



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1968, H.D. 1, RELATING TO SEXUAL ABUSE OF MINORS.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, February 27, 2024      **TIME:** 12:00 p.m.

**LOCATION:** State Capitol, Room 308 and Videoconference

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

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Chair Yamashita and Members of the Committee:

The Department of the Attorney General provides the following comments and concerns.

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

With respect to incidents of sexual abuse committed after July 1, 2024, 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 party from eight years to thirty-two years after the eighteenth birthday of the victim (page 3, lines 18-19); and from three years to five years after the date the victim discovers or reasonably should have discovered that psychological injury or illness occurring after the victim's eighteenth birthday was caused by the sexual abuse that occurred when the victim was a minor (page 3, line 20, through page 4, line 3), whichever occurs later. As to incidents of sexual abuse committed prior to July 1, 2024, pre-existing statutes of limitation would apply.

We understand that victims of sexual abuse may need additional time before they are ready to file a lawsuit but want to note some concerns. Because the contemplated amendments will extend the statute of limitations for incidents of sexual abuse occurring after July 1, 2024, by not just years, but decades, this lengthy passage of time would likely prejudice the parties involved in future lawsuits. The integrity of the

evidence becomes strained as memories fade, witnesses relocate or pass away, and documents are lost or destroyed. Testimony by witnesses, even if they are available, becomes unreliable. Most state agencies have records retention policies that call for the destruction of documents after a certain period of time that is often much less than thirty-two years, which creates further evidentiary challenges.

Moreover, with respect to the challenges of document retention, we note that although documents have increasingly been saved electronically in recent years, there are still issues with the cost and feasibility of retention over the span of decades. Each state agency that may be named in such a lawsuit has its own retention policies to cut down on cost. Additionally, even if documents are stored electronically, they are subject to loss for various reasons, including natural disaster, human error, and mechanical failures.

In addition to the document preservation issue, the biggest issue remains the availability of witnesses. When a case is brought 20-30 years after an alleged incident, the witnesses, including the alleged perpetrator, are often dead or missing, and it becomes next to impossible for the State to defend a case.

We respectfully recommend either not changing the deadline to file a claim or making the extension to file much shorter than proposed. 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.



February 24, 2024

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

Hearing: Tuesday, February 27, 2024 at 12:00 PM

RE: **SUPPORT for House Bill 1968 HD 1 with Amendments**

Aloha Chair Yamashita, Vice-Chair Kitagawa 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 1968 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 1968 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 1968 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 1968 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 1968.

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** HB 1968. 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

To: House Committee on Finance  
RE: HB1968 HD1 in strong support  
Hawaii State Capitol, Conference Room 308  
February 27, 2024; 12:00pm

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

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, mahalo for the opportunity to testify in **STRONG SUPPORT of House Bill 1968 HD1** relating to sexual abuse of minors. HB1968 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

## TESTIMONY OF ALISON UEOKA

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

Tuesday, February 27, 2024  
12:00 p.m.

### **HB 1968, HD1**

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

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

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

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

The bill extends the statute of limitations for sexual abuse committed on or after July 1, 2024, 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.

February 26, 2024

The Honorable Kyle T. Yamashita  
Chair  
House Committee on Finance  
Hawaii State Legislature  
415 South Beretania Street  
Honolulu, HI 96813

The Honorable Lisa Kitagawa  
Vice Chair  
House Committee on Finance  
Hawaii State Legislature  
415 South Beretania Street  
Honolulu, HI 96813

Dear Chair Yamashita and Vice Chair Kitagawa,

We are writing to you today regarding HBI 968, which expands the statute of limitations for a vulnerable victim of sexual abuse to bring a civil action and expands the authority to require trauma-informed responses from the legal system. We urge your support for this legislation.

As you may be aware, RAINN is the nation's largest anti-sexual assault organization. Founded in 1994, RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE and hotline.rainn.org). RAINN also carries out programs to support victims, educate the public, and improve public policy.

Research has shown the majority of sexual assault, sexual abuse and sexual exploitation incidents are not reported immediately.<sup>1</sup> Data from the U.S. Department of Justice suggests that 86% of child sexual abuse cases go unreported and in most cases, survivors do not disclose until adulthood.<sup>2</sup> The delay in disclosing child sex abuse occurs for a variety of other complex reasons, including the fact that many child victims do not have a trusted adult they can disclose their abuse to, lack opportunities to disclose abuse, are too young to recognize the abuse or articulate their experience, or are not believed when they do disclose.<sup>3</sup> Disabled survivors often do not disclose due to fear of not being believed, fear of losing housing, and fear that their caretakers will withdraw care.<sup>4</sup> Survivors deserve to pursue justice when they are capable and prepared to do so.

