

NĀ LOIO

Immigrant Rights and Public Interest Legal Center

TESTIMONY IN SUPPORT OF
H.B 2700, HD1, SD1
Senate Committee on Ways and Means
Hearing: March 27, 2008, Room 211, 9:45 a.m.

LATE

To: Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice-Chair
From: Susan Chong Wong, Esq., President of the Board of Directors

Na Loio strongly supports H.B. 2700, HD1, SD1. Please note, however, that there are two errors in the Senate Judiciary and Labor Committee's Standing Committee Report on this bill, SSCR3115:

1. Amendment (5) to the bill seems to be a clerical error in referring to "guardians ad litem to provide civil legal services" when the appropriations added for the Legal Aid Society, Na Loio, and Volunteer Legal Services should reflect that the funds are for these organizations' usual scope of services.
2. Na Loio also concurs with Legal Aid Society testimony on this measure that Na Loio is receiving \$423,000 for FY 2007-2008, not \$600,000.

Na Loio respectfully requests that an increase in the amount of \$55,000 for a total of \$478,000 is necessary in FY2008-2009 to help offset increased rental costs associated with its move from Palama Settlement to the Kukui Children's Foundation Building in the fall of 2008 and to support funding for case management services by a licensed social worker.

Significantly, almost 50% of Na Loio's clients are victims of domestic violence, human trafficking, sexual assault and other serious crimes, or abused and abandoned immigrant children. At our current funding level from the State, this office must already turn away a significant percentage of immigrant families who are in such dire straits, could qualify for our services, and have nowhere else to turn for help. Na Loio believes Grant-In-Aid placement appropriately reflects the alignment of missions between civil legal service providers and the Judiciary – access to justice.

For the past twenty-four years, Na Loio has been the only organization in the State to provide pro bono immigration legal services, community education, and advocacy in the public interest on behalf of the newest and often, hardest-working residents of Hawaii. In addition to full legal representation cases, Na Loio regularly provides over-the-telephone consultation and advice to individuals, state and federal agencies, and other non-profit or community organizations. A toll free number is maintained for Neighbor Island residents.

Last year alone, Na Loio responded to over 900 telephone requests for simple advice, counsel, or referral. Na Loio has actively engaged in community education projects reaching thousands of immigrants and citizens alike. Topics are timely and diverse and have included presentations on civil rights, public benefits, voting and voting rights, legalization, language access, and remedies for immigrant referral.

Na Loio's education forums and training workshops are developed and presented to a wide range of the community, including: church groups, state agencies, community organizations, and the community at large. Last year for example, Na Loio provided 30 plus community presentations reaching over 1,000 persons statewide.

Na Loio is also frequently asked to participate on boards and commissions to formulate policy recommendations to benefit the community. For example, Na Loio actively participated on the Hawai'i Statewide Strategic Plan for Victim Services sponsored by the Department of the Attorney General and also sits on the Violence Against Women State Planning Commission. Na Loio is presently active in the Hawai'i Anti Trafficking Task Force I (to establish a protocol for case referral and management between law enforcement and service providers in cases involving human trafficking victims) and the Hawai'i Anti Trafficking Task Force II (established by the 2006 Legislature to submit a report on human trafficking in Hawai'i and to make legislative recommendations.)

Over the past 10 years, Na Loio and its staff have received numerous state and national awards attesting to the excellence of its services and programs including: YWCA Luncheon Leaders Award, Foundation for Improvement of Justice Award (Atlanta, Georgia), Organization of Chinese Americans, Ho'okele Leadership Award (Hawaii Community Foundation), President's Award (Hawai'i Women Lawyers), and the Rhoda Lewis Award for Public Service.

In its 2007 groundbreaking report, *Achieving Access to Justice for Hawai'i's People*, the Access to Justice Hui makes a compelling case statement for enhanced support for legal services for Hawai'i's indigent community. The report notes that only 1 out of 5 low and moderate income residents of Hawai'i have their civil legal needs met, and that the lack of in-house attorneys and adequate funding for operations are significant barriers to obtaining justice in Hawai'i. The need to provide culturally and linguistically appropriate case management services has never been so acute. Inevitably, as immigrants transition to America they confront gaps between their old society and American society. At these critical junctures, immigrants are particularly vulnerable. Unsure they can access the police or courts, for example, many immigrants remain in abusive relationships because their batterer has told them they will be deported if they report the abuse, or that the courts will not award an immigrant parent custody of a minor child. Many United States citizen abusers also refuse to complete and file immigration forms to legalize the status of their immigrant spouse, or restrict their immigrant spouse from access to ESL courses or other activities outside the home. Isolated and alone, these immigrant victims live a horrifying life in constant fear of abuse and deportation.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FOURTH LEGISLATURE, 2008**

ON THE FOLLOWING MEASURE:

H.B. NO. 2700, H.D. 1, S.D. 1, RELATING TO THE JUDICIARY.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, March 27, 2008 **TIME:** 9:45 AM

LOCATION: State Capitol, Room 211
Deliver to: Committee Clerk, Room 210, 1 Copy

TESTIFIER(S): WRITTEN TESTIMONY ONLY.

(For more information, contact Russell Suzuki, Deputy Attorney General, at 586-0618.)

LATE
SUBMITTED

Chair Baker and Members of the Committee:

The Department of Attorney General has concerns about this bill as it relates to the appropriation for the Judicial Selection Commission.

In Senate Standing Committee Report No. 3115, it is stated that the budget of the Judicial Selection Commission was restored in S.D. 1. However, the bill does not reflect where exactly in the Judiciary's budget the Commission's moneys were placed. From communications with committee staff, we understand that budget worksheets were not created by the Judiciary and Labor Committee, so there is no way to determine where the Judicial Selection Commission's moneys are, although presumably they are included within JUD601-ADMINISTRATION under the operating appropriation.

The Commission is requesting an appropriation of \$94,283 for fiscal year 2008-2009, which is intended to cover the payroll of one full-time staff support and operation costs of the Commission. We recommend, in order to confirm that moneys have been appropriated to the Commission, that the amount be identified and placed in a separate budget item rather than within the Judiciary's administration budget.

While we believe that article VI, section 4 of the Hawaii Constitution, which provides that "[t]he legislature shall provide for the staff and operating expenses of the judicial selection commission in a separate budget," requires that the Commission's appropriation and staffing are to be in a separate bill, we realize that attempting to address this concern this session is not practicable. We ask that the Legislature address this issue next year in the biennium budget.