



**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:**

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Tuesday, March 12, 2024                      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325 and Videoconference

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

---

Chair Tarnas 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.

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 (page 3, line 14).

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: March 11, 2024

To: Rep David Tarnas, Chair  
Rep. Gregg Takayama , Vice-Chair  
Members of the House Committee on Judiciary and Hawaiian Affairs

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 12, 2024, Conference Room 325; 2:00 pm

Good morning, Chair Tarnas, Vice Chair Takayama and Members of the House Committee on Judiciary and Hawaiian Affairs

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 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 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. Clearly, this legislation is no more advantageous to the plaintiff as it is for the defendant in that regard. Similarly, with the short statute of limitations, clearly, many children will 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.

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

Date: Tuesday, March 12, 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 **STRONG SUPPORT** of SB 2601, 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 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.

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



February 14, 2024

House's Committee on Judiciary and Hawaiian Affairs  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Hearing: Tuesday, March 12, 2024 at 2:00 PM

**RE: SUPPORT for Senate Bill 2601 with Amendments**

Aloha Chair Tamas, Vice-Chair Takayama 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 2<sup>nd</sup> page of their testimony](#) for the HB 582 in front of JHA - 51% of the survivors come forward on or after the 50<sup>th</sup> 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



## **TESTIMONY OF ALISON UEOKA**

---

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Representative David A. Tarnas, Chair  
Representative Gregg Takayama, Vice Chair

Tuesday, March 12, 2024  
2:00 p.m.

### **SB 2601**

Chair Tarnas, Vice Chair Takayama, and members of the Committee on Judiciary & Hawaiian Affairs, 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**

Submitted on: 3/10/2024 7:16:21 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family strongly supports SB2601. We would like to see the statute of limitations eliminated. We do want this bill to pass. Please move the bill forward. Thank you.

Mike Golojuch, Sr., Secretary/Board Member



## TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

### HOUSE COMMITTEE ON JUDICIARY

MARCH 12, 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



March 10, 2024

Senator Michelle Kidani  
415 S. Beretania Street  
Honolulu, HI 96813

Dear Senator Kidani:

Re: SB 2601: Sexual Abuse; Minors; Civil Action; Statute of Limitations - Oppose

The Church State Council is the oldest public interest advocacy and legal services organization in the Western United States devoted exclusively to issues of liberty of conscience and religion and the separation of church and state. We are a Seventh-day Adventist organization serving a five-state western region (Arizona, California, Hawaii, Nevada & Utah) for the Adventist Church. We are writing this letter in opposition to SB 2601.

The Church State Council is sponsored by the Seventh-day Adventist Church which operates the second-largest parochial school system in the world, with more than 7,500 schools in nearly 150 countries serving 1.5 million students.

The statute of limitations is based in due process of law, as it requires that defendants be given notice of claims against them within a time period that permits them to investigate and prepare a defense. SB 2601 would almost encourage the filing of fraudulent claims, based on allegations decades old that can neither be verified nor disproven. This is precisely why we have a statute of limitations.

The Seventh-day Adventist Church takes very seriously its responsibility to safeguard its youth, and its policies and procedures far exceed what is done in the public sector with respect to background checks, training, and prevention. We agree with the need for stronger action to combat child abuse, but we do not agree with the approach taken in SB 2601.

Respectfully Submitted,

A handwritten signature in black ink that reads 'Dennis Seaton'.

Dennis Seaton  
Director of Government Relations

W W W . C H U R C H S T A T E . O R G

CHURCH STATE COUNCIL

WESTLAKE VILLAGE | SACRAMENTO



## HIPHI Board

Misty Pacheco, DrPH  
Chair  
University of Hawai'i at Hilo

Titiimaewa Ta'ase, JD  
Secretary  
State of Hawai'i, Deputy Public Defender

Carissa Holley, MEd  
Treasurer  
Hale Makua Health Services

Keshia Adolpho, LCSW  
Na'au Healing Center

Debbie Erskine  
ARCH-MEPS Consulting LLC, Owner

Camonia Graham - Tutt, PhD  
University of Hawai'i - West O'ahu

Jennifer José Lo, MD  
Hawai'i Health Partners

May Okihiro, MD, MS  
John A. Burns School of Medicine,  
Department of Pediatrics