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<sup>1</sup> Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010 (2013)

<sup>2</sup> Child USA, "Delayed Disclosure: A Factsheet Based on Cutting-Edge Research on Child Sexual Abuse," Child USA, March 2020.

<sup>3</sup> Child USA, "Delayed Disclosure: A Factsheet Based on Cutting-Edge Research on Child Sexual Abuse," Child USA, 2020.

<sup>4</sup> Brown et. al. "Examining Criminal Justice Responses To and Help-Seeking Patterns of Sexual Violence Survivors with Disabilities," Department of Justice, September 2016.



Leading the National Effort to End Sexual Violence

Trauma-informed training both minimizes the re-traumatization to victims and enhances the court system's ability to prosecute crimes. Victims of sexual assault face numerous obstacles to cooperating the legal process; they often fear they will be blamed or disbelieved, particularly if the perpetrator is someone they knew. Officers of the law can improve the quality of their investigation and keep a victim on board through the process when they are trained to empathize with and understand a victim's state of mind. Trauma-informed training can counteract training philosophies that treat the victim as an adversary who should be viewed with suspicion. This bill empowers the plaintiff and the court to require a trauma-informed response from the legal entity involved, strengthening the court's ability to support survivors and pursue justice for sexual violence.

As such, we urge you to support this bill and pass it out of committee. Thank you for your continued leadership and for supporting victims of sexual violence in Hawaii.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Berkowitz".

Scott Berkowitz  
President

CC: Honorable Nicole Clowney  
Honorable Andrew Collins  
Honorable Cameron Cooper  
Honorable Cindy Crawford  
Honorable Matt Duffield  
Honorable Jimmy Gazaway  
Honorable Ashley Hudson  
Honorable Tippi McCullough  
Honorable Jon Milligan  
Honorable Jeremiah Moore  
Honorable Milton Nicks, Jr.  
Honorable Shad Pearce



Leading the National Effort to End Sexual Violence

Honorable Jay Richardson  
Honorable Marcus E. Richmond  
Honorable Jamie Scott  
Honorable Kendon Underwood  
Honorable Steve Unger  
Honorable Danny Watson



Date: February 26, 2024

To: Representative Kyle Yamashita, Chair  
Representative Lisa Kitagawa, Vice-Chair  
Members of the Committee on Finance

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 1968  
Relating to Sex Abuse of Minors

Hearing: February 27, 2024, Conference Room 308; 12:00pm

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

The Sex Abuse Treatment Center (SATC) is **in strong support of HB1968**.

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.

In the past, the Hawai'i legislature opened windows of time to allow retroactive civil suits to be filed.. To be clear, HB1968 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 Center of Disease and Control, 91% of child

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

This bill seeks to protect children who are being abused now, and those who will be abused in the future. And yes, there are many. 1 in 4 girls and 1 in 20 boys are impacted by sexual violence by the time they reach 18 years of age. In FY 2023 alone, the SATC provided services to over 1000 **new clients, 47% of them were children**. The statistics are staggering and only account for those children we are aware of. Think of the many who remain silent and will continue to be silenced without this legislation.

We respectfully ask that this bill be passed with due haste and renew your commitment to protecting our keiki. Thank you for the opportunity to submit testimony in support of HB 1968.

Thank you for your consideration.



February 27, 2024

Members of the House Committee on Finance:

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

Re: HB1968 HD1 Relating to Sexual Abuse of Minors

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

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters. On behalf of HSCADV and our 27 member programs statewide, I respectfully submit testimony in **strong support of HB1968 HD1**.

The bill provides for the time extension to file a civil action by 32 years after the minor turns 18 years old. This would allow a victim who was sexually abused as a child to bring a civil suit by the age of 50 years, which is in line with the national trend extending the civil statute limitations to age 50 and beyond, as well as those states that have eliminated the civil statute of limitations.

**It is well-documented that children of sexual abuse delay their disclosure of abuse, often 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, HB1968 HD1 is not retroactive and applies explicitly to prospective claims. That said, when retroactive suits were made permissible the public was provided a glimpse of institutional sexual abuse that was occurring against children. What we learned is that 1) children delay disclosure and are often not ready to speak of their abuse until many years later and 2) that sexual abuse of children is often perpetrated against them by someone they or their family members, know and trust. According to the Centers for Disease and Control, 91% of child sexual abuse is perpetrated by someone close to the child. This sad, but true fact lends itself to the delayed disclosure of children, making this legislation more imperative than ever.

This bill seeks to protect children who are being abused now, and those who will be abused in the future. And yes, there are many. One in four 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 know of. Think of the many who remain silent and will continue to be silenced without this legislation.

