



**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. 2601, RELATING TO SEXUAL ABUSE OF MINORS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, February 16, 2024 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

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

Chair Rhoads 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 5-8); 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 9–13), 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 cost. 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.



Date: February 13, 2024

To: Senator Karl Rhoads, Chair
Senator Michael Gabbard, Vice-Chair
Members of the Senate Committee on Judiciary

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

RE: Testimony on SB 2601
Relating to Sex Abuse of Minors

Hearing: February 16, 2024, Conference Room 016; 9:30 am

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

The Sex Abuse Treatment Center (SATC) is in strong support of SB 2601.

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.

It is well documented that children of sexual abuse delay their disclosure of abuse, oftentimes for many years. This is especially true for children who suffer chronic abuse within their homes, by a close family member. The grooming of child to keep secret their abuse can have long lasting effects, impacting the ability to disclose their abuse as they grow older. While it is hoped and encouraged that children will immediately come forward, disclosure is a process, and typically comes, only when that child feels safe, that the disclosure will not result in further harm to themselves or loved ones. It can take years, in some situations decades for a victim of sexual violence to feel comfortable and safe enough to disclose being abused. Extending the civil state of limitations to 32 years beyond age 18, will give victims of child abuse the time needed to heal, and find the strength to come forward and seek a form of justice.

In the past, the Hawai'i legislature opened windows of time to allow retroactive civil suits to be filed. To be clear, SB 2601 is not retroactive, and applies explicitly to prospective claims. That said, when retroactive suits were made permissible, the public was provided a glimpse of institutional sexual abuse that was occurring against children. What we learned is that 1) children delay disclosure and are often not ready to speak of their abuse until many years later and 2) that sexual abuse of children is often perpetrated against them someone they or their family members, know and trust. According to the Center of Disease and Control, 91% of child

sexual abuse is perpetrated by someone close to the child. This sad, but true fact lends itself to the delayed disclosure of children, making this legislation more imperative than ever.

This bill seeks to protect children who are being abused now, and those who will be abused in the future. 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. In FY 2023 alone, the SATC provided services to close to 1000 **new clients, 47% of them were children**. The statistics are staggering and only account for those children we are aware of. Think of the many who remain silent and will continue to be silenced without this legislation.

We respectfully ask that this bill be passed with due haste and renew your commitment to protecting our keiki. Thank you for the opportunity to submit testimony in support of SB 2601.

Thank you for your consideration.



February 14, 2024

Senate's Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Friday, February 16, 2024 at 9:30 AM

RE: SUPPORT for Senate Bill 2601 with Amendments

Aloha Chair Rhoades, Vice-Chair Gabbard and fellow committee members,

I am writing in support of the intent and requesting amendments to Senate Bill 2601 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 2601 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 SB 2601 but the Stonewall Caucus prefers the language found in Senate Bill 952. The reason we are advocating for the language in SB 952 inserted into SB 2601 is that SB 952:

1. Removes 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 2601 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 2601.

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 but we side with the survivors who had their childhoods destroyed by a sexual predator.

With these amendments the Stonewall Caucus would **STRONGLY SUPPORT** SB 2601. Without these amendments the Stonewall Caucus can only 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-2601

Submitted on: 2/12/2024 6:20:32 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

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

Comments:

Rainbow Family 808 supports SB2601. However, would definitely like the statute of limitations removed. There is no timeline for when an individual is finally able to come to grips and be willing to speak about the sexual abuse they suffered. Please pass this bill with an amendment.

Mike Golojuch, Sr., Secretary/Board Member



To: Committee on Judiciary

Hearing Date/Time: February 16th 2024 9:30AM

Re: Testimony in Support of SB 2601

From: Heather Lusk, Hawaii Health and Harm Reduction Center

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

The Hawaii Health & Harm Reduction Center (HHRC) **supports SB 2601** which would expand the time period by which a civil action for childhood sexual abuse may be initiated and requires those involved to undergo training on trauma-informed response.

HHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

HHRC has experience with many child sexual abuse survivors who were not ready, willing or able to pursue legal recourse for their abuse until they had addressed the impact of the trauma and very much supports the expansion of time for civil action. Given the impact of such trauma on survivors, we are grateful for the addition of trauma-responsive training for court personnel and all involved.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center



February 16, 2024

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads
Vice Chair Mike Gabbard
Sen. Brandon J.C. Elefante
Sen. Joy A. San Buenaventura
Sen. Brenton Awa

Re: SB2601 Relating to Sexual Abuse of Minors

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

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 strong support of SB2601.