Kathleen Roche, MS, RN, CENP  
Kaiser Permanente

Dina Shek, JD  
Medical-Legal Partnership  
For Children in Hawai'i

Garret Sugai  
HMSA

JoAnn Tsark, MPH  
John A. Burns School of Medicine,  
Native Hawaiian Research Office

## HIPHI Initiatives

Coalition for a  
Tobacco-Free Hawai'i

Community-Based Research &  
Evaluation

Community Health  
Worker Initiatives

COVID-19 Response

Environmental Health

Hawai'i Drug & Alcohol-Free  
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective/Healthy Aging  
& Community Living

Public Health Workforce  
Development

Date: March 8, 2024

To: Representative David A. Tarnas, Chair  
Representative Gregg Takayama, Vice Chair  
Members of the House Committee on Judiciary & Hawaiian Affairs

Re: SB 2601 Relating to Sexual Abuse of Minors

Hrg: Tuesday, March 12, 2024 2:00 PM

---

Hawai'i Public Health Institute (HIPHI)<sup>i</sup> appreciates the opportunity to provide testimony in **support of SB2601**, which would expand the time period by which a civil action for childhood sexual abuse committed on or after July 1, 2024, may be initiated.

### **Recovery and healing cannot be forced.**

Victims of childhood sexual abuse often times need decades to heal. Survivor trauma must be acknowledged and honored. The statute of limitations must meet those needs to give people the space and time to process and come forward when they are ready and able to publicly address their sexual abuse.

### **Honoring victims' needs is essential.**

It is extremely common for victims of childhood sexual abuse to never disclose the events of their abuse. In other cases, it can take a person decades after the crime has been committed to come forward. Studies on abuses by the Catholic Church showed the average age of disclosure was 44.5 years old. In addition, half of the 1,576 victims of abuse by the Boy Scouts of America disclosed their abuse after the age of 50.<sup>ii</sup> If victims are not ready to share their experiences, they cannot be expected to be ready to file charges against their abusers.

### **Victims should be able to seek justice when the time is appropriate for them.**

A victim in Hawai'i must make a civil claim against their abuser by the time they reach 26 years old. That age threshold is one of the shortest windows nationally to file a civil case. The federal government and 18 states have completely eliminated the statute of limitations for these offenses.<sup>iii</sup> In order for justice to be served, victims must be able to file civil cases against their abusers when the victims are ready, not when the law says they must.

It is integral we honor the mental and emotional health of all people to ensure the well-being of our communities. Thank you for considering our testimony in support of SB2601.



Mahalo,



Peggy Mierzwa  
Director of Policy & Advocacy  
Hawai'i Public Health Institute

---

<sup>i</sup> Hawai'i Public Health Institute (HIPHI) is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

<sup>ii</sup> [https://www.bravemovement.org/wp-content/uploads/2023/01/JusticeUnleashedInEurope\\_7\\_18\\_23\\_Final.pdf](https://www.bravemovement.org/wp-content/uploads/2023/01/JusticeUnleashedInEurope_7_18_23_Final.pdf)

<sup>iii</sup> <https://childusa.org/2024sol/>

House Committee on Judiciary and Hawaiian Affairs  
RE: SB2601 in strong support  
Hawaii State Capitol, Conference Room 325  
March 12, 2024; 2:00 pm

Aloha Chair Tarnas, Vice Chair Takayama, 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



March 12, 2024

Members of the House Committee on Judiciary & Hawaiian Affairs:

Chair David A. Tarnas

Rep. Linda Ichiyama

Vice Chair Gregg Takayama

Rep. Greggor Ilagan

Rep. Luke A. Evslin

Rep. Sam Satoru Kong

Rep. Sonny Ganaden

Rep. Tyson K. Miyake

Rep. Daniel Holt

Rep. Kanani Souza

Re: SB2601 Relating to Sexual Abuse of Minors

Dear Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs:

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**.

