



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 238, RELATING TO SEXUAL ABUSE OF MINORS.

BEFORE THE:

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Wednesday, January 31, 2024 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 225 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lee Ying Kwok, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

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

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

The proposed amendments to section 657-1.8(a) would extend the statute of limitations for a victim of child sexual abuse to bring a civil claim for monetary damages against any person from eight years to thirty-two years after the eighteenth birthday of the victim regardless of when the incident occurred (page 3, lines 1-4); and 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 (page 3, lines 5-9), whichever occurs later.

We understand that victims of sexual abuse may need additional time before they are ready to file a lawsuit but want to note some concerns. Because the contemplated amendments will extend the statute of limitations by not just years, but decades, this lengthy passage of time would likely prejudice the parties involved in a lawsuit. The integrity of the evidence becomes strained as memories fade, witnesses relocate or pass away, and documents are lost or destroyed. Testimony by witnesses, even if they are available, becomes unreliable. Most state agencies have records

retention policies that call for the destruction of documents after a certain period of time that is often much less than thirty-two years, which creates further evidentiary challenges.

With respect to the challenges of document retention, we note that although documents have increasingly been saved electronically in recent years, there are still issues with the cost and feasibility of retention over the span of decades. Each state agency that may be named in such a lawsuit has its own retention policies to cut down on costs. Additionally, even if documents are stored electronically, they are subject to loss for various reasons, including natural disaster, human error, and mechanical failures.

In addition to the document preservation issue, the biggest issue remains the availability of witnesses. When a case is brought 20-30 years after an alleged incident, the witnesses, including the alleged perpetrator, are often dead or missing, and it becomes next to impossible for the State to defend a case.

We respectfully recommend either not changing the deadline to file a claim or making the extension to file much shorter than proposed. We would be happy to work with the Legislature to find the best solution that is fair to all parties.

Thank you for the opportunity to provide comments.



January 26, 2024

Senate's Committee on Health and Human Services
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Wednesday, January 31, 2024 at 1:00 PM

RE: SUPPORT for Senate Bill 238 with Amendments

Aloha Chair San Buenaventura, Vice-Chair Aquino and fellow committee members,

I am writing in support of the intent and requesting amendments to Senate Bill 238 on behalf of the Stonewall Caucus of the Democratic Party of Hawai'i, Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization.

SB 238 would expand the time period by which a civil action for childhood sexual abuse may be initiated, including an otherwise time-barred action. Authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

As you may know, eliminating the statute of limitations for survivors of childhood sexual abuse has been a priority for the Stonewall Caucus for a long time. In part this due to the fact that LGBTQIA+ youth have historically been targets of pedophiles, but mainly because it is a social justice issue. That being said the Stonewall Caucus does support the intent of HB 582 but the Stonewall Caucus prefers the language found in Senate Bill 238. The reason we are advocating for the language in SB 952 inserted into SB 238 is that this will:

1. Remove the statute of limitations entirely.

Telling survivors of sexual assault that happened as a minor that they have to come to terms with the assault and then be able to face their sexual predators by the time they are 50 years old is unconscionable. The time it takes for a survivor to be able to come to terms with having their childhood destroyed by a sexual predator and then recovering from the PTSD caused by sexual assault is not linear. Each person is different and every survivor deserves a chance to turn to the courts for justice.

We already had a pilot project for this which did sunset in 2020 and there were NO problems for the cases that were brought during this window. By placing the 50-year time limit this bill awards sexual predators that are able to "run out the clock".

2. Allows for punitive damaged.

Survivors of sexual assault that took place when they were minors need to have

Stonewall Caucus Testimony is Support of Senate Bill 238 with Amendments

access to the possibility of punitive damages if they are ever going to find lawyers to help them see justice which HB 483 provides.

3. Has restorative justice measures available to the courts.

When an institution is involved the Stonewall Caucus believes that "restorative justice measures" is a much more encompassing term than the language that appears in SB 952.

We also want to point out that there is no statute of limitations for criminal charges for perpetrators of sexual assault of minors. As you know the bar for conviction in those criminal trials is extremely high so when a survivor sexual assault may not be able to get justice through a criminal trial should this bill become law it will give them an avenue to seek justice.

