

SCR 104/SR 73

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 29, 2011

TO: The Honorable Suzanne Chun Oakland, Chair
Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.C.R. 104/S.R. 73 - REQUESTING THE ESTABLISHMENT OF A
SPECIALIZED DOMESTIC VIOLENCE UNIT WITHIN THE CHILD
WELFARE SERVICES BRANCH OF THE DEPARTMENT OF
HUMAN SERVICES**

Hearing: Tuesday, March 29, 2011; 3:30 p.m.
Conference Room 016, State Capitol

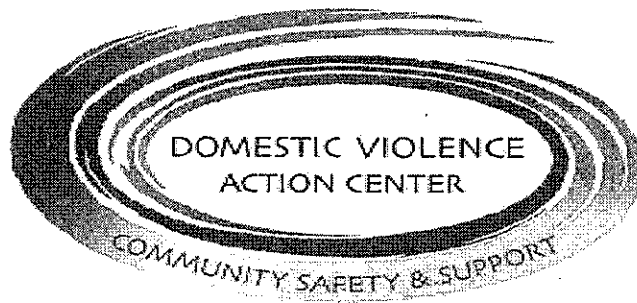
PURPOSE: The purpose of S.C.R. 104/S.R. 73 is to request the formation of a specialized Domestic Violence Unit within the Child Welfare Services Branch and require the Department to submit a report on the establishment of the unit to the Legislature.

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.



March 29, 2011

FROM: Nanci Kreidman, M.A.
Domestic Violence Action Center

TO: Senator Suzanne Chun Oakland, Committee Chair
Senator Les Ihara, Jr., Vice Chair
Members of the Committee

RE: **SCR 104 / SR 73 DV Unit in CPS Support**
Hearing Date: Tuesday, March 29, 2011, 3:30am, Conf. Rm #016

Aloha and good afternoon. There is no question that domestic violence is a key challenge facing many families in the child protective services system. Many efforts have been undertaken over the years to strengthen working relationships, improve training and deepen understanding about the interface and interventions necessary to keep women and children safe.

A specialized unit would be helpful, and I believe is a system initiative developed for other communities.

The current fiscal challenges make this an impossible initiative at this time. Child protective services was decimated in budget cuts previously imposed by the preceding administration. Perhaps a renewed commitment to training and technical assistance would suffice for now.

The Domestic Violence Action Center stands ready to assist the Department of Human Services and Child Protective Services. We serve many clients who are entangled in the criminal justice system, the civil justice system, and the child protective services system, and thus bring a sophisticated understanding of the complexities.

Thank you for giving consideration to the testimony received today.

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Oahu Helpline: 808 531-3771 Toll-free: 800 690-6200 Administration: 808 534-0040 Fax 808 531-7228
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ChunOakland3 - Serena

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Friday, March 25, 2011 3:37 PM
To: HMS Testimony
Subject: SCR104/SR73 to be heard Tuesday, 03/29/11, at 3:30pm in Room 016

TO: Senator Chun-Oakland, Chair
Senator Ihara, Vice Chair
Human Services Committee Members

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

DATE: March 29, 2011

RE: **STRONG SUPPORT** for SCR104/SR73

Good afternoon Senators 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.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

ChunOakland3 - Serena

From: Hardy Spoehr [HSpoehr@papaolalokahi.org]
Sent: Friday, March 25, 2011 9:08 AM
To: HMS Testimony
Subject: Testimony SCR 104/ SR73

Testimony: SCR 104/SR 73, Requesting the establishment of a specialized domestic violence unit within the Child Welfare Services Branch of the Department of Human Services.

Senate Committee on Human Services

Tuesday, March 29, 2011
3:30 pm
Conference Room 016
State Capitol

Aloha. Papa Ola Lokahi, the Native Hawaiian Health Board, strongly supports this measure. Domestic violence is one of the more devastating problems found in many Native Hawaiian families. Papa Ola Lokahi, the Native Hawaiian Health Board, is looking at what other Indigenous communities are doing in this area and it is critical that there be a "touchpoint" in the public sector. This unit could serve as that "touchpoint." 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

ChunOakland3 - Serena

From: geckogroup@cs.com
Sent: Saturday, March 26, 2011 12:37 PM
To: HMS Testimony
Subject: SCR104/SR73

Dear Senators Chun-Oakland, Ihara, and Membes of the Human Services Committee:

I am writing in strong support of the creation of a DV unit in CPS/DHS. The issues of DV are complicated and complex, and a specially trained unit to address these issues might greatly reduce the potential harm to children and families.

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

ChunOakland3 - Serena

From: MT [raincomesdown@yahoo.com]
Sent: Friday, March 25, 2011 7:13 PM
To: HMS Testimony
Subject: SCR104/SR73 to be heard Tuesday, March 29th at 3:30pm in Room 016

TO: Senator Chun-Oakland, Chair
Senator Ihara, Vice Chair
Senate Human Services Committee Members

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

DATE: March 29, 2011

RE: **STRONG SUPPORT** for SCR104/SR73, 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.

Warm Wishes,
Mahtab Trueman

ChunOakland3 - Serena

From: Mark & Tina [tandmstefanik@charter.net]
Sent: Saturday, March 26, 2011 11:35 AM
To: HMS Testimony
Subject: SCR104/SR73

Dear Senator Chun-Oakland, Senator Ihara & 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

ChunOakland3 - Serena

From: Guy Yatsushiro [dr.guy1914@yahoo.com]
Sent: Sunday, March 27, 2011 8:27 PM
To: HMS Testimony
Subject: March 29th Hearing at 3:30pm - SCR 104 / SR 73

TO: Senator Chun-Oakland, Chair
Senator Ihara, Vice Chair
Senate Human Services Committee

FROM: Guy Yatsushiro, M.D.
1914 South King Street, #201
Honolulu, HI 96826

DATE: March 29, 2011

RE: STRONG SUPPORT for SCR 104 / SR 73

This is probably the best legislation put forth this year, especially considering the state's budget problems and slashing of non-profit funds. Establishing a domestic violence unit within the Department of Human Service's Child Welfare division should have been implemented years ago. Social services face potential life-and-death situations everyday, similar to the medical profession (but if I treated patients beyond my education or area of experience, it'd be called MALPRACTICE.) If you took away the child protective service workers immunity and held them accountable for the quality of care they provide (as I am subject to as a physician) you might see an improvement in the way they handle their cases but for now, establishing a DV unit is a good start.

Sincerely,

Guy Yatsushiro, M.D.

ChunOakland3 - Serena

From: diamondbadajos@gmail.com
Sent: Friday, March 25, 2011 6:09 PM
To: HMS Testimony
Subject: SCR104/SR73

I 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