

SB-2439-HD-1

Submitted on: 3/25/2024 5:52:52 PM

Testimony for FIN on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 SB2439. We would prefer that there is no statute of limitations but we need to help the survivors of sexual offenses. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

SB-2439-HD-1

Submitted on: 3/26/2024 1:10:21 PM

Testimony for FIN on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawai‘i	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 2439 SD 1 HD 1.

Though we think that there should be NO statute of limitations for survivors of sexual assault no matter their age.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

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

SB-2439-HD-1

Submitted on: 3/26/2024 11:25:28 PM

Testimony for FIN on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn M Golojuch	Rainbow Family 808	Support	In Person

Comments:

To: House Finance Chair and Committee Board Members

From: Rainbow Family 808 – Non-Profit Organization

Date: March 28, 2024

RE: Strong Support of Rape Survivors and Victims – SB2439

Aloha House Finance Chairs and Committee Board Members,

Rainbow Family 808 strongly supports SB2439 with an Amendment Remove any time limit for Justice of the Rape Survivors and Victims of Adults.

Our request for SB2439 includes

Add the word “rape” every time the words “sexual offense/s” “sexual abuse”. The crime needs this clarification for benefit of the Survivors. No euphemism adequately explains the seriousness of the crime. The public needs to understand exactly has happened to the Rape Survivors and Victims.

Examples of the criminal actions/rape:

1. 1940-60. A father after the death of his wife, begins sleeping with the daughter as his sexual partner. The family blames the daughter and shuns her. This silence is not incest but another euphemism that further harms the daughter and the community due to lack of education. Small communities because of lack of rape knowledge sets the stage that no one understands the situation. It's not incest but Rape.
2. In 1988, we were at a USAF combined base for Italians and the Americans, when one of chaplains was taken off the Naval Base un shackles after cases came forward of Rape. He was a naval officer and a part of the Marriage Encounter team. He was very close with one of the couples living on the Naval Base and would have dinner with them frequently and after dinner, he would go upstairs to hear their kindergarten son's Nighttime prayers. They were so proud to have such an esteemed man as their friend. One day at school, the class was given a "Good Touch, Bad Touch" presentation by the Naval Security. At the end, they were asked if there was anyone who made them feel uncomfortable with touching them. The child told the Security Forces about the Nighttime prayers with the chaplain. Once other classes were given the same presentation, other students told similar "Good Touch, Bad Touch" experiences. An investigation was held, a court martial was held and he was taken off base in handcuffs to Leavenworth Federal Prison. The couple had a rough time but came out stronger after all the horror of dealing with the rape of their church. The pain and suffering of rape affect others in the family. I think of the little boy and hope he's doing better. Rape at any age is a life sentence needing therapy.
3. In 1989, we were still at the Italian/American base when we read in a US newspaper that a young man reported that the former Hawaii Bishop Joseph Ferrario had raped him when he went for help because the former parish priest had raped him. He came from a small parish on the Windward side of Oahu, St. Anthony. His mother worked for the parish. The young man was blamed for appearing in the shadows on a national TV show. Only Catholics understand the brainwashing that a member experiences. One never questions authority figures of any kind, especially the priests and other clerics. These rapes are serial in the Roman Catholic Church. * "See Clerical Sexual Abuse in the Diocese of Honolulu." Page 10 – 24.
4. In the 1990's, a family member reveals that her father's brother had raped her since she was a young child. Children trust family members. When she was a teenager, her cousins during a sleepover told of being raped by the same uncle. No one wants to accuse a family member believing that they won't be believed. At first, they don't have the language to explain the rape. As young children have been told not to disrespect their elders. In later years, my family member was raped by a Christian Youth Minister. This time she told her mother but was told that no one would believe her. She still has bouts with PTSD and depression. The uncle was never brought to justice. These rapes cause a lifetime of pain and suffering. In Hawa'i, I was told about the euphemism "Funny Uncle" that has since been told this is a name used on the continent as well.
5. 1990 USAF wife reveals that her father raped her as a child. She said her mother had been raped prior to her own rape. This wife didn't reveal her continuous rape until her husband retired from the Air Force. She had buried her pain for years. The wife was

working through the trauma and kept in touch with me and then the notes ended. We've lost track of her in the last few years. May she continue therapy she needs for the rest of her life.