As our State has seen from the blight of sexual predators being protected here in Hawai'i including but not limited to Roman Catholic Church, Boy Scouts of America, Kamehameha Schools, and now maybe even with the accused serial pedophile at Punahou Schools. These organizations are not the only reason for the need of these amendments. As it was pointed out in the testimony provided by [Child USA Advocacy pointed out in the 2nd page of their testimony](#) for the HB 582 in front of JHA - 51% of the survivors come forward on or after the 50th birthday. Without this bill way too many survivors are being denied access to all avenues of justice.

Other jurisdictions back on the continent have removed the statute of limitations for survivors of sexual assault as minors for civil cases and they have not seen the insurmountable problems that it appears the AG's office thinks will happen.

We understand it may be difficult for the AG's office if they are even involved because this for civil action not criminal. Either way we side with the survivors who had their childhoods destroyed by a sexual predator.

With these amendments the Stonewall Caucus would **STRONGLY SUPPORT** SB 238. Without these amendments the Stonewall Caucus can only half-heartily support this bill.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr. (he/him)
Chair and SCC Representative
Stonewall Caucus for the DPH

SB-238

Submitted on: 1/29/2024 1:11:02 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann S Freed	Testifying for American Association of University Women	Support	Remotely Via Zoom

Comments:

Aloha Chair San Buenaventura, Vice Chair Acquino and members,

The American Association of University Women Hawai`i is in strong support of this bill.

Redressing the harm done to those who have suffered the long-term effects of childhood sexual trauma deserve our compassion and our justice. While a total repeal is the most desirable, extending the Statute of Limitations will give some victims redress for this heinous crime. Here are the facts:

- 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.

We have heard too many heart-breaking stories of those survivors who continue to suffer the effects throughout their lives. It has been called the murder of the soul.

38 states currently have pending modification to their SOL laws on childhood sexual trauma. 15 have new laws going into effect this year.

Mahalo for the opportunity to testify,

Ann S. Freed

AAUW Hawai‘i Policy Committee



Date: January 29, 2024

To: Senator Joy San Buenaventura
Chair of the Committee on Health and Human Services

Senator Henry JC Aquino
Vice Chair on the Committee on Health and Human Services

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

RE: Testimony in Support of SB 236
Relating to Sex Abuse of Minors

Hearing: January 31 , 2024, Conference Room 225 1:00pm

Good morning, Chair San Buenaventura, Vice Chair Aquino and Members of the Health and Human Services Committee:

The Sex Abuse Treatment Center (SATC) is in support of SB 236.

The bill provides for 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.

Across the nation, as other states moved to expand or had already expanded, the civil statute of limitations for victims, the general public was given a glimpse into the world of institutional sexual abuse, perpetrated by trusted adults, against children. From educational institutions to athletic organizations to religious entities, news accounts across the nation, as well our own backyard, made clear institutional sexual abuse of minors occurs, and child victims, now adults were ready to speak out.

Civil statute of limitations reform essentially moved the needle from what was historically seen as protecting and educating children on "Stranger Danger" cases to the predatory dangers embedded in our schools, churches and athletic programs. What we all learned is that child sexual abuse is more commonly perpetrated by those closest to our children. According to the CDC, someone known and trusted by the child or child's family members perpetrates **91%** of child sexual abuse.

What it also confirmed, is how common delayed disclosure is for so many children who have suffered sexual abuse. The reasons for the delay vary and are specific to the individual. For

many, they do not recognize their abuse, do not have a trusted adult to confide in, nor the ability to articulate the abuse suffered. A common thread is the power differential between child and the adult perpetrator, and the dynamics of the institution.

This bill speaks directly to the protection of children who are currently being abused.

And yes, there are many. 1 in 4 girls and 1 in 20 boys are impacted by sexual violence, by the time they reach 18 years of age.(Center of Disease Control). In FY 2023 alone, the SATC provided services to over **1000 new clients, 47% of them were children**. The statistics are staggering and only account for those children we know of.

Many remain silent, and without the passage of this bill, will be forever silenced.

We respectfully ask that this legislature remain vigilant and continue its support of children of sexual abuse.. Give them the voice they are deserving of now, so they can speak their truth in the years to come.

Thank you for your consideration.

**TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF
SB 238**

Date: Wednesday January 31, 2024

Time: 1:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **SUPPORT WITH COMMENTS** on SB 238, Relating to Sexual Abuse of Minors.

HAJ supports this measure which expands the timeframe by which a civil action for a childhood sexual abuse may be initiated. This measure increases the timeframe from 8 to 32 years after a victim's eighteenth birthday. Further, the timeframe is expanded from three to five years after the date the victim discovers or reasonably should have discovered that psychological injury and illness occurring after the victim's eighteenth birthday. While we believe abolition of the statute of limitations for such offenses would be appropriate, an expansion to age 50 years old will allow greater access to justice for sexual abuse victims who may have difficulties coming forward.

While HAJ appreciates the intent of the bill, we would like to express some concerns regarding certain provisions of this measure. From an overall policy perspective, HAJ is concerned with the certificate of merit requirement which may hinder the ability of victims to come forward and have their day in court.

Specifically, HAJ finds the added requirement of a certificate of merit "for each defendant named in the complaint" to be vague and ambiguous. In sex abuse cases, there are often multiple defendants named including employees and employer entities being sued in a single case. For example, if a victim was assaulted in a school by an employee, the school and

the employee would both be named as defendants in the case. In this instance, under this measure as drafted, it remains unclear if separate certificate of merits will be necessary for both the employee and the school. An additional requirement for separate certificate of merits for the defendants in a single case would appear to be perplexing and may create an additional hurdle for victims to come forward and access the justice system. Accordingly, HAJ recommends removing "for each defendant named in the complaint" to promote greater access to justice for sexual abuse victims.

Additionally, the addition of the language in subsection (b)(1) that the private legal entity be "domiciled within the State," is unnecessary and could potentially prevent redress from entities who are not domiciled here, but regularly conduct business within the State and thus purposefully avail themselves of the benefits of doing business within the State. Hawaii's law on personal jurisdiction and long-arm statute already provides sufficient guards on what entities can be hailed into the courts of Hawaii. Therefore, such language is unnecessary, and HAJ recommends removing the "domiciled within the State" language from subsection (b)(1).

Thank you for allowing us to testify regarding this measure. Please feel free contact us should you have any questions or desire additional information.



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

JANUARY 31, 2024

SB 238, RELATING TO SEXUAL ABUSE OF MINORS

POSITION: SUPPORT

The Democratic Party of Hawaii **supports** SB 238, relating to sexual abuse of minors. In 2016, the Democratic Party of Hawaii's State Convention delegates adopted a resolution calling for an end to the statute of limitations for sexual assault, especially for minors (GOV 2016-01).

According to the National Center for Victims of Crime, self-report studies show that 20 percent of adult females and 5 to 10 percent of adult males in the U.S recall a childhood sexual assault or sexual abuse incident. Over 50 percent of the sex trafficking victim population we serve experienced childhood sexual trauma.

According to peer reviewed psychiatric research, **between 60 and 80 percent of childhood sexual abuse victims withhold disclosure, often because of limited access to quality psychological care and social attitudes that induce shame about victimization.** We must allow these survivors as much time as possible to speak out and receive justice, so that they do not spend the rest of their lives suffering in silence.

We are heartened by this measure's emphasis on trauma-informed care. Given the severity of the trauma inflicted by perpetrators of childhood

sexual violence, we believe that it is entirely appropriate for trauma-informed services and training to be prioritized in the process of making a victim whole, especially since so many survivors of sexual violence have been shamed, silenced, and re-traumatized for the pain they've endured.

Mahalo nui loa,

Kris Coffield

Co-Chair, Legislative Committee

(808) 679-7454

kriscoffield@gmail.com

Abby Simmons

Co-Chair, Legislative Committee

(808) 352-6818

abbyalana808@gmail.com



SB 238, RELATING TO SEXUAL ABUSE OF MINORS

JANUARY 31, 2024 · HHS HEARING

POSITION: Support.

RATIONALE: Imua Alliance **supports** SB 238, relating to sexual abuse of minors, which expands the time period by which a civil action for childhood sexual abuse may be initiated, including an otherwise time-barred action; and authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

Imua Alliance is a victim service provider 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 200, 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.

