



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

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, February 28, 2023      **TIME:** 11:30 am

**LOCATION:** State Capitol, Room 308

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

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Chair Yamashita 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 3-6) 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 7-11), 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. 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. Retention of documents requires additional resources.

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 make comments.



February 26, 2023

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

Hearing: Tuesday, February 28, 2022 at 11:30 AM

RE: **SUPPORT for House Bill 582 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 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.

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 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, HD1, RELATING TO SEXUAL ABUSE OF MINORS

FEBRUARY 28, 2023 · HOUSE FINANCE COMMITTEE  
· CHAIR REP. KYLE YAMASHITA

**POSITION:** Support.

**RATIONALE:** Imua Alliance **supports** HB 582, HD1, relating to sexual abuse of minors, which expands the time period by which a civil action for childhood sexual abuse may be initiated, including an otherwise time-barred action; and authorizes a court to require personnel of legal entities to undergo training on trauma-informed response.

Imua Alliance is a victim service provider for survivors of sex trafficking, **who often suffer childhood sexual abuse before being exploited in our state's prolific slave trade.** Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 200, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name.

Accordingly, we support measures to advance our state's ability to crack down on sexual slavery, including this measure's extension of the statutory limitations on the time period in which a survivor of childhood sexual abuse may file a civil action. According to the National Center for Victims of

Crime, self-report studies show that 20 percent of adult females and 5 to 10 percent of adult males in the U.S recall a childhood sexual assault or sexual abuse incident. Over 50 percent of the sex trafficking victim population we serve experienced childhood sexual trauma. According to peer reviewed psychiatric research, **between 60 and 80 percent of childhood sexual abuse victims withhold disclosure, often because of limited access to quality psychological care and social attitudes that induce shame about victimization.** We must allow these survivors as much time as possible to speak out and receive justice, so that they do not spend the rest of their lives suffering in silence.

We are heartened by this measure's emphasis on trauma-informed care. Given the severity of the trauma inflicted by perpetrators of childhood sexual violence, we believe that it is entirely appropriate for trauma-informed services and training to be prioritized in the process of making a victim whole, especially since so many survivors of sexual violence have been shamed, silenced, and re-traumatized for the pain they've endured.

**Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · [kris@imuaalliance.org](mailto:kris@imuaalliance.org)**

## **TESTIMONY OF ALISON UEOKA**

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

Tuesday, February 28, 2023  
11:30 a.m.

### **HB 582, HD1**

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

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

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

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

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

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

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

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

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





**TO:** Honorable Members of the House Committee on Finance

**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 27, 2023

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Dear Honorable Members of the House Committee on Finance,

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:

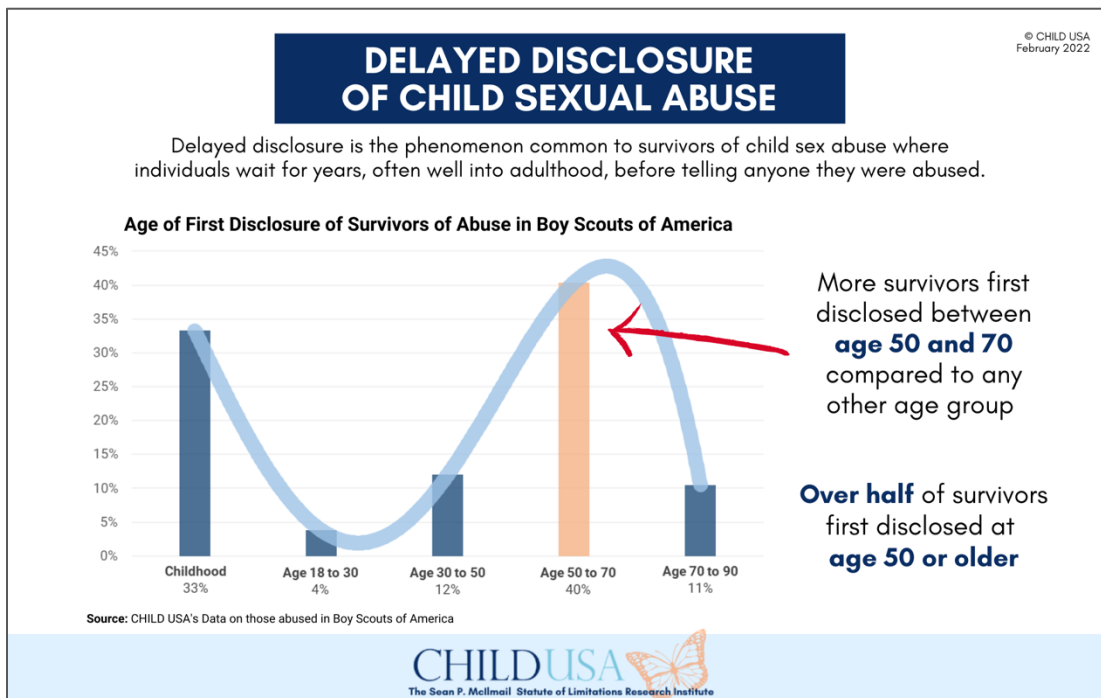
- Childhood trauma, including CSA, can have **devastating impacts on a child’s brain**, including disrupted neurodevelopment; impaired social, emotional, and cognitive development; psychiatric and physical disease, such as post-traumatic stress disorder (PTSD); and disability.



