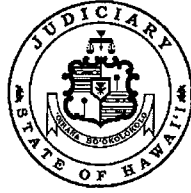


**HB 2000,
HD2, SD1
Testimony**



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Ways and Means

The Honorable Donna Mercado Kim, Chair

The Honorable Shan S. Tsutsui, Vice Chair

Wednesday, March 31, 2010, 9:30 a.m.

State Capitol, Conference Room 211

By

W. Tom Mick

Policy and Planning Department Head

WRITTEN COMMENTS

Bill No. and Title: House Bill No. 2000, H.D. 2, S.D. 1, Relating to the Judiciary

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2011.

Judiciary's Position:

The Judiciary urges your support of House Bill No. 2000, H.D. 2, S.D. 1, which reflects the Judiciary's resource requirements for FY 2011. However, we are very concerned about the lump sum deletion of \$3 million from the Judiciary's budget base, as well as the \$393,000 increase to the furlough savings reduction computed by the Judiciary. Not only will the loss of these funds further adversely affect the timely and efficient operation of Judiciary courts and programs statewide, as well as the court's ability to make justice available without undue inconvenience, cost, or delay, but will also result in many of the services provided by the Judiciary being further, significantly reduced, public safety being jeopardized, and much greater long-term costs eventually being incurred by the State.

We therefore urge action to restore the deleted funding and the additional furlough savings reduction made by House Bill H.D. 2, S.D.1, to bring total funding back to the budget base proposed by House Bill 2000, H.D. 2. In House Draft 2, the House Committee on Finance clearly recognized how devastating any further cuts to the Judiciary's operating budget would be,



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not only to the Judiciary, but in the long run, to the public and the State of Hawai'i as well. As stated in the House Committee report on this bill, the "Committee on Finance is concerned that drastic cuts to the Judiciary would hamper its ability to dispense justice in a fair and timely manner. Your Committee has factored the appropriate furlough savings into the Judiciary's supplemental budget. Your Committee, however, does not recommend any additional cuts given the uncertainty the Judiciary faces with respect to its caseload and the effects of furloughs and staffing reductions." In fact, the House Committee on Finance also provided an additional \$1.5 million to the Judiciary's operating budget specifically for treatment courts and purchase of service (POS) contracts related to domestic violence to help offset the significant cuts made in these areas in FY 2010 as a result of actions taken with regard to the Judiciary's operating budget during the last legislative session, as discussed below.

During the informational budget briefings to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 6, 2010 and the House Committee on Judiciary on January 19, 2010, and the budget hearings before the Senate Committee on Judiciary and Government Operations on February 4, 2010 and March 17, 2010 and the House Committee on Finance on March 3, 2010, we provided detailed information on our budget and supplemental request, the impact of recent budget cuts, and the potential costs to society and the State of further cuts to the Judiciary. Consequently, our testimony today will address only a few highlights related to those briefings and hearings but also our concerns related to Senate Draft 1.

The Judiciary is very aware of the State's economic situation and projected budget deficits for the fiscal biennium, and realizes that this is not a normal supplemental budget year where such supplemental budget requests can even be entertained. In fact, these conditions, in conjunction with legislative actions last year to reduce the Judiciary's FY 2010 budget base by \$11.5 million or 7.6% relative to FY 2009 and to eliminate 79 positions or 4% of the Judiciary's permanent workforce, resulted in the Judiciary taking serious cost cutting measures. These included significantly reducing expenditures in such areas as POS contracts (a \$3.5 million reduction or 26% of prior year expenditures in this area), guardian ad-litem/legal counsel services (a \$1.5 million reduction), temporary hire positions (a \$1.1 million reduction), overtime, electricity, repair and maintenance, and the use of per-diem judges. These came on top of a 7% percent reduction to our discretionary spending amounts imposed on our budget during the 2008 legislative session. Further, in helping to contribute to our shared responsibility of balancing the state budget, the Judiciary adopted a furlough plan for all HGEA and related employees that was implemented on November 6, 2009 that will save approximately \$4.8 million this current fiscal year and about \$7.6 million in FY 2011 based on Judiciary calculations and on-board personnel counts as of November 2009 (Note: House Bill No. 2000, H.D. 2 recognized this furlough savings for FY 2011 by reducing the Judiciary budget by just over \$7.8 million, of which over \$200,000 related to special funds). Also, although additional funding is needed to fully staff and



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operate our new Kapolei Court Complex and for various other important operational and safety matters, we did not request any additional general funds in our supplemental budget request. Rather, our general fund budget request remained at the \$139 million provided during the last legislative session, which still represents a significant cut from our FY 2009 budget of more than \$150 million. House Bill No. 2000, H.D. 2's recognition of FY 2011 furlough savings further reduced the Judiciary's budget to about \$132 million while Senate Draft 1 reduced it to about \$128 million, or almost 15% less than our FY 2009 budget.

The impact of these budget and personnel reductions, together with the two-day-per-month furloughs, is already being felt throughout the Judiciary and Hawai'i, especially considering that the Judiciary has no control over its workload and must now accommodate that workload with less financial resources, people, and work days. Significant trial and hearing scheduling problems have arisen as fewer days are available for scheduling, and because prosecutors, public defenders, and sheriffs do not necessarily have the same furlough days as each other or the Judiciary. With fewer days, court calendars are becoming overcrowded and, in some cases, jumbled with all different types of cases. The loss of staff positions has resulted in the remaining staff having to supervise/monitor much larger caseloads. For example, the Adult Client Services Branch, First Circuit lost 24 positions, many of which were in the Sex Offender and Domestic Violence Units. The loss of these positions has meant that some of the remaining staff personnel have caseloads as high as 180 to 1 for high and medium risk offenders, well in excess of the American Probation and Parole Association caseload standards of no more than 50 to 1 for these types of offenders.

While the reduction to the Judiciary's budget base affected all Judiciary programs statewide, it, as noted above, also resulted in funding being cut for POS contracts by an overall 26 percent (\$3.5 million), and for treatment court and domestic violence services by about \$1.3 million and \$1.6 million, respectively. Some programs were eliminated while some others were significantly reduced. These cuts have led to fewer services being available and fewer clients served, and longer waits to access services, resulting in less adherence to program goals and a slow-down in admittance. They have also contributed to the loss of 10 or more staff in direct service to victims and perpetrators of domestic violence, resulting in a decrease in parenting groups, crisis intervention services, victim support, and batterers treatment; a 14% to 18% reduction in cases closed, cases opened, temporary restraining order (TRO) clients served at various sites, and victim services delivered; a 20% to 40% reduction in safety planning services and services to children exposed to domestic violence; an increase in wait time for batterers trying to enter services from one to two weeks in the best case, and two to five months in the worst case, which means more untreated batterers residing in communities, decreasing the safety of their victims and the community in general; a decrease in the number of sites available to obtain services for batterers, victims, or children – on the Neighbor Islands, this often means that services are unavailable unless the person seeking services has access to a car and is able to drive



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many miles; increases in requirements and fees for fee-for-services, making programs unavailable to those who cannot pay; a decrease in supervised visitations to 1.5 hours a week per family; a reduction in staff work hours; and waitlists for almost all services, including waitlists for TRO support and filings. Some of the people who will now not be served by these programs may remain incarcerated or may harm themselves or others, while those with a dual diagnosis of substance abuse and mental illness will likely not be served at all. Considering these effects, the Judiciary was especially grateful for the House Committee on Finance's actions to add \$1.5 million to the Judiciary's operating budget for treatment courts and POS contracts related to domestic violence. However, without this \$1.5 million and with the proposed reductions in Senate Draft 1, the problems noted above will further be compounded.