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 action. According to the National Center for Victims of

Crime, self-report studies show that 20 percent of adult females and 5 to 10 percent of adult males in the U.S recall a childhood sexual assault or sexual abuse incident. Over 50 percent of the sex trafficking victim population we serve experienced childhood sexual trauma. According to peer reviewed psychiatric research, **between 60 and 80 percent of childhood sexual abuse victims withhold disclosure, often because of limited access to quality psychological care and social attitudes that induce shame about victimization.** We must allow these survivors as much time as possible to speak out and receive justice, so that they do not spend the rest of their lives suffering in silence.

We are heartened by this measure's emphasis on trauma-informed care. Given the severity of the trauma inflicted by perpetrators of childhood sexual violence, we believe that it is entirely appropriate for trauma-informed services and training to be prioritized in the process of making a victim whole, especially since so many survivors of sexual violence have been shamed, silenced, and re-traumatized for the pain they've endured.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

SB-238

Submitted on: 1/26/2024 7:24:20 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB238. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member



HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Greg Tjapkes, Secretary

Judith F. Clark, Executive
Director

Network Membership

*Big Brothers Big Sisters Hawai`i
Big Island Substance Abuse
Council*

*Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Collins Consulting, LLC
Domestic Violence Action Center
EPIC `Ohana, Inc.*

*Family Programs Hawai`i
Family Support Hawai`i
Friends of the Children's Justice
Center of Maui*

*Get Ready Hawai`i
Hale Kipa, Inc.*

*Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network*

*Hawai`i Health & Harm
Reduction Center
Hawaii Island Community'
Health Center*

*Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kahi Mohala*

*Kokua Kalihi Valley
Kaua`i Planning and Action
Alliance*

*Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems*

*P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED*

*PFLAG - Kona, Big Island
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana*

*Residential Youth Services
& Empowerment (RYSE)*

*Salvation Army Family
Intervention Services*

*Sex Abuse Treatment Center
Susannah Wesley Community
Center*

The Catalyst Group

January 2, 2024

Senator Joy San Buenaventura, Chair
And members of the Committee on Health and Human Services

TESTIMONY IN SUPPORT OF SB 238 RELATING TO SEXUAL ABUSE OF MINORS

Hawaii Youth Services Network (HYSN) supports SB 238 Relating to Sexual Abuse of Minors.

Minors and adults who experience sexual abuse are often reluctant to report abuse due to concerns that they will not be believed or will be blamed for the abuse. And when survivors of abuse do report, they often experience disbelief and blame.

Training on trauma-informed responses to sexual abuse will help survivors and will help organizations to prevent future abuse of vulnerable persons.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark
Executive Director

SB-238

Submitted on: 1/28/2024 10:47:09 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Testifying for Hawaii Young Republicans	Support	Written Testimony Only

Comments:

Aloha Senators,

On behalf of Hawaii Young Republicans, we support this bill. There are few crimes more heinous than child sexual abuse. Justice delayed is justice denied. Extending the time statute of limitations is crucial to ensuring justice is done. This committee must support this bill!



January 31, 2024

Members of the Senate Committee on Health and Human Services:

Chair Joy A. San Buenaventura
Vice Chair Henry J.C. Aquino
Sen. Jarrett Keohokalole
Sen. Maile S.L. Shimabukuro
Sen. Brenton Awa

Re: Support of SB 238 Relating to Sex Abuse of Minors

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 27 member programs statewide, I respectfully submit testimony in support of SB236.

The bill provides for 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.

Across the nation, as other states moved to expand or had already expanded, the civil statute of limitations for victims, the general public was given a glimpse into the world of institutional sexual abuse, perpetrated by trusted adults, against children. From educational institutions to athletic organizations to religious entities, news accounts across the nation, as well our own backyard, made clear institutional sexual abuse of minors occurs, and child victims, now adults were ready to speak out.

Civil statute of limitations reform essentially moved the needle from what was historically seen as protecting and educating children on "Stranger Danger" cases to the predatory dangers embedded in our schools, churches and athletic programs. What we all learned is that child sexual abuse is more commonly perpetrated by those closest to our children. According to the CDC, someone known and trusted by the child or child's family members perpetrates 91% of child sexual abuse.