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

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

Sincerely,  
Angelina Mercado, Executive Director



**To: Committee on Finance**

**Hearing Date/Time: February 27th noon**

**Re: Testimony in Support of HB 1968 HD1**

**From: Heather Lusk, Hawaii Health and Harm Reduction Center**

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

The Hawaii Health & Harm Reduction Center (HHRC) **supports HB 1968 HD 1** which would expand the time period by which a civil action for childhood sexual abuse may be initiated and requires those involved to undergo training on trauma-informed response.

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

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

Thank you for the opportunity to testify.

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



## TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII

### HOUSE COMMITTEE ON FINANCE

FEBRUARY 26, 2024

HB 1968, HD1, RELATING TO SEXUAL ABUSE OF MINORS

POSITION: SUPPORT

The Democratic Party of Hawaii **supports** HB 1968, HD1, 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



## HB 1968, HD1, RELATING TO SEXUAL ABUSE OF MINORS

FEBRUARY 26, 2024 · FIN HEARING

**POSITION:** Support.

**RATIONALE:** Imua Alliance **supports** HB 1968, HD1, relating to sexual abuse of minors, which expands the time period by which a civil action for childhood sexual abuse committed on or after July 1, 2024, may be initiated; 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)**



## HIPHI Board

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

Titiimaea Ta'ase, JD  
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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: February 26, 2024

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

Re: HB 1968 HD1 Relating to Sexual Abuse of Minors

Hrg: Tuesday, February 27, 2024 12:00 PM

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Hawai'i Public Health Institute (HIPHI)<sup>i</sup> appreciates the opportunity to provide testimony in **support of HB1968 HD1**, 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 HB1968 HD1.

Mahalo,

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

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<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/>

**HB-1968-HD-1**

Submitted on: 2/27/2024 3:46:00 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn M Golojuch	Rainbow Family 808	Support	Remotely Via Zoom

Comments:

**Aloha Chair and Committee Members,**

**Rainbow Family 808, a Non-Profit Advocacy and Support organization, Cannot support HB1968 because it is a serious problem with any time limit affixed to Rape in the State Of Hawai'i. Our children/minors need our protection regardless of age. Please remove the Statutes of Limitation in HB1968..**

**According to HB1968 The first paragraph of this bill says:**

“ SECTION 1. The legislature finds that child sexual abuse is extremely prevalent and that most children do not immediately disclose the fact that they were abused. In the United States, one in five girls and one in twenty boys is a victim of childhood sexual abuse, and studies show that between sixty and eighty per cent of survivors withhold disclosure. Of those who delay disclosure until adulthood, the average delay has been found to be approximately twenty years, with some survivors delaying up to fifty years.”

**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. 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.**

**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.**

**HB1968 continues a 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 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.**

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

**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. These 10 items in this testimony are just a few of the examples of I have experienced in my 77 years.**

**Rainbow Family 808 strongly requests the Passage of HB1968 without a Statute of Limitations for the safety, support and protection of our Victim Survivors of Rape. Thank you for the opportunity to submit testimony.**

**Mahalo,**

**Carolyn Martinez Golojuch, MSW**

**President/Founder of Rainbow Family 808**

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

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

**TESTIMONY OF EVAN OUE ON BEHALF OF THE  
HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF  
HB 1968 HD1**

Date: Tuesday, February 27, 2024

Time: 12:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **SUPPORT WITH AMENDMENTS** for HB 1968 HD1, Relating to Sexual Abuse of Minors.

HAJ supports this measure which expands the timeframe by which a civil action for a childhood sexual abuse may be initiated. This measure increases the timeframe from 8 to 32 years after a victim's eighteenth birthday. Further, the timeframe is expanded from three to five years after the date the victim discovers or reasonably should have discovered that psychological injury and illness occurring after the victim's eighteenth birthday.

This bill is meant to recognize the fact that reporting sexual abuse, especially the type that could lead to civil liability, is incredibly difficult. Many survivors need years and sometimes decades of therapy before they are strong enough to seek justice.

HAJ appreciates the intent of the legislature to extend the timeframe for sexual abuse victims to bring their cases forward, however, the amendments made to the measure removes the retroactive applicability of the extension to 32 years after a victim's 18<sup>th</sup> birthday. HAJ is concerned with this amendment as without retroactivity, we risk excluding a significant portion of survivors who may never be able to seek justice for themselves, despite being the very individuals this bill seeks to safeguard.

As it stands, HB1968 HD1 sends a message to survivors that while we understand the lengthy process of coming forward and the necessity of long-term therapy, victims might still be

barred from seeking justice solely based on when the assault occurred. The amendment would eliminate potential claims for instances of sexual abuse that have already occurred and preclude a victim's access to justice which would be inconsistent with the intent of the measure.

HAI respectfully recommends that HB 1968 HD1 be amended to the original language of the bill which allowed the extension to 32 years to retroactively apply to cases that have already occurred. The proposed measure as originally drafted properly accounts for the challenges that victims face when electing to pursue justice and is more consistent with the legislature's intent to increase access to justice for victims that have struggled coming forward.

