



**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, H.D. 1, RELATING TO SEXUAL ABUSE OF MINORS.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Thursday, March 28, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 308 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Justine Hura, Deputy Attorney General

Chair Yamashita 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 committed on or after July 1, 2024, 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. (page 3, lines 18-19); 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, line 20, through page 4, line 3), whichever occurs later (page 4, line 4).

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 for incidents of sexual abuse occurring after July 1, 2024, 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.

Moreover, 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. If the committee is still inclined to pass this bill, our suggestion is to raise the statute of limitations for incidents of sexual abuse occurring after July 1, 2024, from eight years to fifteen years, instead of thirty-two years. This less-extensive period will ensure a greater likelihood that plaintiffs will be able to actually face their perpetrator to demand justice, instead of suing large parties only tangentially associated with the perpetrator. This less-extensive period will also make it more likely that documents are still in existence to be used as evidence, and that there will be witnesses that State can use in their defense.

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.

SB-2601-HD-1

Submitted on: 3/25/2024 5:47:17 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 Supports SB2601. We want this bill to pass but would prefer if there were no statute of limitations. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

SB-2601-HD-1

Submitted on: 3/25/2024 6:03:16 PM

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

Submitted By	Organization	Testifier Position	Testify
Haylin Dennison	Spill The Tea Cafe	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the committee.

I am writing in strong support of SB2601.

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 helps foster a deeper comprehension of sexual abuse dynamics and promotes environments that offer robust support and proactive, trauma-informed responses to survivors.

Thank you for the opportunity to testify.

Haylin Dennison, LCSW

TESTIMONY OF ALISON UEOKA

COMMITTEE ON FINANCE
Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Thursday, March 28, 2024
2:00 p.m.

SB 2601, HD1

Chair Yamashita, Vice Chair Kitagawa, and members of the Committee on Finance, 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.

SB-2601-HD-1

Submitted on: 3/26/2024 3:05:22 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 Committee Chair and Members

FROM: Rainbow Family 808

DATE: March 26, 2024

Rainbow Family 808 strongly supports the protection and safety of Hawai`I minors by the removal of any time line connected with Sexual Abuse of Minors in SB2601.

Hawaii Star Advertiser, pg. A8 “Ex-Teacher pleads guilty to sexual assault of student.” This case is a horrendous violation of all minors and students. The Probation is a laugh as it doesn’t address the lifelong mental, physical, and emotional harm by rape! It also doesn’t address the other children in the child pornography that teaches future generations of rapists. Child pornography trains, education and excites future rapists.

\$30,000.00 in restitution is not comparable to the years of therapy for one victim survivor. 15 years is inappropriate for another laugh. My crystal ball says, he’ll find Jesus and his time will be cut for “good behavior.”

What will start to address the criminal rape of minors is the REMOVAL of any statutes of limitation for any and all rape of minors. Rape is Rape and has to be addressed by protection of our minors, students in schools, homes, athletic situations, churches and anyplace minors find themselves in their lives. Only when our children are protected with our laws address rape.

Carolyn Martinez Golojuch, MSW\

Founder/President of Rainbow Family 808 (2013-present)

Hawai`I Representative for Freedom From Religion Foundation (FFRF) 2023-presen



TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

COMMITTEE REFERRAL: FIN

MARCH 28, 2024

SB 2601, HD1, RELATING TO SEXUAL ABUSE OF MINORS

POSITION: SUPPORT

The Democratic Party of Hawai'i **supports** SB 2601, HD1, relating to sexual abuse of minors. In 2016, the Democratic Party of Hawai'i'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, HD1, RELATING TO SEXUAL ABUSE OF MINORS

MARCH 28, 2024 · FIN HEARING

POSITION: Support.

RATIONALE: Imua Alliance **supports** SB 2601, HD1, 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



Date: March 25, 2024

To: Rep Kyle Yamashita, Chair
Rep. Lisa Kitagawa, Vice-Chair
Members of the House Finance Committee

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: March 28, 2024, Conference Room 308; 2:00 pm

Good morning, Chair Yamashita, Vice Chair Kitagawa and Members of the House Finance Committee

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 situation's 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 over 1000 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 understand that the State of Hawai'i's Department of the Attorney General, has raised concerns over the evidentiary hurdles faced by those defending against actions of sexual abuse that occurred years prior. It is important to note that those evidentiary concerns are not isolated to the defense, but are also evidentiary issues faced by victims, who have the burden of proof. Similarly, the Department of the Attorney General has advocated of the reduction of the time limitation proposing it be no more than 15 years from the age of 18 years old. However, that time frame is only 7 years beyond the current statute, defeating the purpose for the extension. The average age for children to disclosure their sexual abuse is age 52. Clearly, many child victims would be denied justice, which only incentivizes child sex offenders, to abuse more children. Accountability is often key to the healing of a survivor who suffered child abused. Unlike the criminal justice system, where prosecution has sole discretion to file charges, civil accountability, is the only vehicle that gives some level of control back to the survivor to initiate and seek some form of justice. Without this legislation many survivors will continue to be silenced, without a voice, without any control over what happened to them.

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.



