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January 25, 2010

MEMORANDUM

TO: Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 1884, RELATING TO DOMESTIC VIOLENCE

Hearing: January 25, 2010, Monday, 8:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 1884 is to establish a domestic violence task force within the Department of Human Services to facilitate discussions concerning policies to address domestic violence in Hawaii and prepare a report for the Legislature.

DEPARTMENT'S POSITION: The Department cannot support this bill for the following reasons:

The task force proposed by this bill would be duplicative of the effort of a Domestic Violence task force funded by a Federal Grant that has already been established by the Department of Health.

The Department of Human Services is not in a position to divert our reduced staff or resources for the new duties of this

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proposed task force. We now more than ever, need to focus our energy and efforts on core functions.

The expectations for the proposed task force are not practical and cannot be performed within the allowed six-month timeline.

Finally, there is no funding provided to facilitate or convene the task force. Given the current severe revenue deficit, and the redundancy of the task force, we cannot support this bill.

Thank you for the opportunity to testify.



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To: House Committee on Human Services
From: Cathy L. Takase, Acting Director
Hearing: January 25, 2010, 8:30 a.m.
State Capitol, Room 329
Re: Testimony on H.B. 1884 - Relating to Domestic Violence

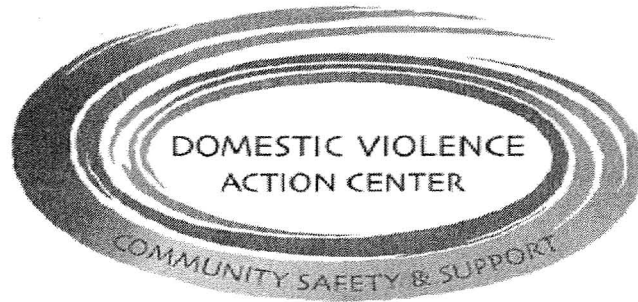
The Office of Information Practices (OIP) takes no position on the substance of this bill, which would establish a Domestic Violence Task Force, but seeks clarification of a provision on page 2 of the bill, lines 11-16, which states:

All proceedings and records of the task force shall be exempt from chapter 92, Hawaii Revised Statutes.

The Sunshine Law is only part I of chapter 92. Parts II through IV of chapter 92 relate to non-Sunshine Law issues, such as boards' general powers and quorum requirements, copy charges for public records, and publication of legal notices. If the intent of this provision is to exempt the Task Force from the Sunshine Law, OIP recommends that the bill state that the Task Force "shall be exempt from part I of chapter 92."

In addition, OIP would like to note the impact of this exemption. The Task Force is charged with seeking "input on policy" and making recommendations to the Legislature to address domestic violence in Hawaii, a public policy matter of significant importance to the public at large. The intent of the Sunshine Law is to ensure public participation in the formation and conduct of public policy. The effect of exempting the Task Force from the Sunshine Law is that the Task Force will not be required to post notice of its meetings, or to allow the public to attend and testify at its meetings. Instead, any public input would be at the discretion of the Task Force and in the manner it chooses, and members of the public will have no recourse if they are not allowed to attend or participate in the proceedings.

Thank you for the opportunity to submit testimony.



Friday, January 22, 2010

TO: Chair John M. Mizuno
Vice Chair Tom Brower
Members of the Committee

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: HB 1884

Aloha and good morning. This testimony is submitted in opposition to the Bill under consideration, H.B. 1884. The Department of Health is currently supporting the work of 4 task forces to facilitate discussion about public policy, practice and program needs in each of Hawaii's counties. There is enthusiastic participation by the community, and by the experts.

Duplication of the work, demands on time and experience in the area would be diluted with the creation of an additional task force. Further, it is not clear what the purpose of the intended task force would be.

Thank you for allowing the inclusion of this perspective for consideration.