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.

It is well documented that children of sexual abuse delay their disclosure of abuse, oftentimes for many years. This is especially true for children who suffer chronic abuse within their homes, by a close family member. The grooming of child to keep secret their abuse can have long-lasting effects, impacting the ability to disclose their abuse as they grow older. While it is hoped and encouraged that children will immediately come forward, disclosure is a process and typically comes, only when that child feels safe, that the disclosure will not result in further harm to themselves or loved ones. It can take years, in some situations decades for a victim of sexual violence to feel comfortable and safe enough to disclose being abused. Extending to civil state of limitations to 32 years beyond age 18, will give victims of child abuse the time needed to heal, and find the strength to come forward and seek a form of justice.



In the past, the Hawai'i legislature opened windows of time to allow retroactive civil suits to be filed. To be clear, SB2601 is not retroactive and applies explicitly to prospective claims. That said, when retroactive suits were made permissible the public was provided a glimpse of institutional sexual abuse that was occurring against children. What we learned is that 1) children delay disclosure and are often not ready to speak of their abuse until many years later and 2) that sexual abuse of children is often perpetrated against them by someone they or their family members, know and trust. According to the Centers for Disease and Control, 91% of child sexual abuse is perpetrated by someone close to the child. This sad, but true fact lends itself to the delayed disclosure of children, making this legislation more imperative than ever.

This bill seeks to protect children who are being abused now, and those who will be abused in the future. 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. In FY 2023 alone, the SATC provided services to over 1000 new clients, 47% of whom were children. The statistics are staggering and only account for those children we are aware of. Think of the many who remain silent and will continue to be silenced without this legislation.

We respectfully ask that this bill be passed with due haste and renew your commitment to protecting our keiki.

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

Sincerely,
Angelina Mercado, Executive Director

TESTIMONY OF ALISON UEOKA

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Friday, February 16, 2024
9:30 a.m.

SB 2601

Chair Rhoads, Vice Chair Gabbard, and members of the Committee on Judiciary, my name is Alison Ueoka, President of Hawaii Insurers Council. The Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council appreciates the intent of this bill and sympathizes with claimants who were victims of childhood sexual abuse.

Hawaii Insurers Council does not take a position on the extension of the statute of limitations for actions against persons who committed the act of childhood sexual abuse.

However, Hawaii Insurers Council offers the following comments about the potential impact of the bill on the availability and cost of liability insurance for legal entities, and therefore opposes the bill.

The bill extends the statute of limitations against legal entities that (a) employed the person who committed the act of sexual abuse; or (b) had a degree of responsibility or control over the activity engaged in by the abuser and the victim. In other words, under the bill, legal entities that meet either of these criteria would be subject to suit up to the later to occur of the following dates: (a) thirty-two (32) years after the eighteenth birthday of the victim; or (b) five (5) years after the victim discovers or reasonably should have discovered that the victim's

psychological injury or illness occurring after the victim's eighteenth birthday was caused by the sexual abuse.

From an evidentiary and proof standpoint, this virtually limitless time to file suit against legal entities, especially under the second trigger, would prejudice entities and their liability insurers' ability to defend against the claims. By the time a suit is filed in childhood sexual abuse actions, the perpetrator and witnesses may have long since died or moved away. The memories of witnesses who still are available probably will have faded or become distorted over time. Documents also may have been lost or destroyed. These evidentiary problems will be exacerbated if the statute of limitations against legal entities is extended by this bill.

If this bill is enacted, liability insurers most likely will hesitate offering liability insurance to legal entities for sexual abuse claims, especially when the entities engage in activities where employees and minors interact as part of the entities' business. The insurers' reluctance to sell liability protection is exacerbated because the bill makes the statute of limitations for claims against legal entities virtually limitless. As noted above, liability insurers' defense of legal entities would be hampered by the loss of witnesses, recollections and documents. Therefore, the bill most likely would restrict the availability of liability insurance and make the purchase of liability insurance cost-prohibitive for many legal entities serving the interests and needs of minors.

We request the bill be held. Thank you for the opportunity to testify.



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

SENATE COMMITTEE ON JUDICIARY

FEBRUARY 16, 2024

SB 2601, RELATING TO SEXUAL ABUSE OF MINORS

POSITION: SUPPORT

The Democratic Party of Hawaii **supports** SB 2601, 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 2601, RELATING TO SEXUAL ABUSE OF MINORS

FEBRUARY 16, 2024 · JHA HEARING

POSITION: Support.