March 28, 2024

Members of the House Committee on Finance:

Chair Kyle T. Yamashita	Rep. Bertrand Kobayashi
Vice Chair Lisa Kitagawa	Rep. Rachele F. Lamosao
Rep. Micah P.K. Aiu	Rep. Dee Morikawa
Rep. Cory M. Chun	Rep. Scott Y. Nishimoto
Rep. Elle Cochran	Rep. Mahina Poepoe
Rep. Andrew Takuya Garrett	Rep. Jenna Takenouchi
Rep. Kirstin Kahaloa	Rep. David Alcos III
Rep. Darius K. Kila	Rep. Gene Ward

Re: SB2601 HD1 Relating to Sexual Abuse of Minors

Dear Chair Yamashita, Vice Chair Kitagawa, and Members of the House Committee on Finance:

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 28 member programs statewide, I respectfully submit testimony in **strong support of SB2601 HD1**. 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 HD1 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

To: House Committee on Finance
RE: SB2601 HD1 in strong support
Hawaii State Capitol, Conference Room 308
March 28, 2024; 2:00 pm

Aloha Chair Yamashita, Vice Chair Kitagawa, 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 HD1** relating to sexual abuse of minors. SB 2601 HD1 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](https://www.cdc.gov)), 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](https://www.sexabusecenter.org) 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

**TESTIMONY OF EVAN OUE ON BEHALF OF THE
HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF
SB 2601 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) in **SUPPORT** of SB 2601 HD1, Relating to Sexual Abuse of Minors.

HAJ supports this measure, if applied retroactively, 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.

Furthermore, HAJ strongly supports the retroactive applicability of the statute of limitations extensions in this measure. This measure: 1) sends a message to survivors that our state recognizes the lengthy process of coming forward and the necessity of long-term therapy; and 2) properly accounts for the challenges that victims face when electing to pursue justice.

SB 2601 HD1 is consistent with the legislature's intent to increase access to justice for victims that have struggled coming forward and prevents victims from being barred from seeking justice solely based on when the assault occurred.

Accordingly, we strongly urge the committee to considering reverting the language back to the original version of the bill to allow for the extension from 8 to 32 years to apply to sexual abuse that occurred prior to July 1, 2024. Such an amendment would truly increase access to justice from victims that have experienced sexual abuse and are going through the recovery process.

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-HD-1

Submitted on: 3/25/2024 5:43:46 PM

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

Submitted By	Organization	Testifier Position	Testify
Breanna Zoey	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the committee.

I am writing in strong support of SB2601.

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 helps foster a deeper comprehension of sexual abuse dynamics and promotes environments that offer robust support and proactive, trauma-informed responses to survivors.

Thank you for the opportunity to testify.

Breanna Zoey (she/they)



March 26, 2024

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

Hearing: Thursday, March 28, 2024 at 2:00 PM

RE: SUPPORT for Senate Bill 2601 with Amendments

Aloha Chair Yamashita, Vice-Chair Kitagawa, 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 damages.

Survivors of sexual assault that took place when they were minors need to have access to the possibility of punitive damages if they are ever going to find lawyers to help them see justice which HB 483 provides.

Stonewall Caucus Testimony is Support of Senate Bill 2601 with Amendments

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-HD-1

Submitted on: 3/26/2024 4:46:16 PM

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

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

Comments:

Strong Support

SB-2601-HD-1

Submitted on: 3/26/2024 5:33:00 PM

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

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

Comments:

Aloha Chair, Vice Chair and esteemed Committee,

My name is Abby Simmons from Big Island. I support this measure.

Mahalo nui loa for your consideration

SB-2601-HD-1

Submitted on: 3/27/2024 7:16:42 AM

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

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

Comments:

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the FIN committee,

As a concerned citizen and public health professional, I write in strong support of SB2601 HD1, which would be an important 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-2601-HD-1

Submitted on: 3/27/2024 9:49:46 AM

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

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

Comments:

I support this bill that extends time limits for child victims of sexual assault from 2024 on.

I also support trauma informed education for all.

Christine Johnson

Makaha,Hawaii 96792

SB-2601-HD-1

Submitted on: 3/27/2024 1:32:39 PM

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

Submitted By	Organization	Testifier Position	Testify
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in **strong support of SB2601 HD1**. 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 HD1 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. Pahnelopu McKenzie

SB-2601-HD-1

Submitted on: 3/28/2024 6:22:03 AM

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

Submitted By	Organization	Testifier Position	Testify
Tiana Klask	Individual	Support	Written Testimony Only

Comments:

My name is Tiana Klask, and I am a Masters in Social Work student as well as an Outreach Housing Navigator. As someone who works with individuals at their most vulnerable, I have seen many cases in which individuals have survived some type of sexual abuse in their childhood, that may have been a direct cause of their homelessness in their adult lives.

Few of these individuals have reported these criminal acts, and the toll that this type of trauma has on an individual can detrimentally impact the functioning of these survivors. As we know, a huge majority of the perpetrators know their victims personally, and may be someone that is a close and trusted friend of the victims family. More often than not, these victims may feel as though they may not be trusted, or worse, face some type of backlash for reporting these assaults.

Expanding the time period in which these survivors can file a civil action for childhood sexual abuse, can provide more individuals the time they need to seek the support, treatment, and advocacy needed in order to go through with the arduous court process.

Furthermore, if an individual is brave enough to go through with court proceedings, they may be forced to retell and relive their trauma multiple times; which can also be a reason why some individuals are hesitant to take action. By authorizing a court to require personnel of legal entities to undergo training on trauma-informed responses, this can help avoid retraumatizing individuals, empower them to speak up and seek justice, and feel safe to do so.

In conclusion, SB 2601 represents a significant step forward in efforts to protect survivors of childhood sexual abuse.

SB-2601-HD-1

Submitted on: 3/28/2024 1:12:44 PM

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

Submitted By	Organization	Testifier Position	Testify
Teri Heede	Individual	Support	Written Testimony Only

Comments:

Please pass this measure. There should be no statute of limitations on abuse.