- 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 USA Advocacy 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.



**CHILD USA**  
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.

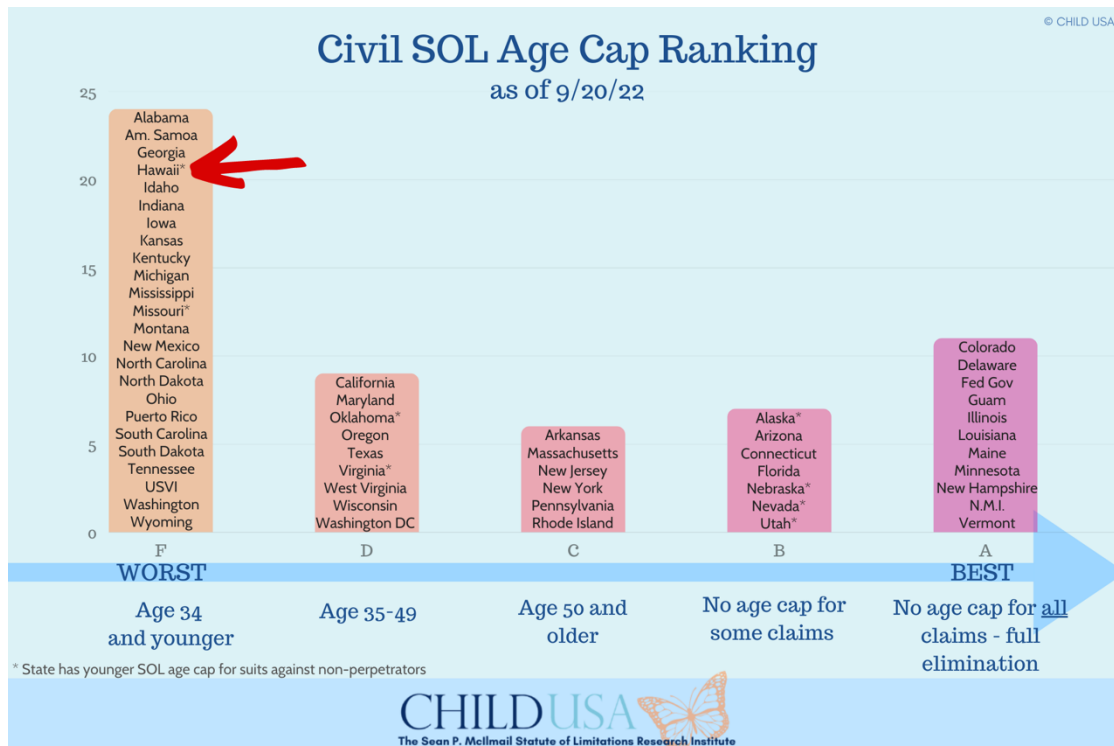
## **III. Hawaii Should Join the National Trend Toward SOL Reform for CSA**

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 that 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. “The science of trauma is clear: it often takes years for victims to come forward,” stated Senator Richard Durbin (D-Ill.), the sponsor of the bill. Senator Marsha Blackburn (R-Tenn.) correctly pointed out that “[t]he statute of limitations for sexual abuse offenses should never prohibit young survivors from getting the justice they deserve.”