What it also confirmed, is how common delayed disclosure is for so many children who have suffered sexual abuse. The reasons for the delay vary and are specific to the individual. For many, they do not recognize their abuse, do not have a trusted adult to confide in, nor the ability to articulate the abuse suffered. A common thread is the power differential between child and the adult perpetrator, and the



dynamics of the institution.

This bill speaks directly to the protection of children who are currently being abused.

And yes, there are many. 1 in 4 girls and 1 in 20 boys are impacted by sexual violence, by the time they reach 18 years of age.(Center of Disease Control). In FY 2023 alone, the SATC provided services to over 1000 new clients, 47% of them were children. The statistics are staggering and only account for those children we know of.

Many remain silent, and without the passage of this bill, will be forever silenced.

We respectfully ask that this legislature remain vigilant and continue its support of children of sexual abuse. Give them the voice they are deserving of now, so they can speak their truth in the years to come.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director



COMMITTEE ON HEALTH AND HUMAN SERVICES

BILL SB238
POSITION: SUPPORT

Hearing Date: January 31, 2024

Aloha Chair San Buenaventura, Vice Chair Aquino, and Committee Members:

Aloha United Way supports SB238, which expands the time period by which a civil action for childhood sexual abuse may be initiated, including an otherwise time-barred action. In addition, it authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

Child sexual abuse is an extremely prevalent issue, which impacts survivors, their loved ones, and the health and safety of our community. Many children do not disclose their abuse due to fear of not being believed, feelings of guilt and shame, confusion about what happened to them, and due to their relationship with their perpetrator. By extending the time a child sexual abuse survivor can disclose their abuse to the court, enables them to seek justice when they are ready.

In addition, court personnel should be mandated to undergo trauma-response training. This training will increase their understanding and awareness regarding how child sexual abuse survivors think, behave, and communicate, especially in a court room setting. They will be able to develop trauma-informed responses and can even provide strategies for developing and implementing trauma-informed policies.

Thank you for the opportunity to testify and for your action to support Hawaii's child sexual abuse victims. We urge you to pass SB238.

Sincerely,

A handwritten signature in black ink that reads "Kayla Keehu-Alexander".

Kayla Keehu- Alexander
Vice President, Community Impact
Aloha United Way

A handwritten signature in blue ink that reads "Suzanne Skjold".

Suzanne Skjold
Chief Operating Officer
Aloha United Way

SB-238

Submitted on: 1/31/2024 6:13:22 AM

Testimony for HHS on 1/31/2024 1:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Angela Melody Young	Testifying for CARES	Support	In Person

Comments:

CARES testifies in strong support.



January 29, 2024

To: Aloha Chair San Buenaventura,
Chair, Senate Committee on Health and Human Services

&

The Honorable Members of the Hawai'i State Senate Committee on
Health and Human Services

From: Kekoa McClellan on behalf of the Roman Catholic Church, Hawai'i.

Re: Testimony on **SB238** Relating to Sexual Abuse of a Minor
Offering comments / proposing amicable amendment

The Honorable Joy A. San Buenaventura,

Please accept this testimony on behalf of the Roman Catholic Church in Hawai'i, offering comments on SB238 and proposing an amicable amendment to this measure. We support the reasonable extension of the statute of limitations to Thirty-Two years after the eighteenth birthday of any victim of sexual abuse as a minor. This ensures justice for survivors while addressing the complexities of pursuing decades old claims, as previously highlighted by the Attorney General.

Proposed Amicable Amendment:

We urge an amicable amendment to strike the words "domiciled within the State" from page four, line six of SB238. This modification avoids unfairly targeting Hawai'i institutions, and prevents a potential loophole for bad actors to evade liability if their employer is not headquartered in Hawai'i. Any employer with a duty of care should be held equally liable for these gross offenses against our keiki irrespective of where they are domiciled. This amendment would close this loophole in the law as written and ensure justice for a greater number of victims. This amendment may also enable more independent organizations in Hawai'i to support this well intended measure.

The Attorney General has provided previous guidance on the issue of Statute of Limitations. Last session, the AG offered guidance on HB582 (companion bill to SB238). The AG advised that the "lengthy passage of time would prejudice the parties in a lawsuit. Cases originating from events in the 1970's and the 1980's present evidentiary challenges. Memories fade, witnesses move or pass away,

and documents are destroyed or lost.” The Attorney General further recommended “not changing the deadline to file a claim or making the extension to file much shorter than proposed.” The AG’s advice notwithstanding, the Roman Catholic Church in Hawai’i supports the reasonable extension of this statute and further commends the Chair for taking up this issue and attempting to put a reasonable standard in place that enhances the rights of victims while also ensuring due process for any person or entity that is accused of these egregious harms against our children.