6. In the mid-1990's Mike and I attended a SNAP Retreat for the Survivors of Clergy Rape in Wisconsin. The Survivors suffered pro PTSD at the retreat. The location at the Seminary was revealed at the end of the retreat that the Seminary had been required by a court judgement to do community service after losing a case for Rape by some of the clergy on campus. There were convicted rapists on campus. This is only one more example of the deception actions by the Roman Catholic. A) Brother revealed that he was raped by the parish priest. He told his father and was beaten by his father for lying about such a good man. His brother denies he was raped even though he exhibits troubling examples of one who was raped, his wife doesn't understand why he needs support; B) Young woman was raped by her rabbi when he drove her home after babysitting for the family, she had sued the temple; C) the rapes of so many people still suffering.
7. In the mid-1990's, I was attending a summer course outside of Mexico City. There were flyers around town regarding Support Groups meetings for Survivors of Clergy Rape. I felt hope that a Catholic country like Mexico was supporting Rape Survivors. Hawai'i needs more avenues of Rape Support for Survivors. SB2439 is a step forward for Hawai'i until Rape in Hawai'i no longer has a SOL law. The time has come and is overdue for justice for our Rape Survivors and Victims.
8. In the mid-1990's while working for the Honolulu Catholic diocese at St. Stephan's, the Rapist Priest Joe O'Brien was in the office next to me. He was the first convicted rapist priest in Hawai'i.
9. Late 1990's, an attorney called me from Chicago looking for a priest who had raped his adopted son and the son was missing. He had the Catholic School principal take the son from class to his office. She would stand guard outside the office until she took him back to the classroom. It was common knowledge that Bishop Ferrario was recruiting problem priests from across the country to work in Hawai'i. There were two rehab centers used by the Catholic Church for Alcoholism and rapists. One in New Mexico and the other outside of Washington DC. I checked the list of parish priests listed in a local publication. It bothered me that I couldn't find the priest for the suffering parents. This family is listed because they are an example of how rape causes Run Away youth is one more example of how rape has additional results of Rape in our society. Not all runaways are Rape Survivors, but they do affect our Homeless Youth.
- 10.

In the mid-2000's, I was shopping for a new screen door, when an employee told me about being a Rape Survivor of one our local Catholic schools. My "I love my Rainbow Family" button gives some the idea that I'm a safe person. For a couple of years, he would call or visit me. He was interested in any progress being made in the SOL situation in Hawai'i. During this time, his case with the local Roman Catholic was settled. The positive outcome of his case gave him satisfaction that he'd been heard and believed. Being able to have a day in court is part of the healing process.

- 1.

In the past few years, I've met other Rape survivors. The local woman who was raped by her high-ranking military officer. She remembers being raped by her high-ranking father. On graduation from high school, she left Hawai'i and didn't return until she graduated with her master's in music and a solid career. She sued him, won her case. He told her that he'd never leave Hawai'i because he and his friends are safe here with the weak laws. SB2439 will create a strong footing for justice for the rape Survivors. There are still problems she deals with every day, but her healing has improved.

Thank you for introducing SB2439 for justice's sake. There are many of us who will keep working for the day that Hawai'i will no longer have the SOL so that all the rapists at the expense of the Survivors and Victims. SB2439 will also help those caught up in Sex Trafficking, Homelessness, poverty, medical and emotional harm. There will always be injustice, but society needs protection from Rapists now. May lawmakers make justice foremost in their actions in 2024.

Carolyn Martinez Golojuch, MSW

President/Founder Rainbow Family 808

HPD Citizen's Police Academy Graduate

Hawai'i Representative Freedom From Religion Foundation

**TESTIMONY OF EVAN OUE ON BEHALF OF THE
HAWAII ASSOCIATION FOR JUSTICE (HAJ) SUPPORTING
THE INTENT WITH COMMENTS OF SB 2439 SD1 HD1**

Date: Thursday March 28, 2024

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) **SUPPORTING THE INTENT WITH COMMENTS OF SB 2439 SD1 HD1.**

HAJ supports this measure which expands the statute of limitations (SOL) for civil actions brought by persons subjected to sexual offense as an adult. Specifically, provides an additional 4 years for claims that have lapsed for adults who have been subjected to a sexual offense.