RATIONALE: Imua Alliance supports SB 2601, 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

**TESTIMONY OF EVAN OUE ON BEHALF OF THE
HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF
SB 2601**

Date: Thursday, February 15, 2024

Time: 9:30 a.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **SUPPORT** of SB 2601, 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.

HAJ appreciates the intent of the legislature to extend the timeframe for sexual abuse victims to bring their cases forward. 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. The proposed measure properly accounts for the challenges that victims face when electing to pursue justice.

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-2601

Submitted on: 2/14/2024 2:58:28 AM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheryl Hauk	Individual	Support	In Person

Comments:

February 14, 2024

Aloha, Esteemed Chairman Rhoads and Members of the Judiciary Committee,

I humbly lend my support to SB2601 and extend my gratitude to the many senators who persist in advocating for justice, safeguarding Hawaii's keikis against sexual predators, and pursuing closure and accountability for older survivors.

As a sixty-one-year-old survivor of childhood sexual abuse in Hawaii, my journey bears witness to the profound impact of the measures undertaken to address such atrocities. Some among you have heard my personal story, a testament to the transformative power unleashed by the opportunity afforded through the opening of civil suits window. This window granted me the means to pursue justice and hold my abuser accountable. The reparations received have facilitated access to counseling and enabled contributions to charitable initiatives supporting survivors. Over the past eight years, I have steadfastly supported bills extending the statute of limitations on civil suits for victims of childhood sexual assault. I have observed with keen interest that effective dates were discreetly set for four decades into the future, and now, I witness the companion bill HB1968 retroactively amended at last weeks judiciary hearing.

The assertions from the prosecutor's office, contending that memories fade and evidence dissipates, stand in stark contradiction to reality. I remember every detail and have physical evidence of letters from my abuser. Let the courts of Hawaii entertain the evidence, irrespective of the survivor's age or the profound trauma endured due to sexual abuse during childhood. Advance SB2601, thereby granting survivors the accountability they rightfully deserve.

Regrettably, my commitments to teaching and safeguarding keikis preclude my ability to testify via Zoom in the hearing. I implore you to uphold similar commitments and institute measures to deter abusers. I extend heartfelt gratitude to all the courageous senators who persist in championing this reform.

Mahalo nui loa,

Sheryl Hauk

Child of Hawaii / Sexually Abused Trauma Survivor

To: Senate Committee on Judiciary
RE: SB2601 in strong support
Hawaii State Capitol, Conference Room 016
February 16, 2024; 9:30 am

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the committee,

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to testify in **STRONG SUPPORT of Senate Bill 2601** relating to sexual abuse of minors. SB 2601 expands the time by which a civil action for childhood sexual abuse may be initiated and authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

Children who survive sexual abuse often delay disclosure of their abuse for many years. This is especially true for children who suffer chronic abuse within their homes, often by a close family member. Perpetrators groom children to keep their abuse a secret, which can have long-lasting emotional effects, affecting the ability to disclose their abuse as they grow older because their trust in adults has been broken. While we hope that children will immediately come forward, that is not usually the case. Disclosure is a traumatic process and typically comes only when that child feels safe and the disclosure will not result in further harm to themselves or loved ones. Extending the civil state of limitations to 32 years beyond age 18 will give victims of child abuse the time needed to heal and find the strength to come forward and seek a form of justice.

According to the Centers for Disease Control and Prevention ([CDC](#)), 91% of child sexual abuse is perpetrated by someone close to the child. This sad but true fact lends itself to the delayed disclosure of children, making this legislation more imperative than ever. This bill seeks to protect children who are being abused now and those who will be abused in the future.

This bill would give a voice to the many survivors who have suffered in silence. For the 470 children who were treated by Hawai'i's [Sex Abuse Treatment Center](#) in 2023. For the 1 in 4 girls and 1 in 20 boys who are impacted by sexual violence by the time they reach 18 years of age. For me, too. Mahalo for your support of this critical legislation.

Me ka ha'aha'a,

Mai Hall, M.Ed.
Children's Health Coordinator

February 14, 2024

Re: SB2601 Childhood Sexual Abuse

Aloha kākou,

We respectfully submit testimony to express YWCA Kaua'i's strong support of Senate Bill 2601 (SB2601), which would extend the timeframe for initiating civil action for cases of childhood sexual abuse and allow courts to mandate training on trauma-informed response for staff members of legal organizations.