We commend the Chair for addressing this issue and striving to establish a balanced standard that upholds victims' rights and ensures due process for all parties involved. We appreciate the Committee's consideration of our comments and proposed amendment and thank you, Chair San Buenaventura, for your time in tackling this critical matter.

Mahalo for your time and consideration of this testimony. I will be available for your committee’s questions on this measure.

Me ka ha’aha’a,



Kekoa McClellan on behalf of the Roman Catholic Church in Hawai’i
Principal, The McClellan Group
Kekoa.McClellan@gmail.com
1.808.393.7937



LATE

SB-238

Submitted on: 1/30/2024 1:09:47 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn M Golojuch	Individual	Support	In Person

Comments:

Greetings Chair and Committee Members,

Rainbow Family 808 is a nonprofit organization focused on Advocacy, Education and Support. For over a decade RF808 we have been standing up for the needed justice of our families injured by rape of children, minors and families in our community.

While we support this measure, it needs addition to SB238 much needed clarification.

1. Add rape to sexual abuse in order to state clearly and definitely the horror of the crime committed on children by family members, clergy, coaches, youth ministers, teachers and all those in positions of power.
2. Delete all time limitations in order to Erase the Statutes of Limitations from the Hawaii State Statutes. It's criminal to continue the time line that prevents justice for our children from birth to end of life. This will reinstate the motto: Our Keiki are precious people. The present time line is a criminal loophole for those who rape. In the words of high ranking military rapist, "I'll never leave Hawaii because my friends and I are safe here." This quote is part of the public record from the years of discussion in the capitol on this very subject on previous bills in the House and the Senate.

I comment those people who continue year after year to testify in order to bring justice for the survivors and the victims of Rape and Sex Abuse to the minors in Hawai'i.

Thank you,

Carolyn Martinez Golojuch, MSW

Founder and President of Rainbow Family 808

SB-238

Submitted on: 1/29/2024 9:17:52 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino and Members of the esteemed Committee,

I'm writing in support of SB238 with a proposed amendment to remove the statue of limitations entirely.

Mahalo nui loa,

Abby Simmons

SB-238

Submitted on: 1/29/2024 2:54:00 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Kim	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the committee.

I am writing in strong support of SB238.

This bill marks a step forward in prioritizing the needs of survivors and recognizing the enduring impact of child sexual abuse. By extending the window for initiating civil action, we can provide survivors with a vital opportunity to voice their experiences, find validation, and pursue the healing and justice they rightfully deserve. Current constraints often deny survivors these crucial avenues for recourse. It takes years (and sometimes a life time) for victims of child sexual abuse to work through their issues and find the strength to confront their abusers. This bill would allow them that time.

Moreover, this bill empowers courts to mandate trauma-informed training for personnel within implicated legal entities. This measure fosters a deeper comprehension of sexual abuse dynamics and promotes environments that offer robust support and proactive, trauma-informed responses to survivors. Without this training, personnel can easily trigger individuals with trauma thus adding to their burden. Education and training is a vital piece to providing holistic, trauma-informed care to victims of childhood sexual abuse.

Please support SB238.

Thank you.

Linda Kim, APRN

SB-238

Submitted on: 1/29/2024 8:23:45 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Dear Chair San Buenaventura, Vice Chair Aquino, and members of the committee,
I am writing in strong support of SB238.

SB-238

Submitted on: 1/28/2024 9:38:22 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill. It takes time for some victims of abuse to acknowledge their abuse to themselves and even longer to take action against it.

SB-238

Submitted on: 1/29/2024 9:41:02 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maddalynn Seseapasara	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the committee.

I am writing in strong support of SB238.

This bill marks a step forward in prioritizing the needs of survivors and recognizing the enduring impact of child sexual abuse. By extending the window for initiating civil action, we can provide survivors with a vital opportunity to voice their experiences, find validation, and pursue the healing and justice they rightfully deserve. Current constraints often deny survivors these crucial avenues for recourse.

