, 96753

**SB-163**

Submitted on: 2/6/2021 8:33:44 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melissa Rueschhoff, Esq.	Individual	Support	No

Comments:

I strongly support for all of the reasons articulated in Section 1 of SB163.

**SB-163**

Submitted on: 2/6/2021 5:26:25 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

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

Comments:

Aloha!!!

I am in support of SB 163. Any and all aid & services for keiki victims of sexual abuse should be made available to them.

Mahalo

**SB-163**

Submitted on: 2/8/2021 1:30:57 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Justin Mark Hideaki Salisbury	Individual	Support	No

Comments:

Mahalo for bringing this bill to a hearing.

This is just the right thing to do--common sense legislation.

I hear that there is some concern that the State will have to pay out a lot of money for all the suits that get filed, but we need to deal with this problem. It will be costly, but we need to do it.

Mahalo for considering my mana`o.

Justin MH Salisbury



**SB-163**

Submitted on: 2/8/2021 4:37:50 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

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

Comments:

Aloha:

I am in strong support of SB 163.

Me ke aloha,

Kamuela Werner

**SB-163**

Submitted on: 2/8/2021 6:05:04 AM

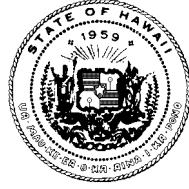
Testimony for JDC on 2/9/2021 9:15:00 AM

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

Comments:

I have met many victims we are affected by the limit of age in reporting/seeking justice for an assault that happened while a child. (Research shows it may take decades to disclose because the shame and guilt associated with the assault.), Those who have proof should not be stopped by age limits in pursuing justice. Sexual abuse of a child is murder of the soul. No time limits should exist on this crime; the burden of proof is on the victim in order for a case to continue...please do not revictimize those souls again. Please eliminate time and age limits retroactively and going forward. Support SB163 Respectively, Tina Naylor-Riston, MSW,LSW School Social Worker, PSEA Home&School Visitor PresidentPA(Past), Mother and grandmother

**LATE**



‘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 SB163  
February 8, 2021

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

The Hawai‘i State Commission on the Status of Women supports HB570, which would extend the time period by which a civil action for childhood sexual abuse must be initiated and the period during which a victim of childhood sexual abuse may bring an otherwise time-barred action against the victim's abuser or an entity having a duty of care. The measure allows recovery of treble damages in certain circumstances. The measure also prohibits settlement agreements and court orders that restrict disclosure of certain information. In addition, SB163 also provides for training on trauma-informed response and applies retroactively to 4/24/2020.

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.

Accordingly, the Commission strongly supports SB163. Thank you for this opportunity to provide testimony on this issue.

Sincerely,

Khara Jabola-Carolus

To: Hawai'i State House Health, Human Services, and Homeslessness Committee  
Hearing Date/Time: Tuesday, Feb. 2, 2021, 9:30 am  
Place: Hawai'i State Capitol, Rm. 329  
Re: Testimony of Planned Parenthood Votes Northwest and Hawai'i in support of HB 570

Dear Chair Yamane and Members of the Committee,

Planned Parenthood Votes Northwest and Hawai'i ("PPVNH") writes in support of HB 570 and supports the amendments recommended by the Sex Abuse Treatment Center.

- Survivors of childhood sexual abuse more often than not, withhold disclosure for many, many years.
- Child predators rely on the silence of their victims. Hawai'i's current statute of limitations (SOL) to age 26, and 3 year discovery rule, do not sufficiently account for the time needed by survivors to break their silence.
- Studies have shown age 52 as the average age of disclosure for victims of child sexual abuse. HB 570 extends the SOL to within fifty years of the 18<sup>th</sup> birthday of the minor. This aligns with the national trend to either eliminate or extend civil SOL
- HB 570 also extends the time a survivor of childhood sexual abuse may bring forth an otherwise time-barred action.
- It takes tremendous courage for a minor to disclose sexual assault. Failure to respond appropriately to a disclosure of sexual abuse heightens trauma. HB 570 allows for treble damages when gross negligence is found.
- The possibility of court ordered trauma-informed response training for the personnel of the legal entity involved is included. As research has shown that adverse childhood experiences can become toxic stress which can negatively impact a child's emotional, physical, and spiritual health, trauma-informed training can equip personnel to respond to children in a manner that is responsible, safe, non-judgmental, and supportive.
- HB 570 gives survivors the time needed to regain their voice, and the opportunity to seek delayed, but healing, justice. Additionally, it serves the community as it has the potential to expose child predators who have been hidden. And lastly, it ensures measures to protect the children of Hawai'i and reduce future risk.