In the past, the Hawai'i legislature opened windows of time to allow retroactive civil suits to be filed. SB2601 is not retroactive and applies explicitly to prospective claims, however, when retroactive suits were made permissible, the public was provided a glimpse of institutional sexual abuse that occurs against children. It is evident that a significant amount of children endure sexual abuse. 1 in 4 girls and 1 in 20 boys experience sexual violence before they turn 18; according to the Centers for Disease and Control, 91% of child sexual abuse is perpetrated by someone close to the child. In 2022, the YWCA Kaua'i Sexual Assault Treatment Program assisted more than 80 new clients, over half of whom were children. These numbers are staggering, yet they only represent the children whose abuse has been documented. Children who have experienced sexual abuse often delay disclosing their trauma, sometimes for many years. This is particularly true for those enduring prolonged abuse at the hands of a family member within their own homes.

Grooming, a process which coerces children into keeping their abuse hidden, can have long-lasting effects, hindering a victim's ability to speak out, even in adulthood. While it is hoped that children will speak up immediately, the act of disclosure is a complex journey and typically occurs only when the abused child feels secure, is confident that disclosure will not lead to further harm for themselves or their loved ones, and often most importantly, that their disclosure will be believed. This feeling of security can take years, if not decades, to achieve. Required training on trauma-informed response to allegations of sexual abuse for the legal entities that receive such disclosures may aid in strengthening feelings of security for victims to disclose earlier. Unfortunately for victims, their current allotted time to internalize and disclose their abuse in a legal capacity is merely 3 years beyond the age of 18. **The proposed legislation would extend this statute of limitations to 32 years beyond age 18, providing victims of child abuse with sufficient time to recover and gather the courage to seek justice.**

This legislation aims to safeguard the ability to seek justice for both present and future generations of abused children. We urge you to consider the countless victims of child sex abuse who suffer in silence and will remain voiceless without this support. Thank you for your consideration on this important matter.

Sincerely,



Renaé Hamilton-Cambeilh
Executive Director



Stefani Iwami, LMFT, CSAC, NCC
Clinical Director

SB-2601

Submitted on: 2/16/2024 1:43:41 AM

Testimony for JDC on 2/16/2024 9:30:00 AM

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

Comments:

Aloha Chair and Committee Members,

Rainbow Family 808, a Non-Profit Advocacy and Support organization, supports SB2601 in theory but, has a serious problem with any time limit affixed to Rape in the State Of Hawai`i. Our children/minors need our protection regardless of age. Please remove the Statutes of Limitation from SB2601.

Some cases have already been adjudicated in our State decades after the Rapes occurred. These cases are on file. Now we want Equal Rights for all Rapes. Our people need justice after Rape because Rape is life altering. There are long term medical issues, psychological and emotion problems. As a Social Worker, I've been trained to identify and support Survivors and Victims of Rape.

For Equal Rights of our child Survivors and Victims, we call to strike down the limitation of any timeline. Rape is Rape. The present Statute of Limitation punishes the Survivors and Victims due to them being young and gives the Rapists a GO Home Free Card and makes Hawai`i a Free Haven for the crime of Rape. In this very building, I have heard a Director of Music state that her father, a high-ranking Naval Office say that he would never leave Hawai`i because of the protections the Hawai`i law gives him and his friends.

It is well documented in the "Clerical Sexual Abuse in the Diocese of Honolulu," that Hawai`i was a clearing house for rapists in the Roman Catholic Church. (This document remains online) I personally knew over 10 of the 58 rapists named in this edition. I worked in the early 1990's at the St. Stephen's Old Seminary on the Pali Highway for the Offices of Youth Outreach and Clergy Support with Sr. Jeanne within the Roman Catholic Church in Hawai`i. The first convicted priest in Hawai`i, Arthur J. O'Brien was in the office next to mine. I was to report to him for any computer problems. He had a master key to all the offices and would move things around in my office just so knew that someone had been in my office. The office staff before I worked there were advised not to talk about the newspaper articles about his conviction. Before I left the Seminary Offices, he played his nonsense to the effect that I hated going to work each day. This workplace environment had become a hostile workplace. Each day, I would tell myself that I was strong wouldn't let him drive me away because I needed employment to help pay for my son's classes at the University of San Francisco. (My son, Michael Jr. graduated!) My family needed my salary. I stayed until I was hired at the University of Hawai'i Manoa.

Rape is a crime that has many victims and survivors. The main person is the Raped person. And Rape casts a wide ring of harm. Many of the parents of the Rape victim end in divorce. The trauma Rape harms are other family member, employment within the family, the education of family members.

My history of connecting Rape with life experience spans 70+ years. I've been curious about the stories told to me as I grew up and actions I've seen around me. The examples of the criminal actions of rape in the past and present are being explained as my journey continues each day. My degrees in Associate Studies, BA in Women's Studies, my master's in social work and graduate of the HPD Citizen's Police Academy have given me the foundation for my decade's long advocacy for the Victim Survivors of Rape.

Here is part of my journey:

- 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. In this Colorado farming community, 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 (a two-hour drive from the USAF base). 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 the victim survivors and their families. I frequently think of the little boy and his family hoping he and his family continue to heal. It's a lifelong process.**
- 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 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 no 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 Hawai'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 continues 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 will need 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 horrid PTSD at the retreat. The location at the Seminary revealed at the end of the retreat that the Seminary had been required by a court order to perform 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 his brother. Unfortunately, his wife doesn't understand why he needs support after all these years; B) Young woman was raped by her rabbi when he drove her home after babysitting for the family, she 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 and that 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. Hawai'i has to improve its support and protection of present Victim Survivors and protect future youth and adults.
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 mine. He was the first convicted rapist priest in Hawai'i. As a parish Youth Minister, I knew the Religious Director at the Upcountry Maui parish where the lawsuit originated. O'Brien with his master set of keys had access to all our offices. At times, I felt uncomfortable when I would find my desk disturbed even though I locked my door. My office was on the second floor and there were only two other offices being used on that floor.

The computer tech's room, mine and O'Brien's. Before I left, he began to leave post it notes without a signature. The workplace environment became so uncomfortable that I searched for other employment. Every day as I entered the building, I gave myself a mantra to survive the day. I'd say to myself that I was a strong person and would survive the day. My employment was necessary as our son was in a private university in California. I'm proud that Michael Jr. graduated from the University of San Francisco. When I began at the St. Stephen's Seminary, I loved my job, I was working for the Office of Youth Ministry under John R. and for Sr. Jeanne Ann with Clergy Support.

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 some of the runaways run from abuse. A new report is forth coming shortly.
- 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 must signal 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. At last meeting, he'd never told his parents as he didn't think they would understand. e neH

11.

In the past few years, I've met other Rape survivors. One local woman was raped by her high-ranking military officer. She remembers being raped by her father. Upon 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 and 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 she sees her healing as a constant in her life for her to survive. She's told me every day is a struggle. Sheryl has given me permission to tell her story. She says that her memories of rape are vivid and that they continue to this day. This is a common thread for our Victim Survivors. Sheryl is brave to testify and the only thing that keeps her from today's hearing is her job. She has become a strong advocate for herself and others.

This testimony is given in the hope that Justice becomes law for our Rape Victim Survivors. These 11 items in this testimony are just a few of the examples of I have experienced in my 77 years.

Rainbow Family 808 strongly requests the Passage of SB2601 without a Statute of Limitations for the safety, support and protection of our Victim Survivors of Rape. Thank you for the opportunity to submit testimony.

Mahalo,

Carolyn Martinez Golojuch, MSW

President/Founder of Rainbow Family 808

First President PFLAG-Oahu, 1995-2013

Hawai'i Representative of Freedom from Religion Foundation

SB-2601

Submitted on: 2/12/2024 7:12:31 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Yvonne Alvarado	Individual	Support	Written Testimony Only

Comments:

I Yvonne Alvarado is in support of Bill SB2601

Law Office of Mark Gallagher

66 Kaiholu Place
Kailua, HI 96734

Tel. 808-535-1500
Fax 888-806-1531
mgallagher@hawaiiantel.net

February 13, 2024

To: Chair Rhoads, Vice Chair Gabbard and Committee Members

From: Mark Gallagher

Re: Testimony in support of SB2601 with modifications

Relating To Sexual Abuse Of Minors

Thank you for the opportunity to provide testimony regarding of S.B. No. 2601, Relating to Sexual Abuse Of Minors. I am in support, but respectfully suggest a modification.

S.B. No. 2601 would provide additional protection for Hawaii's children and assist survivors of childhood sexual abuse to obtain justice and closure, so long as the statute of limitations has not already run on the respective claim. While this is a step forward for younger survivors of childhood sexual abuse, the retroactivity language in the last two sentences of Section 1 may leave many adult survivors behind, so it should be deleted.