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, and another 7 states have no age cap for *some* types of claims. 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 of 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,



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**HAWAII'  
PACIFIC  
HEALTH**

**KAPI'OLANI**  
THE SEX ABUSE  
TREATMENT CENTER



Date: February 27, 2023

To: Representative Kyle Yamashita, Chair  
Representative Lisa Kitagawa, 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 28, 2023, Conference Room 308; 11:30am

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

The Sex Abuse Treatment Center (SATC) is in strong 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.

The Hawai'i legislature in 2012 had the fortitude and foresight to open a 2 year window for otherwise time-barred claims to be made. This 2 year window was extended 2 more times, ending in April 24, 2020. The window of time to allow children of sexual abuse to come forward, was a clear commitment by this legislature to children who have suffered sexual abuse in cases that had long expired under the then existing statute of limitations. It gave them an opportunity to step forward, an opportunity to be heard.

While this bill does not provide for a window to revive old claims, it accounts for those children who are being abused now, and those who will be abused in the future. And yes, there are

many. 1 in 5 girls and 1 in 13 boys are impacted by sexual violence by the time they reach 18 years of age. In 2021 alone, the SATC provided services to **677 new clients, 55% of them were children**. The youngest child serviced by SATC was less than 1 year old. 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.

This bill is a natural extension of what the legislature has done in the years past, to allow survivors an opportunity to come forward decades after their abuse occurred.

Sadly, with extensions to file a civil action being enacted across the nation, institutional sexual abuse of children was revealed, nationally and within our own community. The prevalence of child sexual abuse going undisclosed is higher than we ever imagined.

We respectfully ask that this bill be passed with due haste and renew our commitment to protecting our keiki. Thank you for the opportunity to submit testimony in support of HB 582.

Thank you for your consideration.





To: The Honorable Kyle T. Yamashita, Chair  
The Honorable Lisa Kitagawa, Vice Chair

From: Mark Sektnan, Vice President

Re: **HB 582 HD1 – Relating to Sexual Abuse of Minors**  
**APCIA Position: CONCERNS**

Date: Tuesday, February 28, 2023; Agenda #2  
11:30 a.m., Conference Room 308

Aloha Chair Yamashita, Vice Chair Kitagawa and Members of the Committee:

The American Property Casualty Insurers Association of America (APCIA) has concerns regarding HB 582 HD1 which would significantly extend the statute of limitations for childhood sexual abuse. Representing nearly 60 percent of the U.S. property casualty insurance market, the American Property Casualty Insurance Association (APCIA) promotes and protects the viability of private competition for the benefit of consumers and insurers. APCIA represents the broadest cross-section of home, auto, and business insurers of any national trade association. APCIA members represent all sizes, structures, and regions, which protect families, communities, and businesses in the U.S. and across the globe.

Insurers agree that child abuse of any kind is a heinous, criminal act that should be prosecuted by the proper authorities. Insurers, along with everyone else, support strong laws to that effect. We also understand the highly emotional nature of this issue, but re-writing statute of limitation laws ignores the very reason they were established, to instill fairness in the civil justice system and that is even more critical when decades-old claims are made.

As pointed out by the Attorney General, statutes of limitation exist because as time passes, evidence is lost, memories become cloudy and unreliable, witnesses or defendants pass away, and juries are ill-equipped to apply standards of jurisprudence from decades ago. Extraordinarily long extensions of statutes of limitations, are therefore particularly unfair to civil defendants facing long ago claims without evidence or individuals to defend themselves.

Any legislation to address lawsuits by victims should focus on, and be limited to, the perpetrator.

