



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 582, RELATING TO SEXUAL ABUSE OF MINORS.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Tuesday, February 7, 2023                      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Amanda Weston, Deputy Attorney General

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Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments.

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

The amendments to section 657-1.8(a), HRS, would extend the statute of limitations for a victim of child sexual abuse to bring a civil claim for money damages against any person from eight years to thirty-two years after the eighteenth birthday of the victim (page 3, lines 1-4) or from three years to five years after the date the victim discovers or reasonably should have discovered that psychological injury or illness occurring after the victim's eighteenth birthday was caused by the sexual abuse that occurred when the victim was a minor (page 3, lines 5 - 9), whichever occurs later.

We understand that victims of sexual abuse may need additional time before they are ready to file a lawsuit but want to note some concerns. Because the contemplated amendments will extend the statute of limitations for decades, the lengthy passage of time would prejudice the parties in a lawsuit. Cases originating from events in the 1970's and 1980's present many evidentiary challenges. Memories fade, witnesses move or pass away, and documents are lost or destroyed. Most entities have records retention policies that call for the destruction of documents after a certain period of time, which also creates evidentiary challenges.

We 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 make comments.



Date: February 5, 2023

To: Representative David Tarnas, Chair  
Representative Gregg Takayama, Vice-Chair  
Members of the 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 HB 582  
Relating to Sex Abuse of Minors

Hearing: February 5, 2023, Conference Room 325 3:00pm

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

The Sex Abuse Treatment Center (SATC) is in support of HB 582.

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 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.

It is important to note that the extension proposed by HB 582, does not alter, or otherwise impact the legal requirements of evidentiary proof of the plaintiff. The bill simply provides an opportunity to file an action to age 50.

The SATC further supports the provision (e) requiring trauma informed training of personnel of any legal entity that is named as a defendant in a civil action. We submit that the training should be specific to the dynamics of sexual abuse of minors and include some provision that requires the legal entity to take immediate action to protect the child or other children from further harm.

Thank you for the opportunity to submit testimony in support of HB 582.

Thank you for your consideration.

**HB-582**

Submitted on: 2/4/2023 1:06:22 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Angelina Mercado	Hawaii State Coalition Against Domestic Violence	Support	Written Testimony Only

Comments:

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February 3, 2023

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

Hearing: Tuesday, February 7, 2022 at 2:00 PM

RE: **SUPPORT for House Bill 582 with Amendments**

Aloha Chair Tamas, Vice-Chair Takayama and fellow committee members,

I am writing in support of the intent and requesting amendments to House Bill 582 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.

HB 582 would expand the time period by which a civil action for childhood sexual abuse may be initiated, including an otherwise time-barred action. Authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

As you may know, eliminating the statute of limitations for survivors of childhood sexual abuse has been a priority for the Stonewall Caucus for a long time. In part this due to the fact that LGBTQIA+ youth have historically been targets of pedophiles, but mainly because it is a social justice issue. That being said the Stonewall Caucus does support the intent of HB 582 but the Stonewall Caucus prefers the language found in House Bill 483. The reason we are advocating for the language in HB 483 inserted into HB 582 is that HB 483:

1. Removes the statute of limitations entirely.

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

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

2. Allows for punitive damaged.

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

## Stonewall Caucus Testimony is Support of House Bill 582 with Amendments

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

3. Has restorative justice measures available to the courts.

When an institution is involved the Stonewall Caucus believes that "restorative justice measures" is a much more encompassing term than the language that appears in HB 582.

With these amendments the Stonewall Caucus would **STRONGLY SUPPORT** HB 582. Without these amendments the Stonewall Caucus can only support this bill.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH



## HB 582, RELATING TO SEXUAL ABUSE OF MINORS

FEBRUARY 7, 2023 · HOUSE JUDICIARY AND  
HAWAIIAN AFFAIRS COMMITTEE · CHAIR REP.  
DAVID TARNAS

**POSITION:** Support.

**RATIONALE:** Imua Alliance **supports** HB 582, 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)**



**TO:** Honorable Members of the House Judiciary & Hawaiian Affairs Committee

**FROM:** Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania, and Kathryn Robb, Executive Director, CHILD USA Advocacy

**RE:** HI HB 582: Relating to Sexual Abuse of Minors.

**DATE:** February 6, 2023

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Dear Honorable Members of the House Judiciary & Hawaiian Affairs Committee,

Thank you for allowing us to submit testimony in support of HB 582, which will extend the statutes of limitation (“SOLs”) for child sexual abuse (“CSA”). This legislation will not only bring long overdue justice to survivors, but it will also greatly reduce the present danger to children in Hawaii by exposing hidden predators who are still abusing children today.

By way of introduction, Professor Marci Hamilton is a First Amendment constitutional scholar at the University of Pennsylvania who has led the national movement to reform statutes of limitations to reflect the science of delayed disclosure of childhood sexual abuse and who founded CHILD USA, a national nonprofit think tank devoted to ending child abuse and neglect. Kathryn Robb is the Executive Director of CHILD USA Advocacy, an advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. Kathryn is also an outspoken survivor of child sex abuse.

**I. Research on Trauma and Delayed Disclosure Supports SOL Reform for Child Sexual Abuse**

**A. There is a Nationwide Epidemic of CSA Causing Lifelong Damage to Victims**

Currently, more than 10% of children are sexually abused, with at least one in five girls and one in thirteen boys sexually abused before they turn 18. CSA is a social problem that occurs in all social groups and institutions, including familial, religious, educational, medical, and athletic. Nearly 90% of CSA perpetrators are someone the child knows; in fact, roughly one third of CSA offenses are committed by family members.

The trauma stemming from CSA is complex and individualized, and it impacts victims throughout their lifetimes:

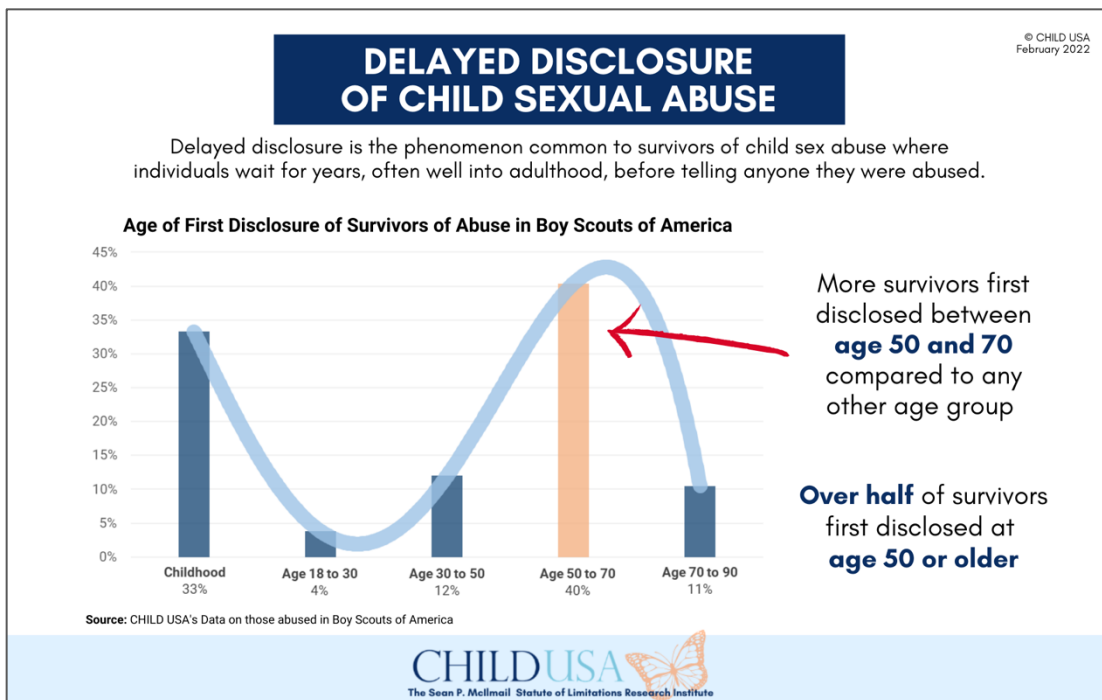
- Childhood trauma, including CSA, can have **devastating impacts on a child’s brain**, including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD); and disability.



- CSA victims suffer an **increased risk of suicide**—in one study, female CSA survivors were two to four times more likely to attempt suicide, and male CSA survivors were four to 11 times more likely to attempt suicide.
- CSA leads to an increased risk of **negative outcomes across the lifespan**, such as alcohol problems, illicit drug use, depression, marriage issues, and family problems.