Moreover, this bill empowers courts to mandate trauma-informed training for personnel within implicated legal entities. This measure fosters a deeper comprehension of sexual abuse dynamics and promotes environments that offer robust support and proactive, trauma-informed responses to survivors.

Mahalo,

Maddalynn Seseapasara

SB-238

Submitted on: 1/29/2024 6:59:17 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and HHS Committee,

I am writing in strong support of SB238.

This bill marks a step forward in prioritizing the needs of survivors and recognizing the enduring impact of child sexual abuse. By extending the window for initiating civil action, we can provide survivors with a vital opportunity to voice their experiences, find validation, and pursue the healing and justice they rightfully deserve. Current constraints often deny survivors these crucial avenues for recourse.

Moreover, this bill empowers courts to mandate trauma-informed training for personnel within implicated legal entities. This measure fosters a deeper comprehension of sexual abuse dynamics and promotes environments that offer robust support and proactive, trauma-informed responses to survivors.

Mahalo,

Thaddeus Pham (he/him)

SB-238

Submitted on: 1/29/2024 7:18:28 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Child sex abuse is a severe trauma that often takes years to recover from; extending the period in which civil action can be taken against perpetrators of child sex crimes gives the survivors more time to come forward on their terms, when they are ready to do so, while still being empowered to hold their abusers accountable for their actions. Please support SB238.

SB-238

Submitted on: 1/30/2024 8:29:48 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
WANDA K ANAE- ONISHI	Individual	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and committee members,

I am writing in strong support of SB238. Victims of child sexual abuse often realize years later as adults that their lives were severely impacted by the trauma. Years of negative behavioral patterns and self-victimization plague them throughout their lives. The passing of this bill will give victims the time needed to seek justice from their perpetrators and will provide opportunities for healing and validation.

Mahalo for the opportunity to testify.

Wanda Anae-Onishi

SB-238

Submitted on: 1/29/2024 7:35:57 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support in the interest of justice and recognizing the testimony given in April 2021 on a similar bill by the Hawaii Pacific Health, Kapiolani Sex Abuse Treatment Center that stated that, “Studies on delayed discovery through CHILD USA1 confirm what we see at the SATC; survivors of childhood sexual abuse more often than not, withhold disclosure for many, many years. The impact of manipulation and grooming by the offender, threats made, 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. HB 570 HD2’s extension of the SOL to within fifty years of the 18th birthday of the minor would place Hawai‘i in line with this national trend.”

SB-238

Submitted on: 1/30/2024 8:43:23 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

I am very much in support of SB238 which would expand the amount of time to bring civil actions for sexual abuse. I also think that the provisions requiring training on sexual abuse allegations are really important.

Thank you for your efforts on behalf of children.

Renee Rabb

Hawaiian Paradise Park

Big Island

LATE

SB-238

Submitted on: 1/30/2024 4:10:52 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in SUPPORT

SB-238

Submitted on: 1/29/2024 9:23:59 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shana Wailana Kukila	Individual	Oppose	Written Testimony Only

Comments:

JANUARY 29, 2024

TO: SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

FROM: SHANA KUKILA

RE: SB238 RELATING TO SEXUAL ABUSE OF MINORS

POSITION: OPPOSE

ALOHA COMMITTEE MEMBERS,

ALTHOUGH THE INTENT OF THIS BILL IS CLEAR AND APPRECIATED IN TERMS OF JUSTICE FOR SEX ASSAULT VICTIMS, IT IS UNCLEAR HOW THE LOWER INCOME VICTIMS WILL AFFORD AN ATTORNEY TO FILE SUCH CIVIL ACTIONS AGAINST A CHILDHOOD SEXUAL ABUSER. LAWSUITS TAKE A LOT OF MONEY AND TIME, RESOURCES WHICH MANY VULNERABLE VICTIMS OFTEN DO NOT HAVE. ANOTHER PROBLEM IS THAT VICTIMS OFTEN DO NOT WANT TO REHASH THE VIOLATIONS AGAINST THEM MANY YEARS AGO, AND THEREFORE OFTEN DO NOT SEEK COMPENSATION OR JUSTICE IN THE COURTS. IT'S NOT SO MUCH A QUESTION OF TIME OR STATUTORY LIMITATIONS.