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

Sincerely,  
Laurie Field  
Hawai'i State Director

**LATE**

**SB-163**

Submitted on: 2/8/2021 10:04:12 PM

Testimony for JDC on 2/9/2021 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Munoz	Testifying for Ho'ola Na Pua	Support	No

Comments:

Testimony in support of:

SB163, Relating to Sexual Abuse of Minors

Submitted by:

Ho'Å• la NÄ• Pua

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

Ho'Å• la NÄ• Pua is in support of extending the statute of limitations on civil claims for survivors of sexual violence.

It is clear through high profile and all too common cases that youth who have been abused may take a significant amount of time before they are able or ready to come forward and discuss their trauma.

Victims may withhold their experiences from family, friends, and even themselves until much later in life. There is a need to give survivors more time to process and heal, for a multitude of reasons, including their own safety and mental health. Many perpetrators imprint a sense of shame, guilt, or fear onto youth that keeps them from speaking out at the time abuse occurs. Hopefully, with more education and awareness surrounding crimes of sexual abuse, the shame and stigma surrounding youth can be obliterated.

Many states have already extended the statute of limitations, and some have eliminated it altogether. We hope the state of Hawaii considers this measure and adopts the extension provided in this bill.

Respectfully,

Ho'Å• la NÄ• Pua

**LATE**

**SB-163**

Submitted on: 2/8/2021 11:43:37 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair and members,

Strong support for this bill. We know that traumatized survivors can take up to 20 years or more to report. There is no time limit on the lifetime effect of childhood sex abuse. There should be no time limit on the ability to receive justice.

Mahalo, Ann S. Freed

Co-Chair Emeritus, Hawaii Women's Coalition

**LATE**

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Committee on Judiciary

Victoria Murphy

Monday, February 8, 2021

Support for S.B. No. 163, Relating to Childhood Sexual Abuse

My name is Victoria Murphy, a social work student at UH Mānoa. I am writing to express my support for S.B. No. 163, Relating to Childhood Sexual Abuse.

As a survivor of child sexual abuse, I recognize now that I did not have the tools or resources necessary to A) process what happened to me, B) fully recognize the severity of the situation until many years later and C) know where to begin in terms of informing someone. Notably, I am blessed beyond measure to have supportive parents because when I disclosed my assault to my parents several years after it happened, my voice was heard and respected. Other children's experiences are not like mine, though. I am fortunate because I felt safe and able to disclose my assault while I was still a minor. For others, they do not feel safe and able to disclose their assault until they are well into adulthood. By passing S.B. No. 163, Relating to Childhood Sexual Abuse, survivors of child sexual abuse will be empowered to receive the justice they deserve when they are ready, able, and willing to do so.

The 2015 Youth Risk Behavioral Survey in Hawai'i found that nearly 9% of high school students report being forced to have sex and nearly 13% had experienced sexual assault in the past year from a romantic partner. These statistics do not include those afraid or embarrassed to report their assault. With an extended statute of limitations of 50 years beyond a survivor's 18th birthday, as defined in S.B. No. 163, Relating to Childhood Sexual Abuse, I am confident that the State of Hawai'i will develop clearer statistics on the frequency of childhood sexual abuse. With clearer statistics, the State will be able to refine or develop programs to support survivors of childhood sexual abuse. Distinctly, the passage of S.B. No. 163 signifies the beginning of childhood sexual abuse policy and intervention reform.

I urge the committee to pass S.B. No. 163 for the wellbeing of youth in the State of Hawai'i. I sincerely appreciate the committee's time and opportunity to testify.



**LATE**

**SB-163**

Submitted on: 2/9/2021 7:27:50 AM

Testimony for JDC on 2/9/2021 9:15:00 AM

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

Comments:

Sorry for tardiness of this testimony. I strongly support SB163.

Eileen McKee

Kihej, 96753