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

**HB-1968-HD-1**

Submitted on: 2/23/2024 9:41:22 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support HB1968. We need this bill to pass to provide justice to the victims. I do recommend that the Statute of Limitations be completely deleted. Please pass this bill.

Mike Golojuch, Sr.

**HB-1968-HD-1**

Submitted on: 2/24/2024 5:28:10 AM

Testimony for FIN on 2/27/2024 12:00:00 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.

**HB-1968-HD-1**

Submitted on: 2/24/2024 10:22:27 AM

Testimony for FIN on 2/27/2024 12:00:00 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 members of the Committee,

I support this bill and hope you will support it too.

Mahalo nui loa for your consideration,

Abby Simmons

**HB-1968-HD-1**

Submitted on: 2/24/2024 10:26:08 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sheryl Hauk	Individual	Comments	Written Testimony Only

Comments:

I am in favor of HB1968 as a concept, mainly its aim to expand the statute of limitations. However, I adamantly oppose the proposed amendment to make the bill retroactive. Over the past seven years, I have consistently voiced my support for legislation that extends the statute of limitations for civil suits concerning victims of childhood sexual assault.

HB1968, in its current form, is commendably crafted and enjoys substantial backing from numerous House representatives. For years, similar bills have been introduced only to languish without passage in special committees. Unlike previous iterations with a standard start date set 60 years in the future, this bill's retroactive nature threatens to deny survivors both accountability and closure.

As a survivor who took five decades to come forward—utilizing the window opened in 2014 to seek justice and closure—I can attest to the critical importance of such legislation. The State of Hawaii has previously implemented a similar window without adverse effects on insurance rates or the financial stability of institutions. Moreover, the vivid memory of the horrendous abuse I endured as a child remains seared in my consciousness, a testament to the lifelong impact of childhood trauma.

I urge the swift passage of HB1968 while advocating for the restoration of its original wording. Let us not undermine the progress made in supporting survivors by imposing retroactive measures that could deny them the justice they rightfully deserve.

Aloha,

Sheryl Hauk

Survivor of Childhood sexual abuse

**HB-1968-HD-1**

Submitted on: 2/24/2024 6:23:15 PM

Testimony for FIN on 2/27/2024 12:00:00 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 Yamashita, Vice Chair Kitagawa, and Committee members,

I write in strong support of HB1968 HD1.

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.

Related to concerns of this committee, sexual abuse also has impact on the economic health of our state. A recent study estimated that the average lifetime cost per victim of child abuse is over \$200,000, costing the US billions annually. These costs are usually paid by the public sector. (Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6542279/>).

For the health of victims, their communities, and the state overall, I urge you to pass this bill.

Mahalo,

Thaddeus Pham (he/him)

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

I am writing in strong support of HB1968.

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.

I acknowledge the concerns regarding witnesses and witness testimony after so many years, but I believe by extending the time in which victims and survivors can work through the trauma and find healing, it will allow the to receive justice for the crimes committed against them. I would support of extending the window for bringing legal action, but would also support a somewhat shorter period, perhaps, of 15-20 years.

Thank you for the opportunity to submit testimony for this bill.

**HB-1968-HD-1**

Submitted on: 2/26/2024 5:19:58 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nikki-Ann Yee	Individual	Support	Written Testimony Only

Comments:

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

I am writing in strong support of HB1968.

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. 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 for the opportunity to testify.

**HB-1968-HD-1**

Submitted on: 2/26/2024 8:39:39 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

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

Comments:

I am very much in support of HB1968 by Rep. Ichiyana 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

**HB-1968-HD-1**

Submitted on: 2/26/2024 12:21:19 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lisa lee	Individual	Support	Written Testimony Only

Comments:

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

I am writing in strong support of HB1968.

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.

Lisa Lee, Honolulu

**HB-1968-HD-1**

Submitted on: 2/26/2024 12:37:14 PM

Testimony for FIN on 2/27/2024 12:00:00 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

Thank you

**HB-1968-HD-1**

Submitted on: 2/26/2024 11:53:50 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard S Velasquez	Individual	Support	Written Testimony Only

Comments:

frequently the victim is not able to deal with this until years later

**HB-1968-HD-1**

Submitted on: 2/27/2024 7:18:08 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shanda Lewis	Individual	Support	Written Testimony Only

Comments:

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

I am writing in strong support of HB1968.

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.

Shanda Lewis, Nurse Practitioner

**HB-1968-HD-1**

Submitted on: 2/27/2024 8:50:20 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

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

Comments:

I testify in strong support of HB1968 HD1, which expands the time period by which a civil action for childhood sexual abuse committed on or after July 1, 2024, may be initiated and authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

If the harm caused by a perpetrator has lasting repercussions, the victim should be able to file civil action to seek redress.