WHAT MAY BE BETTER IS TO PROVIDE GREATER ACCESS AND AVAILABILITY OF SEXUAL ASSAULT COUNSELING AND CARE WITHIN THE STATE FOR VICTIMS WHO DO NOT WANT TO GO INTO THE CRIMINAL OR CIVIL JUSTICE SYSTEM. THERE ARE NOT ENOUGH RESOURCES FOR HELP AND RECOVERY FOR THOSE VICTIMIZED OF VIOLENT CRIMES IN GENERAL. IN FACT, THERE ARE MORE RESOURCES ALLOCATED FOR PERPETRATORS OF CRIME RATHER THAN THEIR VICTIMS. A VICTIM OF A VIOLENT CRIME WILL ONLY GET ABOUT \$100 FOR THEIR PAIN AND SUFFERING AND LOST WAGES FROM COURT APPEARANCES AND INJURIES THAT KEEP THEM HOME. THIS VICTIM COMPENSATION IS NOT OFTEN PROVIDED TO VICTIMS, HOWEVER. IT'S NOT ALWAYS ADVERTISED OR OFFERED BY THE COURT.

IN CONTRAST, WHEN A PERPETRATOR OF CRIME GETS INCARCERATED, THE MOMENT THEY GET OUT, THERE IS AN ABUNDANCE OF PROGRAMS FOR THEM TO ACCESS COMPARED TO THAT OF VICTIMS. REHABILITATION IS KEY FOR PERPETRATORS, BUT WHAT ABOUT THE RECOVERY FOR THEIR INNOCENT VICTIMS? VICTIMS OF DOMESTIC VIOLENCE AND SEX ASSAULT DO GET HELP, BUT IT'S NOT ENOUGH TO MAKE THEM WANT TO LEAVE THEIR ABUSER OR QUIT THEIR JOB IS THE PERPETRATOR IS AT WORK.

ALONG WITH RESOURCES SUCH AS FREE THERAPY AND HOUSING OPTIONS, VICTIMS NEED HELP WITH FINANCIAL RECOVERY FROM THEIR ATTACKS, AS MANY DO NOT HAVE THE MEANS TO TAKE OFF FROM WORK OR PAY FOR CHILDCARE WHEN THEY ARE IN NEED OF A MENTAL HEALTH APPOINTMENT OF BREAK TO DEAL WITH THE SCARS OF THEIR HORRIFYING EXPERIENCE.

WHEN RESOURCES ARE IN PLACE AND ARE FREE AND/OR LOW COST AND MORE WIDELY AVAILABLE TO VICTIMS WOULD ALLOW THEM TO TRULY RECOVER.

RESOURCES NEED TO BE PROVIDED ON A WIDER BASIS IN TERMS OF WARM BODIES WHO MEET VICTIMS IN PERSON OR IF PREFERRED BY THE VICTIM, VIA PHONE OR ONLINE. THIS WOULD HELP VICTIMS GET THE HELP THEY NEED.

IF THIS BILL IS APPROVED, WHAT WILL IT DO FOR VICTIMS AND HOW MANY WILL IT SERVE? WHAT IF SEXUAL ASSAULT IN FOSTER CARE IS TURNED INTO A CASE AGAINST THE STATE? WILL THE STATE BE ABLE TO PAY FOR ALL THESE CLAIMS? IT'S SOMETHING TO THINK ABOUT ON A BROADER SCALE.

THERE ARE BETTER WAYS TO HELP VICTIMS WITHOUT THE COST AND PAIN OF A TRIAL. IT WOULD BE FAR MORE EFFECTIVE TO PUT MORE FUNDS INTO SEXUAL ASSAULT PROGRAMS THAT HELP VICTIMS HEAL AND TO ASSIST VICTIMS IN THEIR LEGAL CASES AGAINST THEIR PERPETRATOR.

MAHALO FOR ALLOWING ME TO SHARE MY TESTIMONY ON THIS IMPORTANT SUBJECT. MY OPPOSITION TO SB238 DOES NOT MEAN THE BILL IS NOT NEEDED. IT JUST MEANS THE BILL REQUIRES MORE TIME AND THOUGHT, IN MY HUMBLE OPINION.

SHANA KUKILA

HILO, HI