Children who are abused often feel that they have no one to turn to. The abuse is held as a terrible secret between the victim and the abuser, and too often another responsible party who does nothing. The child, feeling powerless, tells no one and keeps the secret and the damage cascades through the years. As a result, even when an option to pursue justice as an adult is presented, it takes a survivor a significant amount of courage and time to seize the opportunity. The current statute of limitations rewards perpetrators who terrified their victims so much that the secrets remain buried even many years later. It is fundamentally unfair to rush these survivors merely to protect the repose of perpetrators in our midst. These are reasons to expand the civil statute of limitations for all survivors, not to help one group and leave another behind.

Thank you for the opportunity to address this most important matter.

Very truly yours,
Mark F. Gallagher

SB-2601

Submitted on: 2/13/2024 3:08:12 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Magoon Ohana	Individual	Support	Written Testimony Only

Comments:

Support

SB-2601

Submitted on: 2/13/2024 4:31:19 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lindsey A Drayer	Individual	Support	Written Testimony Only

Comments:

I support this bill.

Thank you

SB-2601

Submitted on: 2/14/2024 8:53:01 AM

Testimony for JDC on 2/16/2024 9:30:00 AM

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

Comments:

I am very much in support of SB2601 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

Keaau, HI 96749

SB-2601

Submitted on: 2/14/2024 12:52:48 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mitzi Thibodeaux	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in strong support of SB2601.

It is well documented that children of sexual abuse delay their disclosure of abuse, oftentimes for many years. This is especially true for children who suffer chronic abuse within their homes, by a close family member. The grooming of child to keep secret their abuse can have long-lasting effects, impacting the ability to disclose their abuse as they grow older. While it is hoped and encouraged that children will immediately come forward, disclosure is a process and typically comes, only when that child feels safe, that the disclosure will not result in further harm to themselves or loved ones. It can take years, in some situations decades for a victim of sexual violence to feel comfortable and safe enough to disclose being abused. Extending to civil state of limitations to 32 years beyond age 18, will give victims of child abuse the time needed to heal, and find the strength to come forward and seek a form of justice.

In the past, the Hawai‘i legislature opened windows of time to allow retroactive civil suits to be filed. To be clear, SB2601 is not retroactive and applies explicitly to prospective claims. That said, when retroactive suits were made permissible the public was provided a glimpse of institutional sexual abuse that was occurring against children. What we learned is that 1) children delay disclosure and are often not ready to speak of their abuse until many years later and 2) sexual abuse of children is often perpetrated against them by someone they or their family members, know and trust. According to the Centers for Disease and Control, 91% of child sexual abuse is perpetrated by someone close to the child. This sad, but true fact lends itself to the delayed disclosure of children, making this legislation more imperative than ever.

This bill seeks to protect children who are being abused now, and those who will be abused in the future. 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. In FY 2023 alone, the SATC provided services to over 1,000 new clients, 47% of whom were children. The statistics are staggering and only account for those children we are aware of. Think of the many who remain silent and will continue to be silenced without this legislation.

We respectfully ask that this bill be passed with due haste and renew your commitment to protecting our keiki.

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

Sincerely,

Mitzi Thibodeaux

SB-2601

Submitted on: 2/14/2024 1:55:14 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Maria Cisneros Zavala	Individual	Support	Written Testimony Only

Comments:

To: Senator Karl Rhoads , Chair

Senator Mike Gabbard, Vice-Chair

Members of the Committee on Judiciary

Measure: H.B.1968 / S.B. 2601. – Relating to Sex Abuse of Minors

Date:Friday, February 16, 2024

Time: 9:30 am

Location: CR 016 & Videoconference

IN SUPPORT of HB 582

Hello Chair, Vice Chair, and Members of the Committee,

My name is Maria Cisneros Zavala, and I am currently an MSW student at the University of Hawaii,

specializing in the field of children and families. I am writing this testimony IN SUPPORT of H.B.

1968/ S.B. 2601.

As a child and family social work student and a school base patient navigator, I have worked with clients who have experienced sexual abuse at a young age and have also had loved ones in my life who have experienced sexual abuse. From my experience , children who are abused often feel that they have no one to turn to. The abuse is held as a terrible secret between the victim and the abuser and in some cases the victims family. The victim, feeling afraid and helpless, keeps the secret and the damage grows through the years. It is fundamentally wrong to set a time limit for survivors to speak up and to reach out for help.