## B. CSA Victims Commonly Delay Disclosure of Their Abuse for Decades

Many victims of CSA suffer in silence for decades before they talk to anyone about their traumatic experiences. As children, CSA victims often fear the negative repercussions of disclosure, such as disruptions in family stability, loss of relationships, or involvement with the authorities. Additionally, CSA survivors may struggle to disclose because of trauma and psychological barriers such as shame and self-blame, as well as social factors like gender-based stereotypes or the stigma surrounding victimization. Further, many injuries resulting from CSA do not manifest until survivors are well into adulthood. These manifestations may coincide with difficulties in functioning and a further delay in disclosure of abuse.



Moreover, disclosure of CSA to the authorities for criminal prosecution or an attorney in pursuit of civil justice is a difficult and emotionally complex process, which involves the survivor knowing that he or she was abused, being willing to identify publicly as an abuse survivor, and deciding to act against their abuser. In light of these barriers to disclosure, it is not surprising that:

- In a study of survivors of abuse in Boy Scouts of America, **51%** of survivors disclosed their abuse for the first time at **age 50 or older**.
- **One-third** of CSA survivors **never report** their abuse to anyone.

For both children and adults, disclosure of CSA trauma is a process and not a discrete event in which a victim comes to terms with their abuse. To effectively protect children from abuse, SOL laws must reflect this reality.

## II. SOL Reform Serves the Public Good by Giving Survivors Access to Justice and Preventing Future Abuse

Historically, a wall of ignorance and secrecy has been constructed around CSA, which has been reinforced by short SOLs that kept victims out of the legal system. Short SOLs for CSA play into the hands of the perpetrators and the institutions that cover up for them; they disable victims' voices and empowerment and leave future children vulnerable to preventable sexual assault.

CHILD USA and CHILD USAadvocacy are leading the vibrant national and global movement to eliminate civil and criminal SOLs and revive expired civil claims as a systemic solution to the preventable CSA epidemic. **There are three compelling public purposes served by the child sexual abuse SOL reform movement**, which are explained in the graphic below:

## HOW STATUTE OF LIMITATIONS REFORM HELPS EVERYONE



**Identifies Hidden Child Predators and the Institutions that Endanger Children**  
to the public, shielding other children from future abuse.



**Punishes Bad Actors & Shifts the Cost of Abuse**  
from the victims and taxpayers to those who caused it.



**Prevents Further Abuse**  
by educating the public about the prevalence, signs, and impact of child sex abuse so that it can be prevented in the future.



The Sean P. McIlmail Statute of Limitations Research Institute

© CHILD USA  
February 2022

### **A. SOL Reform Identifies Hidden Child Predators and Institutions that Endanger Children**

It is in society's best interest to have sex abuse survivors identify hidden child predators to the public—whenever the survivor is ready. The decades before public disclosure give perpetrators and institutions wide latitude to suppress the truth to the detriment of children, parents, and the public. Some predators abuse a high number of victims and continue abusing children well into their elderly years. For example, one study found that 7% of offenders sampled committed offenses against 41 to 450 children, and the highest time between offense to conviction was 36 years. SOL reform helps protect Hawaii's children by identifying sexual predators in our midst. By extending, eliminating, and reviving short restrictive SOLs, especially allowing claims for past abuse to be brought to court, hidden predators are brought into the light and are prevented from further abusing more children in Hawaii.

### **B. SOL Reform Shifts the Cost of Abuse**

CSA generates staggering costs that impact the nation's health care, education, criminal justice, and welfare systems. The estimated lifetime cost to society of child sexual abuse cases occurring in the US in 2015 is \$9.3 billion, and the average cost of non-fatal per female victim was estimated at \$282,734. Average cost estimates per victim include, in part, \$14,357 in child medical costs, \$9,882 in adult medical costs, \$223,581 in lost productivity, \$8,333 in child welfare costs, \$2,434 in costs associated with crime, and \$3,760 in special education costs. Costs associated with suicide deaths are estimated at \$20,387 for female victims.

It is unfair for the victims, their families, and Hawaii taxpayers to be the only ones who bear this burden; this bill levels the playing field by imposing liability on the ones who caused the abuse and alleviating the burdens on the victims and taxpayers.

### **C. SOL Reform Prevents Further Abuse**

SOL reform also educates the public about the dangers of CSA and how to prevent it. When predators and institutions are exposed, particularly high-profile ones like Larry Nassar, Jeffrey Epstein, the Boy Scouts of America, and the Catholic Church, the media publish investigations and documentaries that enlighten the public about the insidious ways child molesters operate to sexually assault children and the institutional failures that enabled their abuse. By shedding light on the problem, parents and other guardians are better able to identify abusers and responsible institutions, while the public is empowered to recognize grooming and abusive behavior and pressure youth serving organizations to implement prevention policies to report abuse in real time. Indeed, CSA publicity creates more social awareness to help keep kids safe, while also encouraging institutions to implement accountability and safe practices.