HAJ appreciates the intent of the legislature to extend the timeframe for adult sexual abuse victims to bring cases forward that have been time barred by the SOL. In order to further this intent, HAJ would encourage the legislature to increase the time period to be greater than 1 year in order to encourage adult victims who may have difficulties coming forward. In the previous version of the measure, a 4 year period was implemented to increase access to justice for victims. Also, in order to further this intent, HAJ would encourage the legislature to increase the time period back to 4 years in order to encourage adult victims who may have difficulties coming forward.

Furthermore, HAJ would recommend an amendment on Page 2, line 11, to remove “gross” to make the threshold for a claim for damages against a legal entity just negligence. Removal of “gross” would make sure this measure is consistent with the standard for other respondent superior tort claims. This amendment would hold entities to the same negligence

standard when it comes to their agents committing sexual offenses as the need to properly hire and supervise agents when operating in course and scope of their employment. Including a reasonableness standard would make a legal entity more accountable for their actions or omissions in these types of cases.

Moreover, we are concerned with the limitation of claims to only instances of sexual abuse to after June 30, 2014. HAJ is concerned that this would prevent victims from coming forward and seeking justice solely based on when the assault occurred. We respectfully recommend that this date limitation be removed to be consistent with the legislature's intent to increase access to justice for victims that have struggled coming with their abuse.

The proposed measure accounts for the challenges that victims face when electing to pursue justice. HAJ supports the intent of the measure with the provided amendments. Thank you for allowing us to testify regarding this measure. Please feel free contact us should you have any questions or desire additional information.

SB-2439-HD-1

Submitted on: 3/26/2024 7:27:40 AM

Testimony for FIN on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine Johnson	Individual	Comments	Written Testimony Only

Comments:

Aloha Hawaii State Legislators!

Thank you for this opportunity to speak on SB2439

(Adult Victims of sexual assault Civil Window)

I am Christine Johnson, a retired Registered Nurse.

I support the original Senate Bill Introduced by Senator Maile Shimabukuro.

The oreiginal Bill includes ALL Adult victims of Sexual assault in Hawaii with NO age/date/ time or other limitations.

It also includes complicit entities who covered up and or enabled the perpetrator..

Since the BURDEN OF PROOF is on the Victim and their Legal Representative, there is no reason to limit who can use the Law. or exclude older victims.?

Some of the Victims pre 2014 have all kinds of proof that Victims post 2014 may not have.

Please amend the bill back to it's original intent and form, otherwise, it appears that the House is putting a statute of limitations on a bill proposed and introduced to remove the Statute of Limitations.

Respectfully,

Christine Johnson

Makaha

Hi

My name is Rebecca. This is the 3rd testimony I am giving about those who abuse power with vulnerable adults.

In my case, I was a very young vulnerable adult The priest was much, much older than me.

I want everyone to understand how extremely difficult this has been for me. I have done this in the name of Justice, hoping to get peace.

We all know the Abuse of Vulnerable Adults in the Catholic church is not only real, but it is a very serious problem we as society are now fully starting to understand. Studies are showing Predators are drawn to the Priesthood to gain unlimited access to trusting victims.

My abuse stopped prior to 2014. However, the severe PTSD symptoms started at that time and have graduated into illness.

If Hawaii stipulates the abuse must have happened after 2014, Many of us will not have a chance to get justice. It often takes 20 years or more for victims to have the courage to come forward.

The average age of a sexual abuse survivor who comes forward is 52.

My repeat offender priest left the Priesthood soon after 2009. He should be in prison. Instead, He settled out of court instead for child sex abuse. This is due to the window of opportunity that opened in 2014.

States where the Adult Survivors Act passed such as : New York, California, Maine and other states have no such timeline in history for victims to come forward.

There is no reason for any limitation dates. The burden of proof is applied to all victims no matter how long ago or how recent the abuse.

Many of us have gone through the invasive investigation process which includes: Detailed questions, phone records from Hawaiian telcom proving up to 20 calls day and night, polygraphs taken and passed, Letters from Bishop, drawing maps of thier living quarters in details and marks on intimate areas on thier body.

I have lost so much of my life, and will spend the rest of my life healing from this abuse.

Please allow the courts to decide.

Please give us Survivors the chance to pursue justice. Please allow the Adult Survivors Act to pass with no limitation dates .