The work has not decreased in the Judiciary, yet the funding, personnel resources, and days available to do that work have all been reduced. With less time and people to do that work, as well as the additional work required to adjust schedules, trials, and hearings, stress, fatigue, and frustration have increased significantly among court staff, which, in turn, has led to errors, an inability to meet certain timeframes, and an overall decrease in morale. The public has also been deeply affected as waiting times to be serviced have doubled in some cases, as less days are available for the public to do business with the Judiciary. These conditions will only get worse to the extent that we have to absorb these reductions in our basic core operations, and will just be further exacerbated by the proposed reductions in Senate Draft 1.

While certainly there is an immediate court services and economic impact from these reductions, much of the impact might not be felt until later years and will be borne by other agencies as well. For example, the treatment capacity of the Oahu Adult Drug Court has already dropped from 160 to 130 clients because of the budget reductions, with 30 people now on a wait list. Assuming that these 30 people are not admitted to the drug court program and are incarcerated at \$139 per day each (about \$51,000 per defendant per year), this would cost the State in excess of \$1.5 million for one year, or over \$600,000 more than the cost of the entire Oahu Drug Court operation for one year. If we were to experience future budget cuts that necessitated the closure of all the adult drug courts, and if we used the same formula and applied it to the 387 defendants currently enrolled in the adult drug courts statewide, it would cost about \$19.6 million to incarcerate everyone for one year, as compared to the entire adult drug court appropriation for FY 2010 of just over \$3 million. These potential costs to the State would multiply even more if further cuts meant closing our juvenile and family drug courts. Or, to cite another example, if the Judiciary had to discontinue the Project HOPE program due to lack of funds, where the average cost to supervise an individual on probation is \$1.82 per day, and instead incarcerate the 1,483 active probationers at \$139 per day, it would cost the State \$75.2 million (1,483 X \$139 per day X 365 days), as compared to the total FY 2010 allocation of just under \$1 million for Project HOPE.



Recidivism (re-offense) and its effects and economic impacts also would not be felt until sometime in the future. Recidivism rates since inception for adult drug court clients range from 3.5% on Kauai to 16% on Maui, or an average low of 9.6% statewide, as compared to over 50% recidivism within three years for persons released from prison (per Bureau of Justice reports). Thus, for the majority of defendants who are incarcerated without the benefit of the drug court program, the doors of the courthouse and prisons become revolving doors with all the attendant costs that are incurred. Clearly, diverting defendants to drug treatment through our drug court programs, whether they are adult, juvenile, or family drug courts, potentially saves millions of dollars.

In summary, the proposed additional cuts to the Judiciary budget could lead to further reductions in funds provided to treatment providers that service these specialty courts and result in vastly increased costs to the prison, welfare, law enforcement, social services systems, and judicial communities. Further reductions in these services will have an enormous impact on the ability of our community to remain safe and avoid an increase in crime and child abuse and neglect by repeat offenders. The increase of long-range social costs due to the inadequate provision of services and diversion options for children and youth is immense as these children and youth – if not worked with early – develop educational and behavioral problems and are more likely to matriculate to the adult criminal system. It should be noted that we are already seeing the effects of the economic downturn on crime and court filings as FBI statistics show that for the first half of FY 2009, property crime, violent crime, and arson increased on Oahu by 6% as compared to the first six months of FY 2008; and that from FY 2008 to FY 2009, new cases filed in circuit courts statewide increased by 6%, civil cases in district court by more than 10%, non-criminal traffic violations by 4%, and domestic abuse/protective order filings by 12%.

With regard to the additional \$393,000 reduction in Senate Draft 1 related to our furlough savings, we were told that it was based on information provided by Budget and Finance. We contacted Budget and Finance and were told that they obtained salary information from their **July 2008** collective bargaining database. On the other hand, the Judiciary used on-board employee counts and current salary information as of **November 1, 2009** to determine its furlough savings for FY 2011. We also accounted for the non-HGEA employees in our furlough calculations even though there was no settlement at the time. (It should be noted that judges were excluded from our calculation (we believe that they were also excluded from Budget and Finance's calculation) because our judges were already subjected to a 5% salary reduction). In short, while we believe that both sets of figures (Budget and Finance's and ours) are accurate, we feel that our calculation is more relevant because it is based on the most recent information that was available (that is, **November 1, 2009 actual salaries** as opposed to July 1, 2008 salaries). It needs to also be noted that the Judiciary payroll base budget lost 79 permanent positions and was reduced by over \$3 million subsequent to the July 2008 period used by Budget and Finance in its computations. One other point – it is likely that new hires for vacancies



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occurring between July 2008 and November 2009 were filled at a lower salary rate than was in effect in July 2008. Accordingly, considering these factors, we believe that the additional \$393,000 for furlough savings in Senate Draft 1 considerably overstates the correct furlough savings amounts and respectfully request the amount be restored to the Judiciary budget base.

The Judiciary does have one special fund operating request for a ceiling increase of just over \$125,000 in its Probation Services Special Fund to pay for a full-time Interstate Compact Coordinator to handle all interstate compact matters related to the transfer of probationers and parolees between states, and to reimburse the general fund for fringe benefits for the five staff positions supported by this Special Fund. House Bill No. 2000, H.D. 2 supports this ceiling request increase.

With regard to the Capital Improvements Project (CIP) budget included in House Bill 2000, H.D. 2, S.D. 1, the Judiciary is certainly pleased with the \$600,000 provided for improvements to the Lahaina and North Kohala District Courts. However, we are concerned with the lack of requested funding (\$3,050,000) for the planning and design of an Administrative Services Office Building in Kapolei to support the Kapolei Court Complex. Without this building, many of the programs and services that support and interact with the family court and juvenile detention operations in Kapolei, such as the girls, family drug, and juvenile drug courts, will have to remain indefinitely in Honolulu, some in costly leased facilities. Further, the separation of these programs and support services between Honolulu and Kapolei also results in various functional and operational inefficiencies. Also of concern to the Judiciary is the lack of any CIP funding to replace the cooling tower condenser water piping at Kauikeaouli Hale (\$360,000); to repair the roof, lanai, and concrete terrace deck at Ka'ahumanu Hale (\$4,215,000); and to plan and design for an upgrade of the more than 25-year old elevator system at Ka'ahumanu Hale (\$312,000). The corrosion and related deterioration of the almost 30-year old water piping is so severe that it poses a substantial risk of failure, which would cause the building's air conditioning system to shut down and result in the building being essentially inoperable. At Ka'ahumanu Hale, the leaking and recurrent water infiltration is physically damaging the building, has disrupted operations through closed offices and functional spaces, and created an environmental hazard through possible mold and mildew buildup. Additionally, the lanai deck has begun to buckle and crack, exposing these portions of the building to even further potential damage. The elevator system at Ka'ahumanu Hale frequently breaks down, is difficult to service as replacement parts are hard to come by and in many cases obsolete, and does not meet current safety or Americans with Disability Act accessibility standards nor current building and elevator code requirements.

Lastly, while the Judiciary appreciates the \$5 million provided relative to our lump sum CIP request, we are concerned that this represents less than 20% of the amount requested.



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Without the requested funding, some of the sub-projects in the category that were initiated with planning and design funding from last year's legislative session will not be able to proceed into actual construction. Further, by not fully funding these lump sum repair, alteration, and improvement projects for the aging Judiciary facilities, significantly increased repair and improvement costs will likely result in the future.

The proposed supplemental budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill No. 2000, H.D. 2, S.D. 1, which includes the Judiciary's supplemental budget request, and that you strongly consider restoring \$3,393,000 for the lump sum reduction and incorrect furlough calculation to the Judiciary's budget base.

I hope this information provided today will assist your committee in its deliberations relating to this bill. Thank you for the opportunity to testify on this measure.



Ho'omau Ke Ola

"to perpetuate life as it was meant to be"

P.O. Box 837, Wai'anae, Hawai'i 96792 • (808) 696-4266 Business
(808) 696-3661 Fax

Date: March 15, 2010

To: Donna Mercado Kim, Senate Ways and Means Committee Chair
Shar Tsutsui, Vice Chair and Members of the Senate Ways and Means Committee

RE: HB 2000 HD2
Testimony of Support

My name is Dennis L. George, CSAC, and I am the Clinical Director of Ho'omau Ke Ola. I have been associated with Family Drug Court and other Adult Client Services client's for the past 20 years. It is through Judiciary funding that many of these individuals have been afforded the opportunity of attending treatment and beginning the process of changing their lives.

The Family Drug Court is an integral part of the Judiciary and affords clients a wealth of service's to re-integrate individuals back into their families lives and offers funding, services and referrals throughout the community to achieve this.

Therefore, I request you approve any and all funding available to the Judiciary in order to continue to support these client's, families and services.

Thank you for your time and consideration. If you have any questions or concerns, please feel free to contact me at 808-696-4266, ext. 228.

Dennis L. George CSAC
Clinical Director
Ho'omau Ke Ola



Ho'omau Ke Ola

"To perpetuate life as it is meant to be"

P.O. Box 837
Wai'anae, Hawai'i 96792

(808) 696-7931
(808) 696-3661 Fax

March 15, 2010

RE: HB 2000 HD2
Judiciary Supplement Appropriations Act of 2010
Position: Support

Dear Honorable Chair, Donna Mercado Kim
Vice-Chair, Shan Tsutsui
Members of the Senate Ways and Means Committee

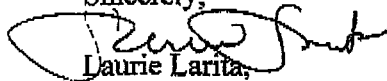
My name is Laurie Larita, and I am the Administrative Director of Ho'omau Ke Ola. I would like to support the Judiciary Supplemental Appropriation Act of 2010 (HB2000 HD2) to be approved.

I support the objective of the Judiciary system to improve the lives of individuals, families and communities. Through partnership, we will promote a healthier environment and assist in the spiritual, psychological, physical, and familial healing of those we serve.

HO'OMAU KE OLA's mission is to provide treatment and promotes healing from the effects of chemical dependency in a environment integrating best practice and Hawaiian spiritual values. We have been providing residential treatment, therapeutic living, and outpatient culture-based and traditional substance abuse services to our predominantly native Hawaiian community for the past twenty-two years. Although our programs are modeled on Hawaiian culture, these values, beliefs and attitudes are transcultural and shared by a number of other ethnic/culture groups throughout Hawaii. Our goal is to reconnect our clientele to their roots and strengthen multigenerational members of their family.

Funding the Drug Court Programs is an essential part of the healing process of rehabilitation, reunification, growth, and stability of healthy communities.

Sincerely,


Laurie Larita,
Administrative Director
Ho'omau Ke Ola



Ho'omau Ke Ola

"to perpetuate life as it is meant to be"

P.O. Box 837 - Wai'anae, Hawaii 96792

• (808) 696-4266 Business
(808) 696-3661 Fax

Testimony by:

James R. Siebert, Ph.D.

HB 2000 HD2

Judiciary Supplemental Appropriations Act of 2010

Position: Support

Honorable Chair Donna Mercado Kim, Vice-Chair Shan Tsutsui, and Members of the Senate Ways and Means Committee:

My name is James R. Siebert, Ph.D., and I am the Executive Director of Ho'omau Ke Ola, a Hawaiian culture-based drug treatment program in Wai'anae. Ho'omau Ke Ola is licensed and accredited by the Department of Health to provide clinical and cultural services to residential, outpatient, and therapeutic living clients. Presently, Ho'omau Ke Ola is in its nineteenth consecutive year of funding from the State of Hawaii/Alcohol and Drug Abuse Division (ADAD). In the past nine years alone, Ho'omau Ke Ola admitted over 1,200 clients into its programs, with a treatment completion rate of 61.2% which 7% higher than national norms.

This data is relevant to the appropriation of funds to the Judiciary for FY 2010-2011 (HB2000). During the before noted nine-year period, approximately 49% of our clinical population were direct referrals from the Judicial system. With methamphetamine ("ice") continuing to be the primary substance used and 94% not in the labor force at time of admission, the need for treatment services remains imperative. The need for Judicial support continues to be clear and compelling.

Therefore, I respectfully request that the Judiciary Supplemental Appropriations Act of 2010 (HB2000 HD2) be approved. I can be reached at (808) 696-8675 if additional information is needed. Thank you for the opportunity to submit testimony.

Sincerely,

James R. Siebert, Ph.D.
Executive Director
Ho'omau Ke Ola

Janet T. Davidson, Ph.D.
Assistant Professor, Criminology & Criminal Justice
Chaminade University of Honolulu

Committee on Judiciary and Government Operations

Hearing on Wednesday, March 31, 2010
9:30 A.M.
State Capital, Conference Room 211

HB 2000, HD2 SD1

Written Comments

To: Members of the Committee on Judiciary and Government Operations:

I am writing these comments in support of continued funding for Girls Court (as well as all problem solving courts).

Girls Court is a much needed gender specific program for girls in Hawaii and is one of the first of its kind in the nation. The program works to strengthen the pro-social bonds of the girls, increase their self-esteem and self-efficacy, and address other gender-specific problems that are often uniquely correlated with girls' and later women's' entrée into the criminal justice system. The program has a consistent history of demonstrated success. The most recent evaluation results demonstrate that girls who complete Girls Court realize the following: 94% reduction in runaways (which are often indicative of other serious underlying problems); 84% reduction in law violations; 79% reduction in shelter admissions; and a 66% reduction in detention home admissions.

These numbers imply that the program is worthwhile not only terms of gender-specific and gender-relevant services for girls in the juvenile system, but also for public safety. Indeed, Girls Court was recently named a best practice in the deinstitutionalization of status offenders by the Office of Juvenile Justice and Delinquency Prevention – a very important distinction for this Hawaii-based program. It is important that the program remain fully funded in order to retain the totality of the elements that currently comprise Girls Court. Indeed, Girls Court is truly the sum of its parts – including a consistent Judge, probation officers who understand and recognize the need for gender-responsive services, therapists that work with both the girls and their families, and other support staff. Continued success and improved public safety are to be expected from this fully funded problem-solving court.

It certainly does not go unnoticed that these are trying economic times. As such, it is important to look at some recent national findings that serve to support problem-solving courts and related initiatives¹ as both successful in reducing unwanted outcomes and cost-effective. Research on

¹ Drake, E.K., S. Aos, and M.G. Miller. (2009). "Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State." *Victims and Offenders* 4:170-196.

teen courts, for example, demonstrate an average reduction in crime of 14% with a corresponding \$11,401 savings in benefits to crime victims, \$5,507 benefits to taxpayers and a long term \$15,971 in overall benefits. Family-based therapy programs, which is part of the Girls Court Hawaii model, demonstrate an average reduction in crime of 13.3% and \$26,047 in benefits to crime victims and an overall \$12,254 in benefits to taxpayers.

Qualitative data from Hawaii participants also speak the success of Girls Court. The girls and their parents overwhelmingly support the program and the tangible benefits realized in improved relationships with their girls, the girls' reduced delinquency, improved abilities of both girls and the parents to problem-solve and communicate, and, too, increased overall family functioning. Interview and focus group data from consecutive groups of 'graduating' girls and their parents continue to support these positive impacts.

The program is worthwhile not only terms of gender-specific and gender-relevant services for girls in the juvenile system, but also for public safety and long term savings. I strongly urge your continued support for this very important problem solving court. Finally, I have copied the latest Girls Court evaluation summary here for your review (some of the formatting is lost but the content remains).

Sincerely,

Janet T. Davidson, Ph.D.
Assistant Professor, Criminology & Criminal Justice
Chaminade University of Honolulu

2009

*Girls Court Hawaii:
Evaluation Summary*



Janet T. Davidson, Ph.D.
Chaminade University of Honolulu
December 2009

BACKGROUND

Girls Court began in 2004 as a gender-responsive, problem-solving court within the First Circuit Family Court of Hawai'i. The court was formed upon the observation that many young girls in Hawaii, as elsewhere, require programming aligned with their unique needs. Girls come to the system with myriad problems, ones that render merely reacting to the delinquent or law-breaking behavior problematic. Gender-responsive programs recognize and understand that all of the complex problems surrounding the girl must also be addressed if we are to effectively deal with the delinquent or law-violating behavior.

There is an urgent need to pay especially close attention to girls in the system as their numbers have risen at a much faster pace than have boys. Look at the following numbers for increases in juvenile girl arrests, case types, and residential placements, for example:

| Rates of Change | |
|------------------------------------------|----------|
| Arrest Rates: 1980-2007 | + 27.9% |
| Juvenile Court Cases by Type: 1985-2005 | |
| Delinquency | + 72.6% |
| Person | + 182.8% |
| Property | + 2.9% |
| Drugs | + 150% |
| Public Order | + 166.7% |
| Residential Placement by Type: 1997-2006 | |
| Shelter | -52.6% |
| Detention Home | -0.7% |
| Long-term Secure | +169.0% |

Note: Percentages represent rates of change.

As shown in the table above, girls' involvement in the juvenile justice system – from arrest through confinement – demonstrates significant increases in arrest and long term confinement. In part, these numbers reflect the manner in which we have re-conceptualized girls' delinquency, but these numbers also reflect our historical neglect of gendered treatment in the system.

Girls Court thus engages in gender responsive programming via the promotion of the following²: honoring the female experience; maintaining ethical standards; nurturing strengths; instilling hope; building relationships; educational advancement; employment; connecting with the community; healing; competency development; accountability; and adopting a holistic view.

The values listed above are manifest in Girls Court in a variety of ways. First, girls do meet with their probation officer and have standard conditions of probation or protective supervision. Second, open court hearings are held every four weeks and are intended to provide the girls and their families with the consistency of a judge who intimately understands their cases. Further, girls are held accountable for their lack of progress or praised for accomplishments. Third, since Girls Court has a therapist on contract, the girls and their families are offered family and individual counseling. This is a key component for the program since familial problems are often significant predictors of a girl's delinquent behavior. Fourth, girls are court ordered to attend activities designed to encourage and discover girls' strengths, introduce girls to new opportunities and experiences, and to also give back to their communities. Finally, girls and at least one parent or caregiver are expected to continue participation in the program for at least one full year. The length of the program is important because it takes time for the girls and their families to build trust, grow, and, for many, begin to heal.

It should be noted that although the girls in any given Girls Court cohort are the direct clients, others also receive services, including the girls' families or other associates. The families are involved in many of the activities alongside the girls, and also spend significant amounts of time with their girls in therapeutic based sessions. Girls Court also provides trainings and serves as a larger referral source for gender-responsive services statewide.

Following in this report are key findings and highlights from the first four Girls Court cohort participants. Findings based on these cohorts were chosen because there is adequate follow-up time to track outcomes. Data for all cohorts, past and present,

² <http://www.girlscourt.org/index.html>

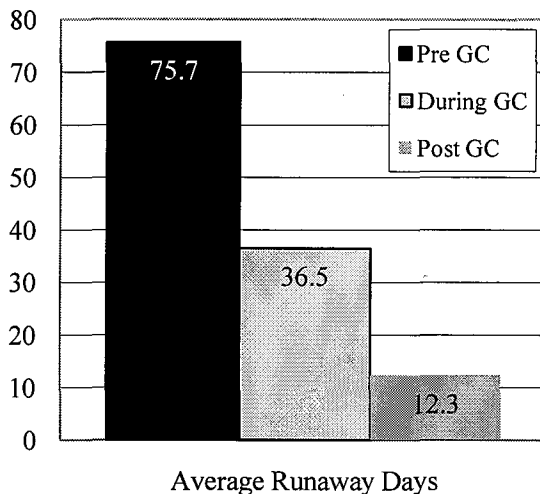
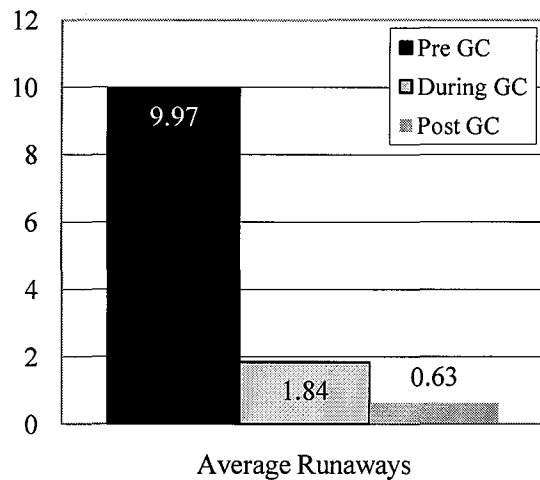
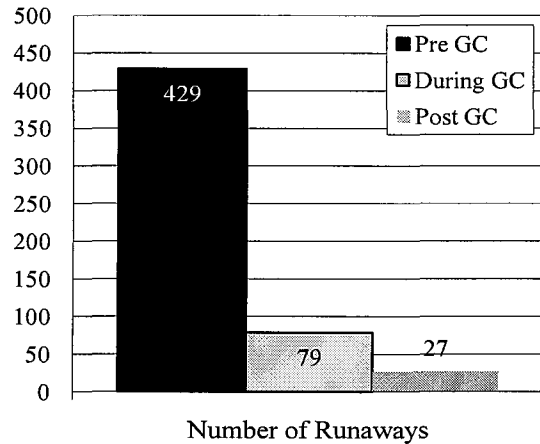
are being tracked and outcomes will be reported when adequate follow-up time allows. Outcomes reported herein are through June 30, 2009.

KEY FINDINGS

Runaways

Law violations are the behaviors that we are typically most concerned with – whether committed by juveniles or adults. However, the modal issue for girls who are involved in the juvenile justice system, including Girls Court, is runaway behavior. Girls Court girls have an average of 10 runaways prior to their entrance in Girls Court. Girls Court participants demonstrate a marked improvement from pre- to post-Girls Court participation, including the following:

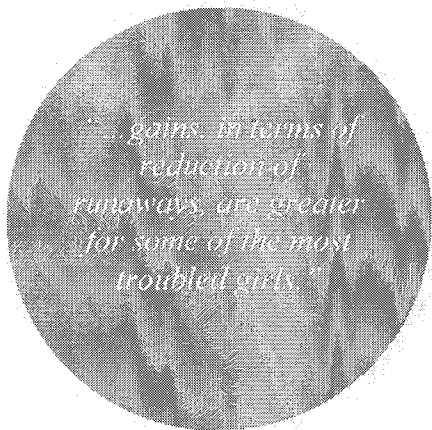
- ➔ 94 % reduction in overall runaways from pre- to post- Girls Court participation, demonstrating a statistically significant reduction ($t = 6.043, p < .001$);
- ➔ 94% reduction in average number of runaways from pre- to post-Girls Court participation;
- ➔ 84% reduction in the average number of days on the run from pre- to post-Girls participation, demonstrating a statistically significant reduction ($t=3.797, p < .001$).



Average Runaways Pre, During, and Post-Girls Court by Selected Characteristics*

| Accepted Runaway | Pre-GC | During GC | Post-GC | Pre-GC Runaways (%) | Post-GC Runaways (%) |
|------------------------------------------------|--------|-----------|---------|---------------------|----------------------|
| <i>History of CPS Involvement</i> | | | | | |
| No | 9.91 | 2.52 | .65 | ↓ 74.6 | ↓ 93.4 |
| Yes | 10.05 | 1.05 | .60 | ↓ 89.6 | ↓ 94.0 |
| <i>History of Psychiatric Disorder</i> | | | | | |
| No | 6.68 | 2.21 | .79 | ↓ 66.9 | ↓ 88.2 |
| Yes | 12.58 | 1.54 | .50 | ↓ 87.7 | ↓ 96.0 |
| <i>History of Academic Failure</i> | | | | | |
| No | 14.75 | 2.5 | .25 | ↓ 83.1 | ↓ 98.3 |
| Yes | 9.49 | 1.77 | .67 | ↓ 81.4 | ↓ 93.0 |
| <i>History of Physical and/or Sexual Abuse</i> | | | | | |
| No | 10.05 | 2.47 | .58 | ↓ 75.4 | ↓ 94.2 |
| Yes | 9.92 | 1.33 | .67 | ↓ 86.6 | ↓ 93.3 |
| <i>History of Pregnancy or Childbirth</i> | | | | | |
| No | 9.41 | 1.91 | .53 | ↓ 79.7 | ↓ 94.4 |
| Yes | 12.22 | 1.67 | 1.00 | ↓ 86.4 | ↓ 91.8 |
| <i>History of Substance Use/Abuse</i> | | | | | |
| No | 11.00 | 1.33 | 1.17 | ↓ 87.9 | ↓ 89.4 |
| Yes | 10.02 | 1.91 | .54 | ↓ 80.9 | ↓ 94.6 |

*Categorization prior to acceptance into Girls Court.



It is worth noting, too, that gains, in terms of reduction of runaways, are greater for some of the most troubled girls. In other words, Girls Court starts to reduce unwanted behavior *during* the program in greater magnitude for some girls.

Especially noteworthy are the following **runaway reductions**:

➤ Girls with a history of CPS involvement:

- 89.6% reduction in runaways from pre-to the end of GC, and this increases to a 94.0% reduction after GC completion.

➤ Girls with a history of psychiatric disorder:

- 87.7% reduction in runaways from pre-to the end of GC, and this increases to a 96.0% reduction after GC completion.

➤ Girls with a history of physical and/or sexual abuse:

- 86.6% reduction in runaways from pre-to the end of GC, and this increases to a 93.3% reduction after GC completion.

➤ Girls with a history of pregnancy or childbirth:

- 86.4% reduction in runaways from pre-to the end of GC, and this increases to a 91.8% reduction after GC completion.

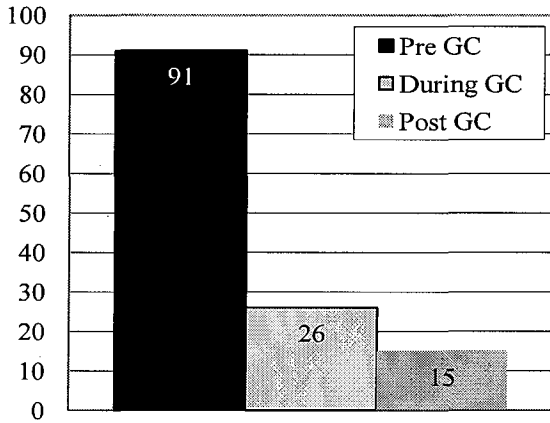
➤ Girls with a history of substance use or abuse:

- 80.9% reduction in runaways from pre-to the end of GC, and this increases to a 94.6% reduction after GC completion.

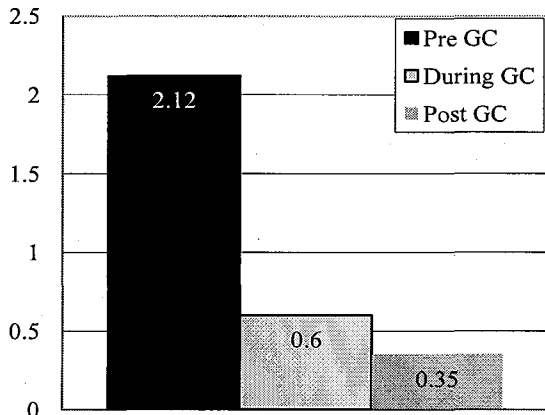
Law Violations

While runaway behavior is problematic and disconcerting for the girl's well-being, law violations can pose a direct threat to overall public safety. As an intervention, though, Girls Court does positively impact law violations, particularly noteworthy are the following:

- ➔ 84% reduction in law violations from pre- to post- Girls Court participation, demonstrating a statistically significant reduction ($t = 4.643, p < .001$);
- ➔ 83% reduction in average law violations from pre- to post- Girls Court.



Number of Law Violations

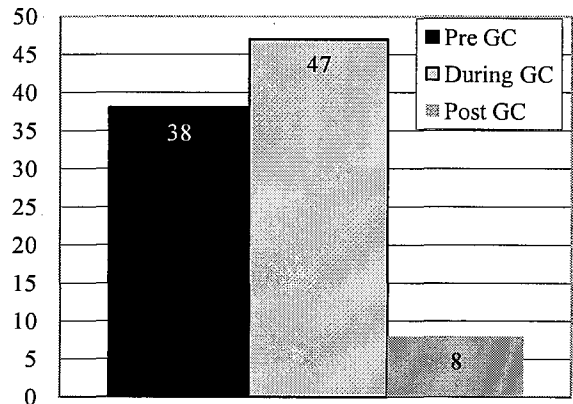


Average Number of Law Violations

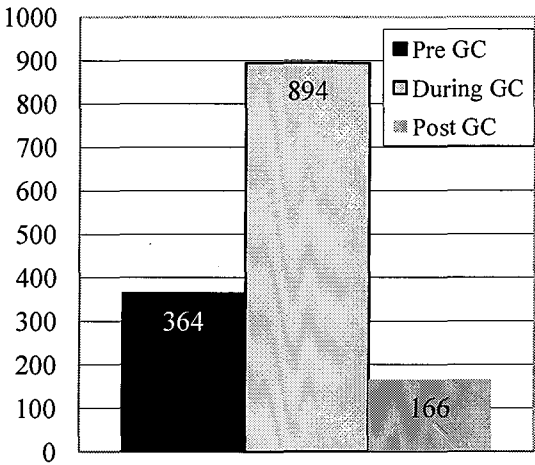
Shelter and Detention Home Admissions

The use of the shelter for girls in Girls Court does increase with Girls Court intervention. However, shelter is utilized at times as a consequence of unwanted behavior but may also be used to ensure the safety of a girl, based on other circumstances. Both shelter and detention home admissions demonstrated reductions post-Girls Court completion. The following are noteworthy:

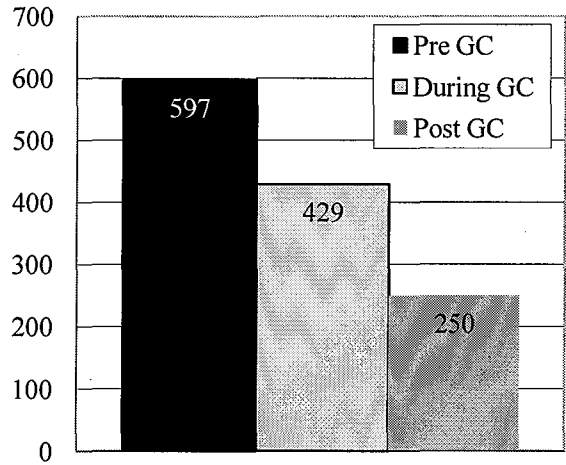
- ➔ 79 % reduction in Shelter Admissions from pre- to post-Girls Court, a statistically significant reduction ($t=3.293, p < .05$);
- ➔ 54% reduction in time spent in Shelter from pre- to post-Girls Court;
- ➔ 66% reduction in Detention Home admissions from pre- to post-Girls Court, a statistically significant reduction ($t = 3.046, p < .05$);
- ➔ 58% reduction in time spent in Detention Home from pre- to post-Girls Court, a significant reduction at the .10 level ($t = 1.844, p < .10$).



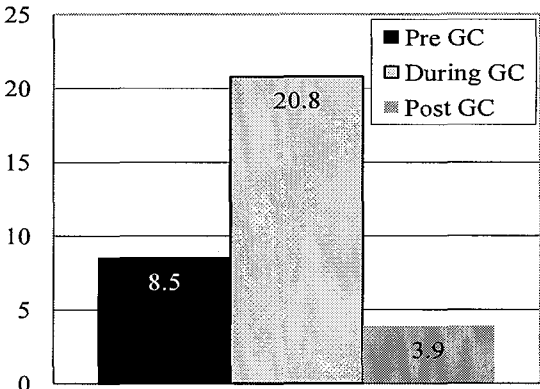
Number of Shelter Admissions



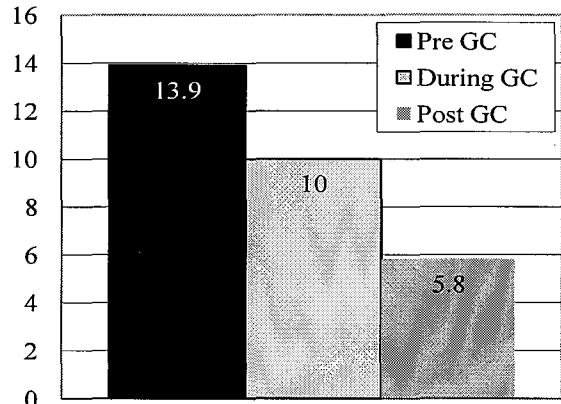
Number of Shelter Admission Days



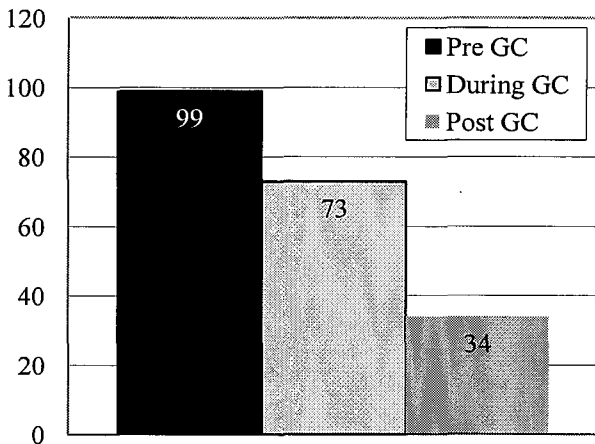
Number of DH Admission Days



Average Shelter Days



Average DH Days



Number of DH Admissions

WHO ARE THE GIRLS?

The girls accepted into Girls Court have myriad problems beyond those of the immediate law or other problem behavior that brought them to the attention of the court in the first place. The girls in Cohorts I – IV, for example, exhibit the following significant social and personal difficulties:

- 78.6% have a history of runaways prior to Girls Court;
- 46.5% have a history of CPS involvement in the family;
- 55.8% have some psychiatric disorder;
- 90.7% have a history of academic failure;
- 55.8% have a history of sexual and/or physical abuse;
- 22.0% have been pregnant prior to Girls Court; and
- 85.4% have a history of substance use or abuse.

These are problems that must also be dealt with if the Court is realistically expected to make an impact in the lives of the girls and their families. Punishment and compliance enforcement are not alone adequate to address the serious problems and challenges experienced by these girls.

HOW DOES GIRLS COURT FUNCTION & WHO IS SERVED?

Girls Court now initiates two cohorts per year. Each cohort consists of roughly 8 girls each who engage in the formal program for approximately one year. During the year, each girl will go in front of the Girls Court Judge, with Girls Court staff, the other girls, and their families in an open-court setting. Girls' progress and setbacks are acknowledged, along with praise and

sanctions as appropriate. Outside of court, the girls and their families engage in mandatory activities, group sessions, and individual therapy in order to expose them to new experiences, build on individual strengths, as well as address the individual and familial problems that brought the girls to Family Court in the first place.

It is important to note that although the girls are the direct and primary clients, the work of Girls Court expands well beyond any given cohort. While each cohort of girls goes through the program together for the year, many girls remain with Girls Court for continued services and support. As stated earlier, most of the girls in Girls Court have serious mental health and other needs that ultimately require follow-up and ongoing services. For example, there are currently 20 girls active with the court, in addition to the ongoing two cohorts.

Girls Court also provides trainings and serves as a referral source for gender-responsive services. The staff also engage in educative efforts regarding gender-responsive programs generally and Girls Court specifically, including giving speeches (Judge, probation officers, therapist, and coordinator), attending and answering questions during the legislative session, and collaborating with other agencies interested in furthering gender-specific programming. Staff also attend trainings of interest to both Girls Court and others who wish to engage in gender-specific services. The time spent on both trainings and the dissemination of knowledge is an important part of the work engaged in by all Girls Court staff.

The logic model on the following page visually maps out the salient aspects of Girls Court, including intended short, intermediate, and long-term benefits.

Hawaii Girls Court – Logic Model

Assumptions: Girls & women’s involvement with the criminal justice system is outpacing that of boys and men. Girls’ problems have been misunderstood or, worse yet, ignored. Girls Court thus represents a gender-responsive approach to the judicial treatment of the common and salient problems that bring girls into the juvenile justice system.

Goal: To offer gender responsive services that will reduce the likelihood of delinquency, offending and continued criminal justice involvement.

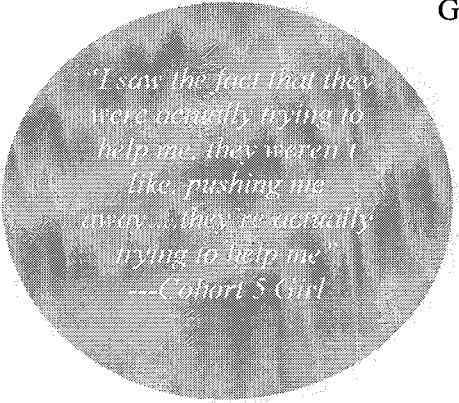
| INPUTS | OUTPUTS | | OUTCOMES | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>What we invest</i></p> <ul style="list-style-type: none"> • Gender-responsive & holistic approach to girls’ problems • Safe, supportive, and nurturing environment to engage in both supervision and treatment • Strength based approach to the reduction of criminogenic needs and risks | <p style="text-align: center;">ACTIVITIES</p> <p><i>What we do</i></p> <ul style="list-style-type: none"> • Open, problem-solving court • Holistic and therapeutic girls’ groups • Holistic and therapeutic parents’ groups • Individual & family therapy (with close therapeutic contact) • Community service for girls & family • Educational and other opportunities (e.g., photography, writing, surfing, college) to build on interests and strengths • Gender-responsive education to other criminal juvenile justice practitioners & providers | <p style="text-align: center;">PARTICIPANTS</p> <p><i>Whom we reach</i></p> <ul style="list-style-type: none"> • At-risk girls in the juvenile justice system • Girls’ families • Criminal justice workers • People in the community • Therapists, teachers and others involved in the girls’ lives (via gender-responsive trainings or other involvement) | <p style="text-align: center;">SHORT TERM</p> <p><i>What the short term results are</i></p> <ul style="list-style-type: none"> • Engagement by girls and families in court ordered activities • Buy-in by parents and girls to the program • Trust in program to help rather than merely punish • Trust in Judge, POs, therapist, and other staff | <p style="text-align: center;">MEDIUM TERM</p> <p><i>What the long term results are</i></p> <ul style="list-style-type: none"> • Enhanced coping, communication, problem-solving, and decision-making • Reduction in the number of runaways • Reduction in overall delinquent behavior • Trust in Judge, POs, therapist, and other staff • More cohesive family setting • Engagement in GC activities | <p style="text-align: center;">LONG TERM</p> <p><i>What the ultimate impact(s) are</i></p> <ul style="list-style-type: none"> • Girls who are delinquency, crime & drug free • Girls who can capitalize on their individual strengths • Girls who can engage in healthy relationships • Ability to identify goals and seek ways to obtain goals |
| OUTCOME MEASURES | | | | | |
| | | | <ul style="list-style-type: none"> • Attendance at all court hearings • Attendance at individual therapy sessions • Attendance at group therapy sessions (girls and parents) • Willingness to talk about problems at home or elsewhere • Reduction in truancy | <ul style="list-style-type: none"> • Fewer runaways upon completion of the program as compared to prior. • Fewer runaway days upon completion of the program as compared to prior. • Reduction in delinquent behavior | <ul style="list-style-type: none"> • A reduction post-program runaways, days on the run, dh or home commitments, probation violations, or law violations • Completion of high school • Enrollment in college, vocational school, or full-time employment • Improved family and other relationships |

WHAT DO THE GIRLS AND THEIR PARENTS SAY ABOUT THE PROGRAM?

The Girls – Highlights

Interviews with girls from the first five cohorts indicate that they are positive about their experience with Girls Court, even while they acknowledge it is much more work than they anticipated. The girls felt that the Court helped them improve problem-solving abilities and, consequently, to make better choices. Further, they stated that they were held accountable for their behavior while also praised for successes. The majority of girls also acknowledge that they are less delinquent than before Girls Court. Highlights from these interviews are listed below:

- Girls noted healthier relationships with parents, families, and peers.
- Girls appreciated the nature of the open problem-solving court and shared activities as it introduced them to other girls and families who had similar problems.
- Girls felt that the Court staff, including the Judge, were invested in their success – in Girls Court and beyond.
- Girls are thankful for the opportunities afforded by Girls Court – both court ordered and voluntary.
- Girls noted that they have improved decision-making skills as a result of Girls Court.

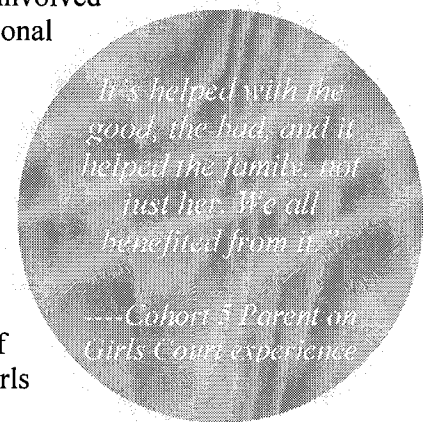


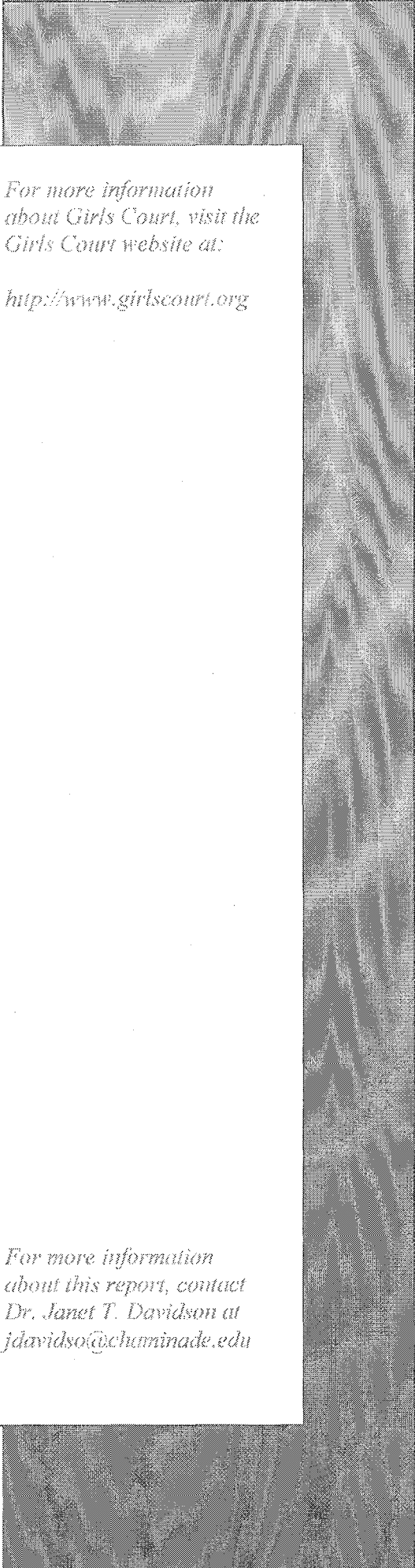
*I saw the fact that they
were actually trying to
help me, they weren't
like, pushing me
away... they're actually
trying to help me
--Cohort 5 Girl*

The Parents – Highlights

Focus groups with the parents or caregivers from the five completed cohorts of Girls Court also demonstrate that the majority of parents are positive about their experience with Girls Court. Highlights from these focus groups are listed below.

- ➔ Parents note healthier relationships with their girls along with greater overall family functioning.
- ➔ Parents note better communication with their girls, largely due to the problem-solving tools gained via Girls Court and involvement of therapy services procured through Girls Court.
- ➔ Parents observe that Girls Court staff, including the Judge, are more involved and demonstrate greater care for their girls compared to the traditional Family Court model.
- ➔ Parents observe that the Girls Court held their girls accountable for their bad choices while simultaneously modeling good behavior and, further, praise was given for improved behavior and good choices.
- ➔ Parents are overwhelmingly positive about the experience and are thankful for the Girls Court intervention. Most expressed the belief that their girls would have been in much worse shape without Girls Court.





*For more information
about Girls Court, visit the
Girls Court website at:*

<http://www.girlscourt.org>

*For more information
about this report, contact
Dr. Janet T. Davidson at
jtdavidso@chaminade.edu*

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March 30, 2010, Japan Time (March 29, 2010, Hawaii Time)

Honorable Donna Mercado Kim
Chair of the Senate Committee on Ways and Means
State of Hawai'i

RE: H.B. 2000, H.D. 2, S.D. 1, Relating to the Judiciary

Dear Senator Mercado Kim and Members:

I am writing this letter in support of HB 2000, HD 2, SD1. I urge the Legislature to preserve the Judiciary's budget, which includes funding for the Office on Equality and Access to the Courts and the Court Interpreter Certification Program.

As a registered court interpreter with the Judiciary from 1977 to 2007 and as a member of the Supreme Court Committee on the Court Interpreter Certification Program for the past two terms, I have had the first hand opportunity to witness the unyielding efforts of the Office on Equality and Access to the Courts (OEAC) and the Committee on Court Interpreters and Language Access (CCI) and their remarkable success records toward the goal to establish and provide the quality court interpreting services as well as other collateral services to the courts in Hawai'i.

While extolling the achievements accomplished by the OEAC and CCI in bringing the standard of the Hawai'i court interpreters up to and beyond the national level, I am also keenly aware of their unfinished jobs. Because of

the unique variety and composition of the people and languages in Hawaii, the tasks are still plentiful and continuing. Considering the ability of the OEAC and CCI to advise on and set forth the appropriate standards, to oversee policies and procedures, and to regulate the quality of the court interpreting providers in the state and also considering the fact that they are the only people with the experiences and capacity to do so, they are indispensable. Their works need to be appropriately funded.

The House Bill H.B. 2000, H.D. 2, S.D. 1, Relating to the Judiciary allows funding for the OEAC and court interpreter services. The Bill allows OEAC and CCI to continue their works, providing the essential services to a great number of language and hearing challenged people who would otherwise be denied of their equal access to courts and their equal access to justice. For this reason, I support this Bill.

Thank you for the opportunity to submit my comments in support of this bill.

Most Respectfully,

Yasuko Kawakami

Representative Donna Mercado Kim, Chair
Representative Shan S. Tsutsui, Vice Chair
Committee on Ways and Means

Reynolds Kaeha, Participant
1st Judicial Circuit, Family Drug Court
345 Queen St. # 302, Honolulu, HI 96813

Wednesday, March 17, 2010

Support for HB 2000, HD2, Relating to Judiciary's Budget

I am a participant in the First Judicial Circuit's Family Drug Court Program. This is a specialty court program that focuses on the safety of children while helping parents, like me, learn the skills they need to live as sober and productive members of society.

I strongly support H.B. 2000, H.D. 2 relating to Judiciary; Supplemental Appropriations, which would provide the Judiciary with supplemental appropriations and authorizations for its operations and capital improvements for fiscal biennium 2009-2011 by amending the Judiciary Appropriations Act of 2009. The passing of H.B. 2000, H.D. 2 will allow the Family Drug Court to continue to service Hawaii's Families to the best of its ability.

As a current participant, the Family Drug Court program has helped me do things I never thought I could do. I have learned the skills I need to remain clean and sober for the rest of my life. The program has opened my eyes to the needs of my children and has taught me that I must first love myself and be clean and sober before I can truly love, nurture, and parent my children. Without the support and instruction given to me by the Family Drug Court, I would not have the hope I have in my life today, and I am currently on the path to being reunified with my children. When my case closes and Child Welfare Services is no longer a part of my life, I am confident that I will continue to be a sober, productive member of society who will love and care for my children better than any one else can. I will continue to battle this disease of addiction with the skills the Family Drug Court has armed me with and my children will never return to the foster care system.

Thank you for taking the time to read my testimony,

Reynolds Kaeha, Participant
First Judicial Circuit, Family Drug Court

Reynolds Kaeha

Representative Donna Mercado Kim, Chair
Representative Shan S. Tsutsui, Vice Chair
Committee on Ways and Means

Kristy Kalani, Participant
1st Judicial Circuit, Family Drug Court
345 Queen St. # 302, Honolulu, HI 96813

March 17, 2010, 9:30am, Wednesday

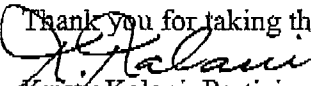
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Thank you for taking the time to read my testimony,


Kristy Kalani, Participant
First Judicial Circuit, Family Drug Court

Representative Donna Mercado Kim, Chair
Representative Shan S. Tsutsui, Vice Chair
Committee on Ways and Means

Raquel McCabe, Participant
1st Judicial Circuit, Family Drug Court
345 Queen St. # 302, Honolulu, HI 96813

Wednesday, March 17, 2010

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Thank you for taking the time to read my testimony,

Raquel McCabe, Participant
First Judicial Circuit, Family Drug Court

Raquel McCabe

March 12, 2010

TO: Donna Mercado Kim, Senate Ways & Means Committee Chair
Shar Tsutsui, Vice Chair Vice
and Members of the Senate Ways & means Committee

Re. HB 2000 HD2
Testimony of Support

This letter is being written in support of the Family Drug Court.

Ho'omau Ke Ola has been associated with the Family Drug Court for quite some time. They are committed to bringing families back to a healthier workable situation. Many of my clients have been sent by this court to our program to re-discover their lost values and many have done well in re-uniting with their families. For some this is their last chance to tie all the loose ends with their relationships. The Court offers them a chance to skip jail and work on themselves.

I feel Family Drug Court is a worthwhile endeavor. Many of the counselors spend their time traveling out to the Waianae Coast to follow up with their clients. This shows the individuals in the program that, indeed, the Court does care about them. It also gives the individuals an opportunity to voice their opinions on the care which they are receiving while in treatment. Another bonus is that both counselors and clients are able to assess the progress being made.

Family Drug Court can tout its achievements by the many individual who have passed through their halls and have succeeded to moving on with their life. Many individuals have gone back to work and many have been able to re-unite with their family and children.

Should further information be required, please feel free to contact me.

Yours Sincerely,



Charles Ling
Ho'omau Ke Ola
Vocational Counselor
85-761 Farrington Hwy
Waianae, Hawaii 96792