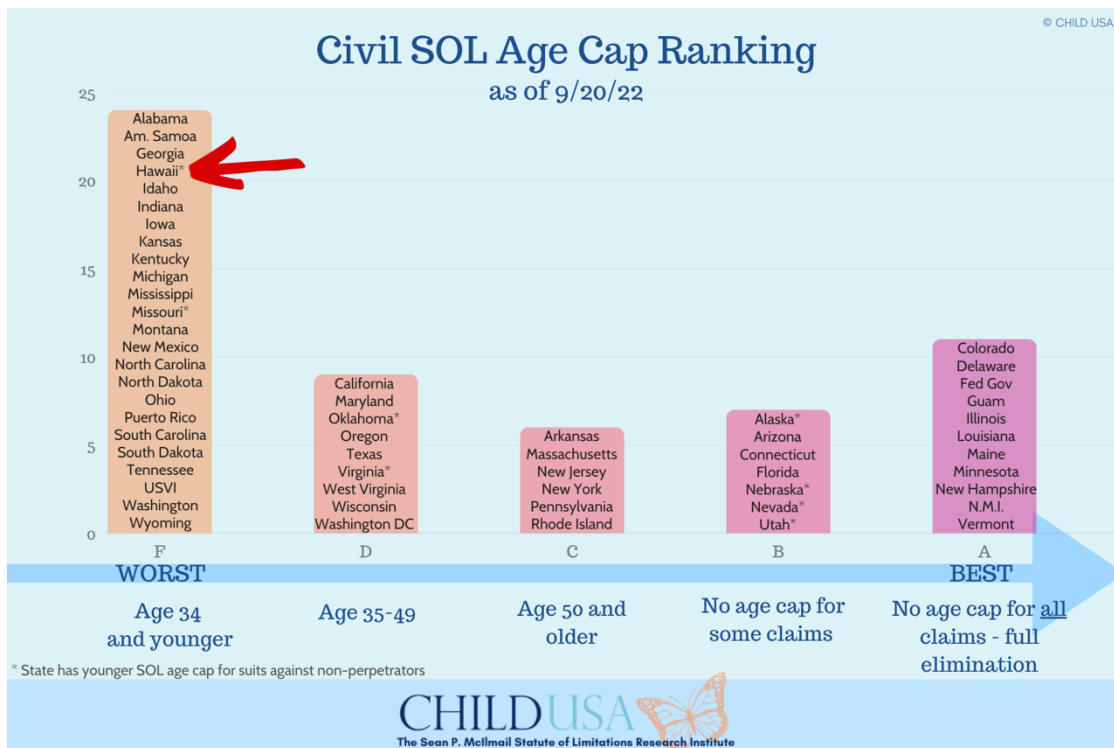
## **III. Hawaii Should Join the National Trend Toward SOL Reform for CSA**

The SOL reform trend for states is to eliminate civil and criminal SOLs and revive expired civil claims—like Vermont, Maine, Guam and NMI have already done. Hawaii has made tremendous progress and is already amongst the two-dozen states across the U.S. and three territories have revival laws giving survivors an opportunity to file claims for decades old abuse that were blocked by short SOLs. However, Hawaii is lagging behind with its short SOL for civil claims.

CHILD USA and CHILD USA Advocacy are proud to have played a major role working with bipartisan leaders on a new federal law eliminating the SOL for over a dozen federal civil CSA claims and permitting victims to bring a lawsuit against perpetrators and institutions for compensation for their injuries. 18 U.S.C. § 2255. Sen. Marsha Blackburn R-Tenn., correctly stated that “[t]he statute of limitations for sexual abuse offenses should never prohibit young survivors from getting the justice they deserve.” According to Sen. Richard Durbin, D-Ill., similarly acknowledged “the science of trauma is clear: it often takes years for victims to come forward.”