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

**SB-2601**

Submitted on: 3/9/2024 4:42:00 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheryl Hauk	Individual	Support	Remotely Via Zoom

Comments:

Senator Karl Rhoads, an advocate for survivors, penned in his committee report on 2601 that the committee "documented that children of sexual abuse delay their disclosure of abuse, frequently for many years, as many victims are not ready to speak on their trauma as children. This is also true for children who suffer **chronic abuse within their homes** by a close family member who grooms the child to keep their abuse secret. The trauma of withholding abuse can have lasting effects, impacting the ability to disclose instances of abuse as the child grows older. For some survivors, it may take decades before the individual feels comfortable and safe enough to disclose being abused." That person is me, my sister, and countless other men and women in Hawai'i.

Bills akin to 2601 have been presented for years only to quietly never be passed by special committees. The attorney general argues there is no evidence; older people don't remember. This is absolutely false, as my planned abuse of my entire childhood remains vivid in my memory through night terrors and triggering events for sixty years.

One senator argued that Hawai'i's families might struggle to afford daycare due to potentially raised insurance rates. However, it's important to note that these insurance rates are optional, much like liability insurance for discrimination and harassment. Moreover, in other states where statutes of limitations (SOLs) have been extended, any financial impact has been minor, primarily serving to hold pedophiles accountable.

Consider this: Extending SOLs could momentarily encourage daycares to be more diligent and thorough in conducting background checks for employees who work with Hawai'i's keikis, serving as a deterrent for pedophiles. The message to pedophiles would be clear: no matter how well you groom a child to stay quiet, you will never be safe.

The federal government has passed laws protecting victims and deterring traffickers across state lines and on federal land. Pass this bill through. I humbly ask that you do not make this bill retroactive as your committee did with HB1968. It is time for Hawai'i to eliminate the statute of limitations on the sexual abuse of minors by amending this bill to no time limit of the SOL.

**I REMEMBER!**

Sheryl Hauk

Survivor

61 years of age

**SB-2601**

Submitted on: 3/12/2024 9:36:43 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn M Golojuch	Individual	Support	Remotely Via Zoom

Comments:

**Aloha Chair and Committee Members,**

**Rainbow Family 808, a Non-Profit Advocacy and Support organization, supports SB2601 IF ANY and ALL TIME limits are removed from this bill. Any time limit is a serious problem affixed to Rape in the State Of Hawai`i. Our children/minors need our protection regardless of age. Please remove the Statutes of Limitation in SB2601.**

**Rainbow Family 808 stands up for those who can't stand up for themselves regardless of age, financial status, or any other caste designation. We firmly believe that Justice belongs to all.**

**While Rainbow Family 808 agrees that "child Sexual abuse (Rape) is extremely prevalent", as such, the rapist needs the same treatment as a murder because the victim survivor's childhood is killed, and they suffer on all levels of their life: many times, they lose their family if the family doesn't believe them. The survivor is told that "the nice man wouldn't do something so horrific." Some survivors are beaten because the adults don't believe them. These scars are carried for a lifetime. Some are told that they're liars. For some victim survivors, they run away to avoid the blame, disbelief. This will change when society finally learns that rape does happen to children and people who act like "nice people" do commit such unthinkable, horrific crime. Please cut through the ties that bind the Rape Victim Survivor.**

**Studies of childhood rape reports that each victim reacts differently and comes to reality at different time. Young children don't have the language to tell anyone. With repeated rape, the rapist has a list of excuses "God made you for me." "No one will believe you." "If you tell anyone, I'll kill you" or "I'll kill your family." Etc.**

**SB2601 as presently written continues the Hawai`I Safe Haven for Rapist with the ill time frame of disclosure. A crime is a crime. A rape is a Crime of the highest level. Just because the victim survivor can't remember to fit into an arbitrary timeframe. doesn't erase the crime. The Statute of Limitations benefits the Rapist and causes the victim to become a victim again. A timeline is a bonus of the rapist. Please bring Justice to the children who are survivors/victims.**