H.B. 1968/ S.B. 2601 would allow for minors who have experienced sexual abuse a proper timeline to process and seek support for their trauma and move forward at a pace most fitting for them. Sexual abuse survivors deserve to be given the proper time to process their trauma and to receive the help necessary without worrying about how long they have left to be able to press charges against the predator.

I strongly support H.B. 1968/ S.B. 2601 and encourage this honorable committee to amend the H.B. 1968/ S.B. 2601 bill immediately. Thank you for your time.

Respectfully,

Maria Alejandra Cisneros Zavala

Mariaale@hawaii.edu

February 14, 2024

TO: The Members of the Senate Committee on Judiciary

FROM: Jamie Newalu, LSW
Private Citizen

SUBJECT: **SB2601 Relating to Sexual Abuse of Minors**
Expands the time period by which a civil action for childhood sexual abuse may be initiated. Authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

Hearing: Friday, February 16, 2024 at 9:30am

I respectfully submit testimony in **strong support** of **SB2601**.

As an advocate who has worked with survivors of childhood sexual abuse, I can say there is no timeline that can be given on the path to healing. People who have been impacted by childhood sexual abuse may often go years, sometimes decades, in silence. Complex emotions ranging from denial, fear, avoidance, and a sense of loyalty may cycle through victims, and it often impedes them from pursuing anything in the justice system. By expanding the time period in which childhood sexual abuse survivors can pursue a civil suit, it will allow victims more time to speak out against their abusers. This is key, especially since you cannot put a timeline on healing from trauma. Each individual has their own unique healing timelines, and it takes time to build up the strength to pursue a civil suit against an abuser.

Additionally, any personnel who is dealing with cases of childhood sexual abuse should be trained in trauma-informed response and care. Victims who attempt to come forward to hold their abusers accountable should not be re-traumatized by the personnel in the system. Often the re-traumatization of victims from personnel responses and procedures has been one of the biggest deterrents for victims coming forward. How a survivor is treated by the system, or those to whom they disclose the injustice to, can greatly impact the overall dignity and justice they feel they have received.¹

Thank you for the opportunity to provide testimony.



Jamie Newalu, LSW

¹ McGlynn, C., & Westmarland, N. Kaleidoscopic Justice: Sexual Violence and Victim-Survivors' Perceptions of Justice. *Social & Legal Studies*, 2019:28(2), 179-201. <https://doi.org/10.1177/0964663918761200>

SB-2601

Submitted on: 2/14/2024 8:30:04 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Bauer	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in strong support of SB2601.

It is well documented that children of sexual abuse delay their disclosure of abuse, oftentimes for many years. This is especially true for children who suffer chronic abuse within their homes, by a close family member. The grooming of child to keep secret their abuse can have long-lasting effects, impacting the ability to disclose their abuse as they grow older. While it is hoped and encouraged that children will immediately come forward, disclosure is a process and typically comes, only when that child feels safe, that the disclosure will not result in further harm to themselves or loved ones. It can take years, in some situations decades for a victim of sexual violence to feel comfortable and safe enough to disclose being abused. Extending to civil state of limitations to 32 years beyond age 18, will give victims of child abuse the time needed to heal, and find the strength to come forward and seek a form of justice.

In the past, the Hawai‘i legislature opened windows of time to allow retroactive civil suits to be filed. To be clear, SB2601 is not retroactive and applies explicitly to prospective claims. That said, when retroactive suits were made permissible the public was provided a glimpse of institutional sexual abuse that was occurring against children. What we learned is that 1) children delay disclosure and are often not ready to speak of their abuse until many years later and 2) sexual abuse of children is often perpetrated against them by someone they or their family members, know and trust. According to the Centers for Disease and Control, 91% of child sexual abuse is perpetrated by someone close to the child. This sad, but true fact lends itself to the delayed disclosure of children, making this legislation more imperative than ever.

This bill seeks to protect children who are being abused now, and those who will be abused in the future. 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. In FY 2023 alone, the SATC provided services to over 1,000 new clients, 47% of whom were children. The statistics are staggering and only account for those children we are aware of. Think of the many who remain silent and will continue to be silenced without this legislation.

We respectfully ask that this bill be passed with due haste and renew your commitment to protecting our keiki.

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

SB-2601

Submitted on: 2/14/2024 8:55:02 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Abbey Holmes	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in strong support of SB2601.