Currently, Hawaii’s civil SOL for claims against perpetrators expires when victims reach age 26 or 3 years after discovering their injuries. The SOL is even shorter for claims against institutions and others responsible for the abuse, expiring when victims reach age 20 or 2 years after discovery. As shown in the graphic below, **Hawaii’s civil SOL ranks among the worst in the country.**

In contrast, ten noteworthy states and territories, along with the federal government, have already abolished their age cap for all claims against perpetrators and other defendants. The worst states and territories with age limits that block claims when victims are in their 20’s are out of touch with science and the realities child sex abuse trauma. **Hawaii is 1 of 13 states with the shortest civil SOLs in the country, cutting off survivors’ rights at age 26 or younger.**



HB 582’s civil extension would improve Hawaii’s SOL significantly. It is in line with the recent federal changes and the overall trend to give older victims more time to come forward in accordance with the delayed disclosure of abuse science.

#### IV. Conclusion

Once again, we commend you for supporting this legislation, which is desperately needed to validate adult survivors of CSA and protect Hawaii children from preventable sexual abuse. Extending the civil SOL is a positive step for Hawaii's children and families. For more information about statute of limitations reform, visit [childusa.org/sol/](http://childusa.org/sol/) or email [info@childusa.org](mailto:info@childusa.org). Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,



Marci A. Hamilton, Esq.  
*Founder & CEO*  
CHILD USA  
3508 Market Street, Suite 202  
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**Parents And  
Children Together**

BUILDING THE RELATIONSHIPS THAT MATTER MOST

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

**FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)**

**DATE/LOCATION: February 7, 2023; 2:00 p.m., Conference Room 325**

**RE: TESTIMONY IN SUPPORT OF HB 582– RELATING TO SEX ABUSE OF MINORS**

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, often for many years. Dealing with the trauma of sexual abuse does not follow a linear healing process. This is especially true for children who suffer chronic abuse within their homes, by a close family member. Often

.the only education that the child is getting is from the perpetrator. While it is hoped and encouraged that children will immediately come forward, disclosure happens when the time is right for the individual which could be years and even decades. 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.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address, and successfully resolve challenges through its 20 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of HB 582**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.





Committee on Judiciary and Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

DATE:	Tuesday, February 7, 2023
TIME:	2:00 PM
PLACE:	VIA VIDEOCONFERENCE Conference Room 325

Aloha Chair Tarnas and Vice Chair Takayama

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

Redressing the harm done to those who have suffered the long-term effects of childhood sexual trauma deserve our compassion and our justice. Repealing the Statute of Limitations recognizes the facts of this heinous crime.

- Survivors of childhood sexual abuse more often than not, withhold disclosure for many, many years.
- Child predators rely on the silence of their victims. Hawai'i's current statute of limitations (SOL) to age 26, and 3 year discovery rule, do not sufficiently account for the time needed by survivors to break their silence.
- Studies have shown age 52 as the average age of disclosure for victims of child sexual abuse.

We have heard too many heart-breaking stories of those survivors who continue to suffer the effects throughout their lives.

30 states currently have pending modification to their SOL laws on childhood sexual trauma. Several have repealed it altogether.

While a complete repeal is the most desirable, this bill represents a long-overdue step in the right direction.

Ann S. Freed  
AAUW Hawaii Policy Committee

**HB-582**

Submitted on: 2/7/2023 9:11:29 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rena Hamilton-Cambeilh	YWCA of Kauai	Support	Written Testimony Only

Comments:

Aloha,

Mahalo for the opportunity to submit testimony in support of HB582. The YWCA Kaua'i has provided support for victims of sexual abuse for many years. These victims deserve an opportunity to seek justice when they decide they are ready and able to handle the intense process. This could take years after the abuse occurred, it is important for each victim's healing process to have the option of seeking justice. This proposed extension of the statute of limitations would give these most vulnerable victims the time to heal and to make their own decision about further action.

Mahalo for your consideration and support of sexual abuse victims and their families.

Rena Hamilton-Cambeilh

Executive Director

# Law Office of Mark Gallagher

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Kailua, HI 96734

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mgallagher@hawaiiantel.net

February 3, 2023

To: Chair Tarnas, Vice Chair Takayama and Committee Members

From: Mark Gallagher

Re: Testimony in support of HB582

Relating To Sexual Abuse Of Minors

Thank you for the opportunity to provide testimony in support of H.B. No. 582, Relating to Sexual Abuse Of Minors.

H.B. No. 582 would provide additional protection for Hawaii's children and assist survivors of childhood sexual abuse to obtain justice and closure. While I believe abolition of the statute of limitations for such offenses would be appropriate, expansion to age 50 certainly is a step in the right direction.

