

NEIL ABERCROMBIE  
GOVERNOR



PATRICIA McMANAMAN  
DIRECTOR

LATE

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

January 20, 2012

TO: The Honorable Karl Rhoads, Chair  
House Committee on Labor & Public Employment

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 1452 - RELATING TO SERVICES FOR SURVIVORS OF  
HUMAN TRAFFICKING**

Hearing: Friday, January 20, 2012; 10:05 a.m. – 12:00 p.m.  
Conference Room 309, State Capitol

**PURPOSE:** The purpose of H.B. 1452 is to require the Office of Community Services under the Department of Labor and Industrial Relations, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of H.B. 1452.

Presently, DHS makes available its full array of services for income-qualified, eligible victims of human trafficking. Under its existing array of services, U.S. citizen adults and "qualified immigrants" are eligible for financial assistance, Medicaid, employment training, food-stamps, child care assistance, vocational rehabilitation and other services offered by DHS. The DHS Child Welfare Services Branch also provides its full array of services for child victims of human trafficking, regardless of legal status.

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Undocumented adult trafficking victims or others without “qualified legal status,” however, would need to first obtain certification from the United States Citizenship and Immigration Services before accessing most DHS services including financial assistance, food stamps, and Medicaid. Undocumented trafficking victims, however, remain eligible for emergency medical treatment as required by existing federal law.

In contrast to H.B. 1452, some jurisdictions, such as California, have enacted legislation which allows undocumented immigrant victims of human trafficking to access state-funded coordinating services as well as financial and medical assistance conditioned upon receipt of affidavits and other documents from lawyers, physicians and other qualified professionals attesting to the trafficking. Under these models, state-funded services are provided to the trafficking victim for a period of time – 6 months to one year- without first meeting a threshold requirement of reporting a crime to law enforcement or submitting an application for federal certification. This model allows counselors, lawyers, and physicians to work with and stabilize fragile victims coping with immediate and vital concerns related to health and safety. Once stabilized and safe, trafficking victims are more likely to report the underlying crimes and in a better position to make decisions impacting themselves and their families.

Thank you for the opportunity to provide this testimony.

LATE

**Larry Geller**  
Honolulu, HI 96817

HB1452  
LAB  
Thursday, March 17, 2011  
10:05 a.m.  
Room 309

COMMITTEE ON LABOR & PUBLIC  
EMPLOYMENT  
Rep. Karl Rhoads, Chair  
Rep. Kyle T. Yamashita, Vice Chair

January 19, 2012

**Re: HB1452—Relating to Services for Survivors of Human Trafficking**

**In Support**

Dear Representative Rhoads, Rep. Yamashita and members of the Committee:

Hawaii passed a law last session belatedly aimed at eliminating the human trafficking of farm workers, but enforcement has yet to begin. It is likely that the majority of trafficked workers are yet to be discovered.

Farm owners can avoid providing benefits (including medical care) to workers through loopholes built into laws that protect other workers, for example the Prepaid Healthcare Act.

In the case of trafficked workers, their situation is considerably worse. "Trafficking" implies coercion. In addition to the poor living conditions, these workers may be subject to document or wage servitude. This population in particular is in need of social services that would protect and benefit them.

Hawaii will likely see what has been billed as the largest human trafficking case in US history go to trial this year, filed by the Department of Justice against Global Horizons and individual defendants, three of whom have already pled guilty. An earlier case filed against Aloun Farms never made it to the jury due to prosecutorial error discovered after the trial had been underway only a couple of days. The EEOC has filed civil suits against several farms in what it describes as the largest trafficking case in its own history. Allegedly trafficked Thai farm workers have not seen a dime of compensation as yet.

It is always good public policy to provide services that will avoid additional expenses down the road, particularly in the area of health care. By the time a farm worker shows up at a hospital emergency room, it is too late to provide preventive care.

Hawaii should also review the exemptions that set farm labor apart from other labor. If we are to grow and nurture our agricultural sector, we must both remove discrimination against farm labor and at the same time put in place effective measures to halt human trafficking, which should be a huge embarrassment to everyone. In the meantime, this bill will help provide assistance to those who have been trafficked.

Larry Geller

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 19, 2012 10:59 PM  
**To:** LABtestimony  
**Cc:** dnisthal@hawaii.edu  
**Subject:** Testimony for HB1452 on 1/20/2012 10:05:00 AM

LATE

Testimony for LAB 1/20/2012 10:05:00 AM HB1452

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: David Nisthal  
Organization: Individual  
E-mail: [dnisthal@hawaii.edu](mailto:dnisthal@hawaii.edu)  
Submitted on: 1/19/2012

**Comments:**

Aloha Rep. Karl Rhoads and Rep. Kyle T. Yamashita, Vice Chair, and the Committee of Labor & Public Employment,

My name is David A. Nisthal, I am graduate student at the Myron B. Thompson School of Social Work. I am in full agreement with the testimony submitted by P.A.S.S. (Pacific Alliance to Stop Slavery) regarding HB1452, and the recommended amendments.

Human trafficking is a growing phenomenon in the state of Hawaii, and as a social worker I am challenged to advocate on behalf of those affected. My hope is that you will strongly consider the bill, along with its amendments, and help those in need.

Mahalo for your time,

David A. Nisthal  
Masters of Social Work Candidate, 2013

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 19, 2012 11:21 PM  
**To:** LABtestimony  
**Cc:** cy9@hawaii.edu  
**Subject:** Testimony for HB1452 on 1/20/2012 10:05:00 AM

LATE

Testimony for LAB 1/20/2012 10:05:00 AM HB1452

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Christopher Yanuaria  
Organization: Individual  
E-mail: [cy9@hawaii.edu](mailto:cy9@hawaii.edu)  
Submitted on: 1/19/2012

**Comments:**

Aloha Rep. Rhoads, Rep. Yamashita and the Committee on Labor & Public Employment,

My name is Christopher Yanuaria, a graduate student at Myron B. Thompson School of Social Work, and a resident of Maui County. I am in full agreement with the testimony submitted by Pacific Alliance to Stop Slavery (PASS) regarding HB1452 and their recommended amendments.

As an aspiring social worker my primary mission is to advocate for those in our community who are most vulnerable. Human Trafficking victims face life threatening circumstances imposed by their trafficker. HB1452 will allow social workers like me to provide needed services to these victims in order to assist them in the process of recovery and reintegration back into society. I urge you to please support HB1452 with amendments.

Mahalo,  
Christopher Yanuaria