For these reasons, APCIA asks the committee to **hold** this bill in committee.

**HB-582-HD-1**

Submitted on: 2/28/2023 8:18:38 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Zhizi Xiong	CARES Community Advocacy Research Education Services	Support	Remotely Via Zoom

Comments:

**CARES testifies in strong support and provides comments.**

**Status of limitations puts a time limit on how long a person has before they can file a lawsuit against someone who causes them harm. A victim should have unlimited time to discover psychological injury or illness caused by abuse. Many times, victims do not realize the abuse they went through until they are much older. It is impossible to know at what age a victim may fully realize their trauma. By putting a limit on victim, you are expecting the victim to be able to get to mental health resources & counseling and to understand law within a certain time limit. This is not possible to predict. Therefore, CARES proposes that the statute of limitations upon victims of child abuse should be unlimited.**

**In North Carolina, The SAFE Child Act helps aid in providing the extended statute of limitation to protect people who endure child sexual abuse and don't come forward until they are older. If someone was initially barred from filing a lawsuit because of the statute of limitations, they are granted two years to start a lawsuit because of the SAFE Child Act.**

**Anything we can do to create strong legislation to aid victims is absolutely necessary. Therefore, CARES supports this measure.**

**HB-582-HD-1**

Submitted on: 2/25/2023 2:42:41 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

To: Representative David Tarnas, Chair  
Representative Greg Takayama, Vice-Chair  
Members of the Committee on Judiciary and Hawaiian Affairs

Measure: H.B. 582 – Relating to Sex Abuse of Minors

Date: Tuesday, February 28, 2023

Time: 11:30 am

Location: Conference Room 308

### **IN SUPPORT of HB 582**

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

My name is Jaron Yamauchi, and I am currently an MSW student at the University of Hawaii, studying to work with children and families. I am writing this testimony **IN SUPPORT of H.B. 582.**

As a child and family social work student I have worked with clients who have experienced sexual abuse at a young age and have also had loved ones in my life who have experienced sexual abuse. As it is well documented the lasting impacts of sexual trauma at a young age lead to stunted developmental and emotional growth for a majority of individuals. To everyone, the processing of that trauma is one that cannot be rushed or forced, and it must happen at a pace that is comfortable for the individual. What H.B. 582 does for minors who have suffered sexual abuse is give them a proper timeline to process and seek support for their trauma and move forward at a pace most fitting for them.

In my limited experience as a social worker, I have already encountered cases where individuals were sexually abused as a minor and felt that there was a lack of support for them at the time to come out and share their experiences. Another reason from the client's perspective is that Hawaii is a small island where you could run into a lot of the same people and your story can be told by others. For someone who is not ready to process their trauma having it be shared with the public can cause even more trauma for an individual. Giving them the proper time to process and share their experience when they are ready is fundamental for their development.

In provision (e) trauma-informed response is an appropriate and necessary action needed in moving forward for victims of sexual abuse. Education to any legal entity for a survivor of sexual abuse is paramount in helping individuals who have not experienced such acts learn how to be proper support systems while also providing a safe space to work.

The passing of HB 582 will allow minors to process their sexual abuse at a pace that they feel supports them. It will also allow the training and education needed on trauma-informed responses to sexual abuse and teach individuals how they can help. I appreciate the time and opportunity to state my testimony in support of HB 582.

Thank you,

Jaron Yamauchi

[jaronky@hawaii.edu](mailto:jaronky@hawaii.edu)

**HB-582-HD-1**

Submitted on: 2/25/2023 5:05:42 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

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

Comments:

Please support HB582 HD1.

**HB-582-HD-1**

Submitted on: 2/26/2023 11:10:35 AM

Testimony for FIN on 2/28/2023 11:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.

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February 26, 2023

To: Chair Yamashita, Vice Chair Kitagawa and Committee Members

From: Mark Gallagher

Re: Testimony in support of HB582, HD1

Relating To Sexual Abuse Of Minors

Thank you for the opportunity to provide testimony in support of H.B. No. 582, HD1, 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.