Children who are abused often feel that they have no one to turn to. The abuse is held as a terrible secret between the victim and the abuser, and too often another responsible party who does nothing. The child, feeling powerless, tells no one and keeps the secret and the damage cascades through the years. As a result, even when an option to pursue justice as an adult is presented, it takes a survivor a significant amount of courage and time to seize the opportunity. The current statute of limitations rewards perpetrators who terrified their victims so much that the secrets remain buried even many years later. It is fundamentally unfair to rush these survivors merely to protect the repose of perpetrators in our midst.

Criminal statutes have changed over the years to remove various statutes of limitations for sexual assault on children, i.e. 18 U.S.C. § 2243 regarding sexual abuse of a ward or child. However, ex post facto considerations prevent criminal statutes of limitations from retroactively being amended to provide justice for

many past offenses. Therefore, the enlargement of civil statutes of limitations is therefore the best available mechanism to provide a measure of accountability and justice. Approval of H.B. No. 582 would serve this purpose.

However, some of the language of H.B. No. 582 does raise the following concerns:

-The addition of the limitation in HRS 657-1.8(a) to damages suffered by a “victim when the victim was a” minor is vague and unnecessary. While the intent may be to refer to status as a minor at the time of the abuse, it rather provides an argument that if an injury was not manifest when the child was a minor it is not the basis for a recovery.

-The limitation of responsible legal entities to those “domiciled within the State” proposed to HRS 657-1.8(b)(1) appears to be an effort to shield an entity or entities domiciled outside the State. Legal entities with sufficient contacts to provide Hawaii courts with jurisdiction should not be excused in their duties and responsibilities to Hawaii’s children and adult survivors.

-The proposed changes to the certificate of merit required by HRS 657-1.8(d) are ambiguous and would create unnecessary additional expense and litigation. It is unclear what it would mean for a certificate of merit to be filed “for each defendant.” Currently, a certificate of merit must set forth in reasonable detail the facts and opinions the professional relied upon to determine that there is a reasonable basis to believe that the plaintiff was subject to one or more acts of abuse. The professional preparing the certificate is not in a position to parse out some type of discussion regarding each defendant. Additionally, the preparation of more certificates would create more expense for plaintiffs.

-The proposal that the certificate of merit be “electronically filed under seal” is a marked change to current practice. Typically, certificates of merit are filed in camera, meaning they are reviewed only by the court and defendants do not have access to them. A pleading filed electronically under seal is available to all parties in the case. Such a change would serve simply to create more issues for defendants to litigate and would not further the purpose of the certificate which is to assure the court that there is a reasonable basis to believe that the plaintiff was abused. An analogous situation under Hawaii law is provided by claims submitted to the Medical Claims Conciliation Panel as a prerequisite to filing a medical malpractice action. HRS 671-12.5(a) requires that a party injured by an act of medical malpractice submit a “certificate of consultation” to the MCCP. The

certificate of consultation must certify consultation with a “knowledgeable or experienced in the same medical specialty as the health care professional against whom the inquiry is made, and that the party or the party's attorney has concluded on the basis of the consultation that there is a reasonable and meritorious cause for filing the inquiry.” HRS 671-12.5(a)(1). However, the claimant “shall not be required to disclose the names of any physician consulted to fulfill the requirements of subsection (a) to any of the other parties to the inquiry,” although the MCCP panel itself is entitled to the information to verify compliance. HRS 671-12.5(c). Similarly, defendants should not have access to certificate of merit in abuse cases. The certificate merit is for the court to determine compliance.

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

Very truly yours,  
Mark F. Gallagher

**HB-582**

Submitted on: 2/5/2023 8:06:00 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sheryl Hauk	Individual	Support	Remotely Via Zoom

Comments:

Aloha, Honorable representatives,

I SUPPORT HB582 and thank the many representatives bringing this bill before you for continuing to fight for justice and keep Hawaii's keikis safe from sexual predators.

I have testified many times in person, on zoom, written, and orally in front of this committee. For the last eight years, I have supported bills extending the statute of limitations on civil suits of victims of childhood sexual assault. Many of you have heard my personal story and the journey to advocate for laws protecting the plaintiff and defendant. I have watched as effective dates were quietly placed for 40 years from now, only to see the bills pass your house and senate three consecutive times and die in the special committee without knowledge to the public.

Child USA has comprehensively provided the data and outcomes of restrictive SOLs in Hawaii ([Testimony 2022 Hawaii Bill](#) ). I represent one of those children of Hawaii. With the open window in 2014, encouragement from a Hawaii social worker, organizations for child rights, and Hawaii lawyer Brian Macintosh, I settled the case that had haunted me for over 50 years. If I had this exact scenario today, at 60 years old, I would have no closure, accountability, or way to provide the expensive medications and therapies needed to lead a productive life.

I encourage this honorable committee to amend this bill to eliminate this SOL and not add an effective date that does not read 2023. Mahalo to all the brave representatives who have continued fighting for this reform.

Mahalo,

Sheryl Hauk

Child of Hawaii / Sexually Abused Trauma Survivor

[No Child Should Hurt to Be a Child; Podcast supported by a Hawaii settlement of Sheryl Hauk](#)



February 5, 2023

TO : The Members of the Committee On Judiciary & Hawaiian Affairs  
Chair David A. Tarnas Vice Chair Gregg Takayama  
Sonny Ganaden Greggor Ilagan Daniel Holt  
Sam Satoru Kong Troy N. Hashimoto John M. Mizuno  
Linda Ichiyama Kanani Souza

FROM : Caroline DELSAUX, student in social work and psychologist in Belgium

SUBJECT : **HB582 Relating To Sexual Abuse Of Minors**

Sexual Abuse; Minors; Civil Action; Statute of Limitations; Certificate of Merit;  
Trauma-Informed Response

Hearing: Tuesday, February 7, 2023 at 2:00 PM

Thank you for the opportunity to present testimony in support of HB582. I am writing in full support of this measure that would expand the time period by which a civil action for childhood sexual abuse may be initiated.

Currently, I am enrolled in the specialized year of the Master of Social Work at UH at Mānoa. I am an international student. In Belgium, I have 16 years experience as a psychologist and psychotherapist in the field of child abuse. My involvement and progression in multidisciplinary work and the collaboration with children, families as well as with their network (professional or not), allowed me to acquire an important expertise in this matter.

The role and collaboration with the judiciary in this matter is of primary importance. Not only in terms of protection, but also in the necessary reconstruction process of victims and survivors following such a trauma.

In the course of my career, I have been confronted on several occasions with tragic stories of sexually abused children who have become adults and whose time limit for filing a complaint has expired. Indeed, it can take years before one can dare to speak about the abuse. The question of making a complaint often comes long after this first step. It may take years of therapy to feel ready.

Another argument is related to the fact that some adults want to protect their children or relatives from their own abuser. It is sometimes only at this stage of life that adults dare to reveal the facts, in the first place to protect other potential victims. If they are denied this opportunity, it not only takes away a great deal of their own actions, retraumatizes them, but also affects the records of potential future victims. Because multi-recidivists are sometimes judged as if they were a first offender while there is already a heavy history of abuse.

For these reasons, both past, present and future victims and survivors, I write in strong support of this measure to expand the time period by which a civil action for childhood sexual abuse may be initiated.

Thank you for the opportunity to provide testimony.

Caroline Delsaux



**HB-582**

Submitted on: 2/3/2023 10:34:20 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

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

Comments:

**Yes, yes, yes!!!** Please don't allow statute of limitations issues to protect pedophiles and deny victims justice anymore! Stand in strong and full SUPPORT!!!

Date: February 03, 2023

To: David A. Tarnas, Chair  
Gregg Takayama, Vice Chair  
House Committee on Judiciary and Hawaiian Affairs

From: Jasrael Feeney, UHM Graduate Student  
Thompson School of Social Work

RE: Testimony in Strong Support of HB582  
Relating to Sexual Abuse of Minors

Hearing: Tuesday, February 07, 2023 2:00PM, Room 325 via Videoconference

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Aloha Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs;

Thank you for providing the opportunity to submit written testimony in **strong support** of HB582.

I am a student at University of Hawaii at Manoa graduating with a Master in Social Work degree this May from the Thompson School of Social Work. I was also previously an outreach worker with Residential Youth Services and Empowerment. I worked with homeless and at-risk youth and young adults on the island of Oahu and encouraged them to move past homelessness. I worked closely with other organizations, and also provided clients with wraparound services such as case-management and behavioral health services.

The delay in disclosing child sex abuse happens for a variety of complex and overlapping reasons. Child victims face many barriers that prevent disclosure. Among other barriers, children often lack the knowledge needed to recognize sexual abuse, lack the ability to articulate that they've been abused, don't have an adult they can disclose their abuse to, don't have opportunities to disclose abuse, and aren't believed when they try to disclose. Trauma that results from the abuse, power differentials between the child victim and adult perpetrator, and institutional power dynamics all impact the delay. Research shows that most people who experience sexual abuse in childhood do not disclose until adulthood. Therefore, narrow statutes of limitation can prevent the punishment of perpetrators on the criminal side, and prevent redress on the civil side. The average age at the time of reporting child sex abuse is about 52 years. This tells us that we should expand the time period by which a civil action for childhood sexual abuse must be initiated.