**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 Officer say that he would never leave Hawai'i because of the protections the Hawai'i law gives him and his friends.**

**Rainbow Family 808 joins others who believe that Hawai'i lawmakers are called to Protect and Depend our people from criminal behavior. It is never appropriate to defend For Profit entities over the safety of our children and adults. As such, Insurance companies can and will protect themselves. They have the funds and legal where with all to do so.**

**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. This job was the scariest job I ever had. I stayed until I was hired at the University of Hawai'i Manoa.**

**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.**

**This testimony is given in the hope that Justice becomes law for our Rape Victim Survivors. Anything else is a violation of the duties and responsibilities of Hawai'i's lawmakers. Please protect our people.**

**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 2013 to present**

**First President PFLAG-Oahu, 1995-2013**

**Hawai'i Representative of Freedom from Religion Foundation**

**SB-2601**

Submitted on: 3/8/2024 9:49:52 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

support

**SB-2601**

Submitted on: 3/8/2024 4:14:24 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lindsey A Drayer	Individual	Support	Written Testimony Only

Comments:

I support this strongly, thank you!

**SB-2601**

Submitted on: 3/8/2024 4:40:56 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
mary drayer	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in strong support of SB2601.

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

Mary Drayer

557 Imi Dr

Wailuku, Hi 96793

**SB-2601**

Submitted on: 3/10/2024 2:39:15 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Isis Usborne	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and other Committee Members,

Please support this bill to give survivors of child sexual abuse more time to file their claims against their abusers.

As a survivor of such abuse myself, I was horrified to learn at an early age that 1 in 3 children on average experience such abuse, usually at the hands of trusted men in their families, schools, and communities. We need to give these survivors time to process their experiences and feel safe enough to come forward about their experiences, as all too often their parents and other trusted adults in their lives will dismiss their experiences, especially if their abusers are prominent members of their communities, or intimate partners of the people taking care of a child. This makes it very difficult to feel supported enough to bring a legal claim against these abusers that hurt us so deeply, whose illicit touches have scarred us for the rest of our lives.

Mahalo for your consideration,

- Isis Usborne

EPT Law Student at the William S. Richardson School of Law

**SB-2601**

Submitted on: 3/10/2024 2:44:11 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kim Coco Iwamoto	Individual	Support	Written Testimony Only

Comments:

Strong Support

**SB-2601**

Submitted on: 3/10/2024 8:50:12 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kerestin Walker	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, 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 fosters 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.

Kerestin Walker

**SB-2601**

Submitted on: 3/10/2024 9:57:29 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alika Valdez	Individual	Support	Written Testimony Only

Comments:

I support this agenda.





## SB 2601, RELATING TO SEXUAL ABUSE OF MINORS

MARCH 12, 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](mailto:kris@imuaalliance.org)**

**SB-2601**

Submitted on: 3/10/2024 3:29:03 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Teri Heede	Individual	Support	Written Testimony Only

Comments:

We need more women in law enforcement!

Make it happen!

**SB-2601**

Submitted on: 3/10/2024 4:48:16 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gwen Rodrigues	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in strong support of SB2601.

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

Gwen Rodrigues

Hilo, Hawaii

**SB-2601**

Submitted on: 3/10/2024 5:37:07 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Mahalo for hearing this measure which gives the survivors of childhood sexual abuse a better chance for justice.

**SB-2601**

Submitted on: 3/10/2024 9:54:58 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and esteemed Committee,

Please support this bill.

Mahalo nui loa,

Abby Simmons

**SB-2601**

Submitted on: 3/11/2024 7:37:18 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Amanda Martinez	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Takayama, 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 fosters 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.

Amanda Martinez, MPH

**SB-2601**

Submitted on: 3/11/2024 8:05:40 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and JHA 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 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**

Submitted on: 3/11/2024 9:12:03 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alissa Nelson	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Takayama, 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 fosters 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.

Alissa Nelson, LMSW/MPH

**SB-2601**

Submitted on: 3/11/2024 10:16:20 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

I support 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