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

Very truly yours,  
Mark F. Gallagher

**HB-582-HD-1**

Submitted on: 2/27/2023 3:26:04 PM

Testimony for FIN on 2/28/2023 11:30:00 AM

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

Comments:

Aloha, Honorable representatives,

I SUPPORT HB582 and thank the representatives who continue 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 at this capitol, traveling thousands of miles. Today I am conducting high school students in a concert of songs and cannot testify on zoom because today's youth need to be protected better than Hawaii protected me 50 years ago.

Just last night, I woke up with night terrors 55 years later. I don't forget, as the prosecutor's office claims. My abuser doesn't forget, as he still writes emails calling me a stupid person for trying to make abusers accountable in the state of Hawaii.

For the last eight years, I have supported bills extending the statute of limitations on civil suits of victims of childhood sexual assault. 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. NOW there is an effective date again for 6/30/3030 to do the same thing AGAIN.

I encourage this honorable committee to amend this bill to eliminate this SOL for ALL survivors of all ages and eliminate effective date that does not read effectively immediately. Allow the Senate to vote on this new law with true Aloha. Alo - let's face each other and give survivors your Aloha from your piko, and pu'uwai.

Mahalo to all the brave representatives who have continued fighting for this reform.

Mahalo,

Sheryl Hauk

Child of Hawaii / Sexually Abused Trauma Survivor

February 27, 2023

The Honorable Kyle T. Yamashita  
Chair  
The Honorable Lisa Kitagawa  
Vice-Chair  
Committee on Finance  
Hawaii State Capitol, Rooms 308  
415 South Beretania Street  
Honolulu, HI 96813

**HB 582 – A BILL FOR AN ACT RELATING TO SEXUAL ABUSE OF MINOR**

Dear Chair Yamashita, Vice-Chair Kitagawa, and Committee members:

We write in strong support of HB 582.

As children, we were sexually abused by our basketball coach and silently lived with that trauma for most of our lives. When sexually abused at a young age, it is very difficult to stand up for yourself or reach out for help, even from your loved ones. Section 1 of the bill reads that “studies show that between sixty and eighty per cent of survivors withhold disclosure” of their child sexual abuse. This was certainly true for us. When we were sexually abused at a young age, the emotions and thoughts that run through our mind were of guilt, self-blame, and shame. We did not fully understand what happened to us, we were confused, we were afraid, and we did not think anyone would believe us. Those few that we did talk to ridiculed us, made us feel as if we were at fault, and outright told us we were liars. We should not have been made to feel that way, but our coach not only groomed us, but he also groomed the people around us, which we learned later was exactly what many sexual abusers do when preying on their victims. They manipulate children and those around them so that victims know or believe that if they speak up, no one will believe them which makes them internalize the trauma. That is why victims of sexual abuse must be given time to grow up, to find their strength and voice, and to act when they are ready. This is what HB 582 aims to do, and what its predecessor law allowed us to do.

In 2020, we filed a lawsuit against our abuser. Although our abuse occurred about 16-17 years prior when we were 12-14 years old and the sex abuse statute of limitations had long since expired, the statute of limitations law was amended, which allowed for a small window for claims such as ours to be filed. For years, we suffered from the abuse and internalized that trauma, but when the law was amended, it gave us an opportunity to find our voice and courage and to begin the healing process that we never knew we needed. It was not an easy decision, and we thought long and hard about filing our lawsuit, but this forced us to confront our fear of speaking out. We eventually made the decision to file, which made our identities and abuse public to the world. It was a stressful endeavor at first, but the process caused us to grow, to confront and defeat our fears, and to seek the help that we so desperately needed. We are now stronger for it, we have found true happiness through healing and validation, and we are proud to hear from other survivors that we have given inspiration and courage to find their own voice. This was all made possible because of the amendment in the law that allowed us to file our claim.

HB 582 will do the same for others. We strongly support HB 582 to give this strength and voice to other victims.

We thank you for your time and consideration.

Mahalo,

  
Ilima-Lei Macfarlane

  
Mahina Macfarlane Souza