The organization I worked for, RYSE for actively engages in efforts to promote a more trauma-informed and trauma-responsive service system for children and young adults. It is critical that parents, teachers, and healthcare providers have conversations about childhood sexual abuse early and often. Trauma-informed adults and parents should have a plan on how they would respond if faced with a disclosure. Many adult survivors of childhood sexual abuse described the

secondary trauma they faced when they discussed their abuse, or the truth was discovered. When adults respond with disbelief, rigorous questioning, blaming the child for not saying something sooner, or rationalizing the information in a way that discredits the child's experience or unintentionally blames the child for the abuse, more damage is then done to the child. For community settings to be trauma-sensitive, they need to work towards the goal of ensuring their participants feel safe and comfortable. Creating an environment and a culture of trust is the first critical step to engage those with past trauma. Training on trauma should be standard for all professionals within an organization and should be the new standard of care. Making sure that clients have a sense of control over what happens to them is important.

In conclusion, I urge you to pass HB582 as a permanent state-based solution to the problem of statute of limitations regarding the reporting of child sexual abuse and the lack of training on trauma-informed response. I thank you for the opportunity to present this testimony and I look forward to seeing positive changes happen in our state.

Sincerely,  
Jasrael Feeney  
District 10

**HB-582**

Submitted on: 2/4/2023 5:32:11 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

I am in support of HB 582

**HB-582**

Submitted on: 2/4/2023 10:32:04 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alexandra Chou	Individual	Support	Written Testimony Only

Comments:

our children need to be protected

**HB-582**

Submitted on: 2/5/2023 1:49:50 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

I support HB582.

**HB-582**

Submitted on: 2/5/2023 5:34:53 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dylan Ramos	Individual	Support	Written Testimony Only

Comments:

Aloha,

I testify in support of HB582 and strongly recommend its amendment to reflect the language of HB483 as well. All survivors deserve such legislation, but especially those who were minors who, for many reasons, may require more time to come forward.

Mahalo,  
Dylan Ramos  
96816

**HB-582**

Submitted on: 2/6/2023 9:52:32 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dr. Faith Joyner	Individual	Support	Written Testimony Only

Comments:

Aloha, I support this bill. Mahalo for your consideration.



**HB-582**

Submitted on: 2/7/2023 3:20:43 AM

Testimony for JHA on 2/7/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in SUPPORT of HB582.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili.

**HB-582**

Submitted on: 2/7/2023 1:51:37 PM

Testimony for JHA on 2/7/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Ball	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Elizabeth A. Ball, and am a long-time resident of Kailua, Oahu. My military family moved here in 1958, just prior to Statehood. I was 7 years old.

In 1959, my older brother (13years old) began to rape my younger sister (7 years old), myself (8 years old), and my older sister (10 years old). We all were beaten ant threatened to keep the “sex” a secret, which we did for many years. We all suffered the emotional, physical, and mental trauma associated with childhood sexual abuse.

In 2004, my younger sister committed suicide. 2 months ago, my older sister died from complications of chronic alcoholism. I believe my brother is responsible for both of their deaths. I myself had suffered for many years as a result of the abuses. Drugs and suicide attempts were my life. Physical ailments like Crohn’s Disease caused me many years of pain and hospitalizations.

Because of God’s love and mercy, my parent’s love and care, many years of psychotherapy, and educational goals, I was able to turn my life around. Now, I feel it’s time to bring my brother to justice for my sisters and myself.

My brother has no conscience or concern about how his behaviors affected us. He continues to demand his way in all situations. He is approaching 77 years old, while I am 72 at this time

While I need to bring this abuser to justice, my hands are currently tied. To accomplish this task, the Statute of Limitations would need to be changed to 55 to 60 years beyond my 18th birthday. The ideal situation would to be eliminating the Statute of Limitations as some other states have done, but I’ll leave that to your discretion. It seems there would be other Kupuna needing this long of a Statute...I can’t be the only one.

I pray for the day that justice falls down from the heavens like a river. Please consider my request, not only for me.

Thank you for your attention to this matter.

Aloha,

Elizabeth A. Ball, R.N., M.S.N.

c: Ryan Kaufman