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HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

TO: Chair Mizuno, Vice Chair Brower and Members of the Committee

FR: Jane Seymour, Hawaii State Coalition Against Domestic Violence

Hearing date and time: Monday, January 25, 2010 at 8:30am

RE: Opposition to HB 1884: Relating to the Domestic Violence

Aloha, my name is Jane Seymour and I am representing the HSCADV, a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV is opposed to HB 1884.

Currently the Department of Health is supporting the work of four task forces that examine and discuss public policy, system practices, and program needs relating to domestic violence. These task forces consist of members from the community as well as experts, and address the needs of all four of Hawaii's counties.

The creation of an additional task force could cause an unnecessary duplication of work and take time away from those task forces that are already working to improve domestic violence policy and services.

Thank you for the opportunity to testify.

brower1-Traci

From: Tom Marzec [adamtm@lava.net]
Sent: Monday, January 25, 2010 7:14 AM
To: HUS testimony
Subject: 25Jan10 Testimony offering comments re HB1884 DV Task Force

January 25, 2010

To: Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services

From: Tom Marzec

Subj: Testimony offering comments re **HB1884** DV Task Force

Hearing: Monday, January 25, 2010; 8:30 a.m.; Room 329, State Capitol

As a long-time advocate for family court reform, familiar with local and national domestic violence issues, I offer the following comments on HB1884.

1. Such a task force is a learning opportunity for the community. I recommend membership on the task force be expanded to include more grassroots citizens, victims of domestic violence, persons knowledgeable about abuses of the domestic violence systems and procedures, military experts, and persons with a domestic violence academic and research-based knowledge or background. New ideas and fresh perspectives require a varied and diverse mix of task force members.

2. Delete Page 2 lines 8-9. A HRS Chapter 92 Sunshine Law board (i.e. this task force) may hold a meeting closed to the public per:

§92-5 Exceptions. (a) A board may hold a meeting closed to the public pursuant to section 92-4 for one or more of the following purposes:

...

(6) To consider sensitive matters related to public safety or security;

...

Such a closed executive meeting is a better way of handling safety and privacy issues related to domestic violence testimony -- rather than exempting the entire task force from sunshine. Removing the public from all meetings prevents a learning opportunity for the community and perpetuates the myth that domestic violence is something that only happens behind closed doors and should stay hidden. Also, the task force report can be very easily dismissed because the task force operated in total and unnecessary secrecy

and such blanket secrecy is generally poor public policy. An inability to verify evidence makes any subsequent report conclusions and recommendations much less credible.

3. I recommend the task force be specifically charged to determine if a state domestic violence "czar" would be an effective improvement. Such a czar could be in the executive branch to utilize established and coordinated public policy-making procedures and could oversee all state or federal funds for domestic violence programs and services. Funding domestic violence programs and services piecemeal, or from the Judiciary budget, limits the necessary coordination required and prevents comprehensive and integrated public policy-making decisions.

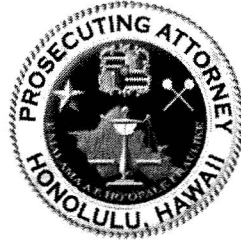
Your consideration of these issues is appreciated.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES**

**THE HONORABLE TOM BROWER, VICE CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2010**

January 25, 2010

RE: HOUSE BILL 1884; RELATING TO DOMESTIC VIOLENCE

Good morning Chair Mizuno, Vice Chair Brower, and members of the Human Services Committee, the Department of the Prosecuting Attorney provides the following testimony **in opposition to H.B. 1884**, which proposes to establish a Domestic Violence Task Force to facilitate discussions concerning policies to address domestic violence and then report to the Legislature.

While our department supports the general concept of this bill, the State Department of Health has already invested a considerable amount of time and money over the past two years to develop county based Task Forces to accomplish much the same work as proposed in this measure. In addition to concerns about duplications of time and effort for the same or similar purpose, we believe that a county based model, as developed by the Department of Health, is more likely to insure broader participation and input in developing the solutions sought by H.B. 1884.

For the reasons cited above, we request that you hold H.B. 1885, in deference to the process already initiated by DOH. Thank you for your time and consideration.