It is well documented that children of sexual abuse delay their disclosure of abuse, oftentimes for many years. This is especially true for children who suffer chronic abuse within their homes, by a close family member. The grooming of child to keep secret their abuse can have long-lasting effects, impacting the ability to disclose their abuse as they grow older. While it is hoped and encouraged that children will immediately come forward, disclosure is a process and typically comes, only when that child feels safe, that the disclosure will not result in further harm to themselves or loved ones. It can take years, in some situations decades for a victim of sexual violence to feel comfortable and safe enough to disclose being abused. Extending to civil state of limitations to 32 years beyond age 18, will give victims of child abuse the time needed to heal, and find the strength to come forward and seek a form of justice.

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and only account for those children we are aware of. Think of the many who remain silent and will continue to be silenced without this legislation.

We respectfully ask that this bill be passed with due haste and renew your commitment to protecting our keiki.

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

Abbey Holmes

February 14, 2024

TO: The Members of the Senate Committee on Judiciary

FROM: Brookelyn Freeman
Private Citizen

SUBJECT: SB2601 Relating to Sexual Abuse of Minors

Expands the time period by which a civil action for childhood sexual abuse may be initiated. Authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

Hearing: Friday, February 16, 2024 at 9:30am

I respectfully submit testimony in **strong support** of **SB2601**.

As a concerned citizen and someone deeply committed to advocating for survivors of such heinous acts, I believe this proposed legislation is a crucial step toward fostering a more just and compassionate society. I have been actively involved in supporting survivors of childhood sexual abuse for the majority of my life and have witnessed firsthand the profound impact that such trauma can have on individuals. The provision in SB2601 that extends the time period within which a civil action for childhood sexual abuse may be initiated is particularly essential. Survivors often grapple with a multitude of emotions, including denial, fear, and a sense of loyalty that may hinder them from seeking justice. Children can often experience repressed memories that don't come to light until years down the line. By affording victims more time to come forward and pursue legal action against their abusers, this legislation recognizes the unique timelines associated with healing from trauma.

Moreover, I wholeheartedly endorse the proposal to authorize courts to mandate training on trauma-informed response for personnel within legal entities. It is imperative that those handling cases related to childhood sexual abuse are equipped with the knowledge and sensitivity required to address the unique needs of survivors. I believe that the re-traumatization of survivors by personnel within the justice system has been a significant barrier to reporting abuse. How survivors are treated during the process of disclosure and seeking justice profoundly influences their sense of dignity and the justice they believe they have received. The trauma-informed response undoubtedly contributes to a more empathetic and supportive environment for survivors.

In conclusion, I urge the Senate Committee on Judiciary to support and pass SB2601. This legislation represents a vital stride toward providing survivors of childhood sexual abuse with the time and support they need to seek justice without fear of re-traumatization. Thank you for considering my testimony on this important matter.

Brookelyn Freeman

SB-2601

Submitted on: 2/15/2024 5:32:23 PM

Testimony for JDC on 2/16/2024 9:30:00 AM

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

Comments:

In full support.

Please add:

The state will subsidize the services of QUALIFIED legal representation for plaintiffs who cannot afford their own attorneys and who are seeking justice for the actions of government employees who commit acts of sexual assault or who were complicit in covering up such acts.

"Qualified Attorneys" would be those who have expertise in sexual assault litigation and civil rights law. Rules should also be put into place to ensure the independence of counsel in these cases.

If this is not added, only those with the means to pay an expensive attorney can get justice. Do only wealthy sex assault victims deserve justice? How many attorneys do you think would take a case like this without the promise of a huge payoff? Not every perpetrator/defendant is as rich as Donald Trump, and attorneys won't take a case unless a large entity that has lots of money is the defendant. Also, not many will take a case to sue a state employee because the state has the power of the AG's office to defend these cases with unlimited resources and time on their hands to litigate. This leaves even those with resources limited options.

There is possible federal funding for this through various Department of Justice programs, and I strongly urge the Attorney General to look into this as a means of providing greater access to justice for our most vulnerable.

As an aside, the Legislature should reconsider giving judges and court-appointed attorneys raises, and instead use the money to help more victims pay for their own private attorneys to sue the state. This can be done using our tax dollars (a very appropriate use), alongside outside funding sources and partners. This would give better quality legal expertise for victims. Unfortunately, Court-appointed attorneys do not have the skills to successfully litigate these cases.

If this funding is put into this bill, it would be much stronger and reach many more victims.

Thank you for your consideration.

Shana W. Kukila

Hilo, HI