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Date: March 11, 2020

To: The Honorable Joy San Buenaventura, Chair  
The Honorable Nadine Nakamura, Vice Chair  
House Committee on Human Services & Homelessness

From: Cindy Shimomi-Saito, Executive Director  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of S.B. 2603, SD1  
Relating to Family Courts

Hearing: Friday, March 13, 2020, 9:00 a.m., Conference Room 329

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Good morning Chair San Buenaventura, Vice Chair Nakamura, and Members of the House Committee on Human Services & Homelessness:

The Sex Abuse Treatment Center (SATC) supports S.B. 2603, SD1.

According to the National Center for Victims of Crime, self-report studies show that 20% of adult females and 5-10% of adult males in the United States recall a childhood sexual assault or sexual abuse incident. The Youth Risk Behavior Survey results in 2013, 2015, and 2017 indicated that children and youth in Hawaii experience sexual abuse and assault at higher rates than their peers elsewhere in the United States. At SATC, over half of the victims seen are under the age of 18.

The majority of children are abused by someone they know and trust. Usually they don't tell about the abuse right away, and sometimes they never tell at all. As child sexual abuse can be devastating with lifelong impact, all efforts should be made to reduce the child's vulnerability to such a crime.

The SATC believes in safety first. Granting custodial rights or unsupervised visitation to a person who has a felony conviction of a violent or sexual offense of a minor, or who is required to register as a sex offender, is detrimental to the well-being of the child. What is already proven—that the person committed this crime or is a registered sex offender—should result in the presumption of risk to the safety of the child.

S.B. 2603, SD1 includes more restrictive standards when making such custodial decisions, yet it allows for rebuttal. Under such circumstances, presuming risk until shown otherwise is far more responsible than assuming safety until proven wrong.

The SATC respectfully encourages the passing of this protective measure as it prioritizes the safety of the child. Thank you for the opportunity to provide testimony.

**SB-2603-SD-1**

Submitted on: 3/11/2020 6:27:03 PM

Testimony for HSH on 3/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elisabeth Wertheim	Individual	Support	No

Comments:

I am in favor of this bill, SB2603.

I have a grandchild who as at the effect of the lack of this law

and is in the custody (part time) of a father with a sexual assault record.

Elisabeth Wertheim

**SB-2603-SD-1**

Submitted on: 3/11/2020 7:25:00 PM

Testimony for HSH on 3/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
deanna kiersz	Individual	Support	No

## Comments:

I strongly believe this bill should be passed to help protect the children on Hawaii ! I am a DOE kindergarten school teacher and I have seen first hand the trauma it causes children's emotional stability. Therefore I highly recommend this law be passed as soon as possible. Also considering this law in place in almost every other state makes it even more of a concern that we should follow on the mandate that these other states have in place.

Mahalo,

Deanna Kiersz

**SB-2603-SD-1**

Submitted on: 3/11/2020 7:34:58 PM

Testimony for HSH on 3/13/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Danielle kiersz	Individual	Support	No

Comments:

To whom it may concern,

This law should absolutely be passed to protect the children of Hawaii!!!! Seeing as this law is in place in every other state, we should follow in their footsteps and unite to help save our children from horrible abuse. We must take a stand and save them from any future abuse! It breaks my heart that children are being sexually abused. Please help and get his passed as soon as we can!!!!

**SB-2603-SD-1**

Submitted on: 3/11/2020 7:38:03 PM

Testimony for HSH on 3/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Wertheim	Individual	Support	Yes

## Comments:

This is a personal issue for me. I have been struggling within the Hawai'i Court system for two years trying to protect my child. This bill will help protect my child, other children, and future generations by updating Hawaii's family and child safety laws to match California and most other states. It says that if a parent is convicted of a felony violent sexual act against a minor then it is presumed unsafe for a child to be unsupervised with that parent. This law will prevent irrevocable harm and empower judges to take the side of children, not based on suspicion but on hard evidence. This law allows a judge to trust child advocates that say a felony violent or sexual conviction of a parent means a presumption that they are a danger to children.

I humbly ask that an amendment be considered to include "Restraining Orders" as a sufficient proceeding.

This bill gives me hope that I haven't been able to feel in a long time.

Thank you. Mahalo nui loa.

Jessica Wertheim

## Testimony in Support of SB2603

I am Rev. Ka'imi Nicholson, from Palolo Valley. I am both a minister and a therapist, and for over nine years, I worked in the Parent's United Program of Child and Family Service, with families that had experienced incest. I strongly support Senate Bill 2603. In my private therapy practice, I've been shocked and distressed to witness our Hawai'i Child Welfare Service inadequately protecting a child whose father has 50% custody and is a registered sex offender, despite a large quantity of circumstantial evidence that the child has been sexually molested by her father. This law is needed for the protection of this precious child and many more.

I hope and trust that all convicted felons receive treatment, but sadly, among therapists it is well known, and in the research literature, it is well-documented that behavioral health treatment for sex offenders is of limited effectiveness.

For example, one of the few quality studies (randomized/controlled/longitudinal) to evaluate treatment for adult sex offenders (Marques, et al, 2005, the California Sex Offender Treatment and Evaluation Project) found that over an 8-year follow-up period, there was no, zero, significant difference in rates of re-offense among the groups who underwent treatment and those who did not.

Another researcher (Hanson, et al 2009) conducted a meta-analysis of 23 different recidivism outcome studies, and found that the average overall recidivism rate was 32 percent for *treated* sex offenders and 48 percent for those who were untreated sex offenders. And please keep in mind, also, that researchers widely agree that observed recidivism rates are underestimates of the true re-offense rates of sex offenders, because the majority of sex offenses are never reported to authorities.

Source: The US Department of Justice, SMART "Sex Offender Monitoring Apprehending Registering and Tracking" office.

[https://www.smart.gov/SOMAPI/sec1/ch7\\_treatment.html](https://www.smart.gov/SOMAPI/sec1/ch7_treatment.html)

This means to me that over 50% of sex offenders re-offend; a huge risk for any child living with them. Sex offenders who have even partial custody of a child have both authority over and unsupervised access to them, an extreme risk. SB2603 will prevent that and protect our children from the devastating trauma of sexual abuse.

*Mahalo nui loa.*

Sincerely, Rev. Ka'imi Nicholson, MA

**LATE**

**SB-2603-SD-1**

Submitted on: 3/12/2020 3:40:18 PM

Testimony for HSH on 3/13/2020 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
	Domestic Violence Action Center	Support	No

Comments:

thank you.

**SB-2603-SD-1**

Submitted on: 3/12/2020 10:46:37 PM

Testimony for HSH on 3/13/2020 9:00:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments: