

NEIL ABERCROMBIE
GOVERNOR



PATRICIA McMANAMAN
DIRECTOR

PANKAJ BHANOT
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

March 28, 2011

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

FROM: Patricia McManaman, Director

SUBJECT: **H.C.R. 155/H.R. 136 - REQUESTING THE ESTABLISHMENT OF A
SPECIALIZED DOMESTIC VIOLENCE UNIT WITHIN THE CHILD
WELFARE SERVICES BRANCH OF THE DEPARTMENT OF
HUMAN SERVICES**

Hearing: Monday, March 28, 2011; 9:00a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.C.R. 155/H.R. 136 is to request the formation of a specialized Domestic Violence Unit within the Child Welfare Services Branch and require the Department to submit a report on the establishment of the unit to the Legislature.

DEPARTMENT'S POSITION: The Department of Human Services does not support the establishment of a Domestic Violence Unit in the Child Welfare Services for the following reasons:

- We do not agree that domestic violence cases are "mishandled" by Child Welfare Services. Child Welfare Services is only one of multiple agencies and entities that respond to reports of domestic violence including the Police, the Courts, prosecutors and other agencies and individuals who provide assessments and services to victims of domestic violence.

- We do not believe that a specialized domestic violence unit in Child Welfare Services will resolve the issues raised in H.C.R. 155. Those issues involve agencies and entities that are beyond the responsibility and authority of the Department.
- The Department does not have the funding or resources that would be required to create a specialized domestic violence child protective services unit.

Thank you for the opportunity to testify.

From: geckogroup@cs.com
Sent: Saturday, March 26, 2011 12:35 PM
To: HUS testimony
Subject: HCR155/HR136

Dear Representatives Mizuno, Jordan, and Members of the Human Services Committee:

I am writing in strong support of the creation of a DV unit in CPS/DHS. DV issues are very complex and complicated with which to work, and a specially trained unit might help to better protect the children and families from more harm. Thank you for your consideration.

Sincerely,

Ann S. Yabusaki, Ph.D., MFT

Director, Family Intervention and Training Services

Coalition for A Drug-Free Hawai'i

1130 N. Nimitz Hwy., Suite A259

Honolulu, Hawai'i 96817

phone: (808) 545-3228 x51

cell: (808) 754-0091

www.drugfreehawaii.org

From: Hardy Spoehr [HSpoehr@papaolalokahi.org]
Sent: Thursday, March 24, 2011 8:27 AM
To: HUS testimony
Subject: Testimony: HCR 155/HR 136

Testimony: HCR 155/HR 136, Requesting the establishment of a specialized domestic violence unit within the Child Welfare Services Branch of the Department of Human Services

Committee on Human Services

Monday, March 28, 2011
9:00 am
Conference Room 329
State Capitol

Aloha. Papa Ola Lokahi, the Native Hawaiian Health Board, strongly supports this measure. Domestic violence is a major issue in many Native Hawaiian families and in our island families generally. Papa Ola Lokahi is looking at developing relationships with successful domestic violence programs in South America and in Aotearoa. There needs to be a "touchpoint" within state government here in Hawai'i and this would provide that important link. Thank you for the opportunity to provide supportive testimony.

Hardy Spoehr, Executive Director
Papa Ola Lokahi
894 Queen Street
Honolulu, Hawai'i 96813
808-597-6550

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Thursday, March 24, 2011 6:09 PM
To: HUS testimony
Subject: HCR155/HR136 to be heard Monday, 03/28/11, at 9:00am in Room 329

TO: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Human Services Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, HI 96734

DATE: 03/28/11

RE: Strong Support for HCR155/HR136, Establishing a DV Unit within the DHS

Good Morning Representatives and thank you for this opportunity to provide testimony on this proposal.

The bulk of my career has been spent working in-tandem with Child Protective Services in New York, Virginia and Hawaii through local, non-profit programs. No matter what issue or cause I've worked for, child protection is at the heart of everything I do. As a survivor of child abuse myself, there is nothing more I wish for than an end to this particular kind of abuse. It's every child's God-given birthright to be protected and nurtured, and truly, the responsibility is on all of us to ensure this.

Several years ago I made a cross-over, working with survivors of domestic violence and their children in particular because I saw a large gap in services. Initially, I thought what I knew from my CPS-related work would easily transfer to the survivor population because (from my perspective at the time) it seemed that the only issue that changed was who the victim was (child vs. adult). I discovered quite quickly that I knew nothing and became easily confused as I had to learn an entirely different way of approaching and working with these DV survivor cases.

As an example, the most striking difference between DV and CPS approaches to cases is the end goal:

in DV, if the victim is kept safe, alive and permanently away from the abuser then we're successful;
in CPS, keeping the victim safe WHILE working towards the end goal of reunification with the abuser or permanency (optimally to family or friends of the family) means success.

Right from the start, DV and CPS's goals are in the opposite direction and when these two issues cross it's bedlam for everyone all the way around. Not only that but "getting it wrong" in a DV case always has the potential for lethality.

Several of my DV survivor cases have had the extreme misfortune (as many will exemplify in their testimony to you) of getting caught inbetween DV and Child Abuse services. **As clinical research already shows, there is a high overlap between DV and Child Abuse and frequently DV turns into Child Abuse post separation.**

If our DV statutes are overlooked or factored out instead of in to a case, if the wrong treatment modality is imposed upon the wrong problem and then we throw in family court proceedings, we have the perfect potential to do considerable harm and permanent damage to those we're actually trying to help. The term "revictimizing the victim" ISN'T about the abuser re-victimizing the victim - it's about the system re-victimizing the victim and that would be everyone else BUT the victim and abuser. NO ONE wants to harm someone whose already been hurt, especially if you're the person whose been sent in to help, so it doesn't have to be this way.

One of my colleagues in Connecticut (David Mandel) successfully integrated DV services within their CPS system and he said the results were amazing: better success rates, less complaints, better cost efficiency because there's a better use of

resources AND less mistakes were being made. He also said the workers - both DV and CPS - were happier with access to each other's expertise and support because they worked collaboratively, rather than in opposition, to each other.

Considering the financial strain our state is under and considering the amount of family violence we have in Hawaii, creating a DV Unit within each CPS office would be a cost-efficient, best practice solution to DV cases that involve CPS. I urge you to pass and support this measure.

Most respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate

From: diamondbadajos@gmail.com
Sent: Friday, March 25, 2011 6:06 PM
To: HUSTestimony
Subject: HCR155/HR136

I stand in support of a DV Unit being established in CPS/DHS.

Diamond Badajos
98-082 Kanuku Pl. Apt. B
'Aiea, HI 96701
Sent via BlackBerry from T-Mobile

From: Nancy Rice [nancyricern@yahoo.com]
Sent: Sunday, March 27, 2011 4:27 AM
To: jordan1 - Linda
Subject: HCR 155 / HR 136

Re: HCR 155 / HR 136

From: Nancy Rice [mailto:nancyricern@yahoo.com]
Sent: Thursday, March 24, 2011 12:21 AM
To: HUS testimony; HUS testimony
Subject: Testimony from Angel Group Member

I wrote to you already, but I don't think it was to this email address and I want to be sure you get this.

I am the mother of an abuse/DV victim and I was a witness in her custody hearing this past August when Judge Paul T. Murakami granted residential custody to the abusive father. The whole process has been tortur/a nightmare and I still can't believe how everything came down. My daughter, Dyna Ippolito-Pavlicek, will be writing to you also.

I was in Hawaii as a witness and testified before Judge Murakami. I have written several letters to him that I never mailed as I didn't want to hurt my daughter's chances to get the children back here to IL. I don't know if you would be interested, but I would love to testify. This was a horror show and my grandchildren have been so harmed. They still hang on to the hope of being back with mommy after having been sentenced to be imprisoned 5000 miles from their entire family who loves them so much. This judge is a monster & a criminal for what he is doing to children. I have so much to say.

Thank you from the bottom of my heart for what you are doing.

From memory here is the case along with the players in the circus of corruption designated with *:

Custody hearing involving the two minor children: Elizabeth and David Pavlicek

Pavlicek vs. Pavlicek (Dyna Pavlicek/David Pavlicek)

08/26/2010

Kapolei, Hawaii
Judge Paul T. Murakami *

Father's attorney: Craig Yim *

Custody Evaluator: Trina (?) *

Mother's attorney: Dyan Mitsuyama (Presented a brilliant case-talent wasted)

Forever grateful,

Nancy Ippolito-Rice

Sent: Sunday, March 27, 2011 3:48 AM
To: HUS testimony
Cc: laduke@mncable.net
Subject: Testimony for HCR155 on 3/28/2011 9:00:00 AM
Attachments: Testimony.docx

Testimony for HUS 3/28/2011 9:00:00 AM HCR155

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Donna LaDuke
Organization: Individual
Address:
Phone:
E-mail: laduke@mncable.net
Submitted on: 3/27/2011

Comments:
Thank you for the opportunity to be heard.

Good morning Representatives and thank you for the opportunity to share our story with you.

In 2005 our daughter was murdered by her son's father while being stationed in Hawaii with the US Army. Her young son was just 19 months old. Immediately following her death, the state of Hawaii took her son into protective custody, so we were told. What ensued after that point was a series of mistakes, all of which have affected this young child's development to severe detriment. Initially the state looked to the biological father (the murderer) for direction and the possibility of being reunited. I might mention prior to the murder that there had been very little if any bonding between father and son. During the process the DHS case workers made a large number of mistakes. During the first year of this baby being in foster care he had 9 case workers. When we finally were able to bring this toddler home it was 14 ½ months later and at that point it was apparent that there had been some severe neglect and abuse going on in the foster care home. At this point this child was now 2 months shy of 3 years old. He couldn't talk, threw tantrums often, had zero exposure to any variety of foods (he would only eat rice and egg rolls). We had binge eating and drinking to the point of gorging and having to throw up after eating a meal. We took him to a dentist after he was home and they explained that he had so much tartar on his teeth, apparently a sign of malnourishment, that they had never seen such buildup in a young child. Another after effect of the delay in placing this young child with family, is that he now suffers PTSD and RAD (Reactive attachment Disorder). Our stance is that the CPS department had to know how crucial it was to not leave this orphaned child in non-familial foster care, yet took 14 ½ months to make a recommendation. In closing, I support this bill, as each child's case should be reviewed. The damage done to this young child could have been minimized, at the very least had things been done in "the best interest of the child". Instead we were embroiled in a 4 year long court battle to finally win an adoption. Thank you for your time and consideration.

Sincerely,

Donna LaDuke

From: Mark & Tina [tandmstefanik@charter.net]
Sent: Saturday, March 26, 2011 11:34 AM
To: HUS testimony
Subject: HCR155/HR136

Dear Representative Mizuno, Representative Jordan & Members of the Human Services Committee,

I stand in support of a DV Unit being established in CPS/DHS.

Thank you for considering the establishment of such a vital program. The families of Hawai'i would be well served by your votes in favor of this.

Catina L. Stefanik
414 Lower Gainsville Road
Prattville, AL 36067

From: Iva Taylor [ivangelina53@yahoo.com]
Sent: Friday, March 25, 2011 7:40 PM
To: HUS testimony
Subject: support of DV Unit being established in CPS/DHS

To: Representative Mizuno, Representative Jordan & Members of the Human Services Committee.

Hello, I just want to support our group.
I stand in support of a DV Unit being established in CPS/DHS.

Sincerely,

Iva Taylor

Iva Taylor
300 Wai Nani Way 802
Honolulu, HI 96815
ivangelina53@yahoo.com
8089901185

March 26, 2011

RE: HCR155/HR136

Representative Mizuno, Representative Jordan & Members of the Human Services Committee,

I, Denby Toci, stand in support of a DV Unit being established in CPS/DHS. **Please pass bill HCR155/HR136.**

Mahalo!

Denby Toci
1266 Kamehameha Ave. Ste. A-5
Hilo, Hawaii 96720

From: MT [raincomesdown@yahoo.com]
Sent: Thursday, March 24, 2011 7:12 PM
To: HUS testimony
Subject: HCR155/HR136 to be heard Monday, March 28th at 9:00am in Room 329 (Mahtab Trueman)

TO: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
House Human Services Committee Members

FROM: Mahtab Trueman (by proxy for safety reasons)
881 Akiu Place
Kailua, HI 96734

DATE: March 28, 2011

RE: **STRONG SUPPORT** for HCR155/HR136, Establishing a DV Unit within the DHS

I am a domestic violence survivor. Please read what happened to me and the expenses it cost us all:

In September 2008, I took my then year and a half-old daughter to an Emergency Room for treatment after she developed a high fever that wouldn't break after receiving 7 immunizations (4 of which were live viruses) at the same time, which I've been told is a potentially NORMAL response to that amount of vaccines she was given all at once.

Because of a lifelong pre-existing condition I have combined with the stress related to this event, I was also hospitalized then given a drug I'M ALLERGIC to. When my husband and sister vehemently objected to my being given a drug I'm allergic to, it was documented that they were "hostile and belligerent" towards hospital staff.

My daughter and I were discharged home TOGETHER (no CPS intervention) yet 5 nights later when my daughter was sleeping, CPS took my daughter from us with no explanation as to why. **The CPS Investigator and GAL then CONTACTED MY ABUSER** - the man I had successfully escaped from - effectively undoing every protective measure that had been put into place to keep my daughter and me safe from him!

The (then) Executive Director of the Hawaii State Coalition Against Domestic Violence, Carol Lee, who was involved in my case from the beginning DID ABSOLUTELY NOTHING to verify my status as a DV survivor with CPS. Even though Ms. Lee and Ms. Tsark from DHS had a signed agreement in 2004 that was posted onto the DHS website saying they'd work collaboratively on crossed cases such as mine, neither side did anything of the sort! Instead they let the over-zealous efforts of the GAL and CPS dismantle the very safety precautions the DV Community spent over a year and a half creating for me and my daughter! By this time, my case was no secret in the "DV community" yet NONE of the "DV Professionals" on Oahu who knew the truth of my case came forward to verify their involvement with me.

Because the offer of assistance from my DV Survivor Advocate was COMPLETELY IGNORED by CPS and the GAL, not only was my safety compromised, but my daughter was wrongfully removed from

our care, my husband almost lost his job several times, pursuing my college education to become a teacher was threatened and we were brought to the brink of bankruptcy.

Personally, the tab for my family court-related expenses in Hawaii totals over **\$68,000**, all of which cumulated over a period of 9 and a half months! At one point in our case, I had to sell our furniture so we could afford to see our daughter at the PACT visitation center. The amount of money spent by Domestic Violence services to keep me and my daughter safe, all of which was completely compromised by CPS and the GAL and the tab that the state paid for the GAL and CPS's mistake, I can't even fathom. Here is what would be covered by that bill that came at the state AND taxpayers' expense:

DV services that were compromised:

- 140 shelter bed days, authorized by Child & Family Service
- 3 Flight To Freedom Fund airfares, authorized by the HSCADV
- 1 car transportation from the Big Island, paid for by the HSCADV
- 3 – 4 Days of round-the-clock security services during my hospitalization following my attack by "an unknown assailant", paid for by the HSCADV
- The time and resources expended by 4 HSCADV staff over the course of a year and a half
- The time and resources expended by a Domestic Violence Action Center (DVAC) Victim Advocate
- Costs involved in changing my identity and social security number through the NNEDV's Identity Change & Relocation Program

Because Ms. Lee failed to take a stand in this case, my history of domestic violence was ignored and the GAL and CPS chose to ignore my DV Survivor Advocate, the following services were wasted on my case alone (and these services were probably desperately needed by other folks):

- The services of a state-appointed attorney
- The services of a state-appointed Guardian Ad Litem
- The time and resources expended by a CPS Investigator, Case Manager and Supervisor whose efforts stripped me of all the protective measures put into place by DV services
- The time and resources required for 12 family court proceedings that included the employment of 2 judges, court officers and 2 attorneys from the AG's office
- 4 psychological evaluations
- Supervised visitation services through the Department of Human Services (2x a week for 6 months) AND The Parents & Children Together program (3x a week for 3 months)
- 3 Ohana Conferences
- 2 multi-disciplinary meetings (MDTs) at the Kapiolani Child Protection Center where the DV service providers and my Survivor Advocate were deliberately excluded from participating (I have since learned that DHS is not allowed to exclude anyone on the case)
- 9 1/2 months of non-relative out-of-home foster care (my suggestions for family placements were all summarily rejected)
- Enhanced Healthy Start services (which are designed to strengthen the parent-child bond) being afforded to the FOSTER PARENTS

- Placing my husband in Catholic Charities foster parent training classes to become a licensed child-specific foster care placement (including paying for FBI and other background checks) only to be told that he would NOT be a placement option for our daughter
- 3 Home Inspection-Evaluations by Catholic Charities, CPS & the GAL with a 4th planned by Parents Inc.
- 1 court-ordered mediation that my Survivor Advocate was not allowed to participate in
- 2 Substance Abuse Evaluations (because my ex accused me of abusing prescription drugs)
- 2 urinalysis proving my sobriety
- 1 hair follicle test to ensure that I was REALLY sober even after 2 clean UAs!

After all of this, CPS inexplicably returned by daughter one day and closed the case leaving us with no apologies and no explanations - only a mountain of debt. To this day, I still don't know what happened but once I got my daughter back, my family and I got as far away from Hawaii as we could possibly get (but this is very sad for me because I'm a Big Island girl originally from Kona).

Please prevent what happened to me and my family by establishing a DV Unit in DHS.

Sincerely,
Mahtab Trueman