

SB 2575

Measure Title: RELATING TO MANDATORY REPORTING REQUIREMENTS.

Report Title: Child Abuse or Neglect; Mandatory Reporting; Duty to Report

Description: Amends the definition of child abuse or neglect to include acts or omissions of any person or legal entity. Requires mandatory reporting when there is reasonable suspicion of child abuse or neglect. Expands medical personnel's duty to report wounds to include injuries suffered by a victim of labor trafficking or injuries that result from prostitution. Subjects a person who reports wounds to physician-patient privilege regarding patient communications for the diagnosis or treatment of the patient but not regarding physician's observations of patient.

Companion:

Package: Women

Current Referral: HMS, JDL

Introducer(s): CHUN OAKLAND, BAKER, KIDANI, SHIMABUKURO, TOKUDA, Fukunaga, Kim, Ryan



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

February 7, 2012

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

FROM: Patricia McManaman, Director

SUBJECT: **S. B. 2575 - RELATING TO MANDATORY REPORTING
REQUIREMENTS**

Hearing: Tuesday, February 7, 2012; 1:30 P.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of this bill is to amend the definition of child abuse or neglect and to expand the scope of incidents to be reported as child abuse.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the overall intent of this bill to ensure the safety of children. The Department respectfully opposes the proposed changes to the definition of child abuse in chapter 350, Hawaii Revised Statutes (HRS). The Federal Child Abuse Prevention and Treatment Act (CAPTA) [42 U.S.C. 5106g] specifies that the term "child abuse and neglect" relates to an act or failure to act on the part of a parent or caretaker. This provision is echoed in chapter 350, HRS, Child Abuse, and chapter 587A, HRS, Child Protective Act, with their reference to persons responsible for the care of a child. To broaden the definition of child abuse to "the acts or omissions of any person or legal entity" expands the scope child abuse and neglect beyond the Department's ability to respond.

Section 3 of the proposed legislation also raises concerns for the DHS for its overly broad language which may deter youth from seeking medical care knowing that they will lose their right to confidential treatment. In addition, the measure would deter persons engaged in the sex work from seeking testing and treatment for HIV and other sexually transmitted diseases. Such a measure will increase the spread of HIV/AIDS and other sexually transmitted diseases to the detriment of the public.

DHS requests that the Legislature consider Administration bill S.B. 2795 which DHS strongly supports as the legislation is necessary to ensure that Hawaii's Child Protective Act is consistent with federal Child Abuse Prevention and Treatment Act (CAPTA) provisions.

The federal Administration for Children and Families has informed the State that recent changes to CAPTA need to be incorporated into chapter 587A, Child Protective Act. These changes will allow the Department of Human Services to continue to receive federal CAPTA funding of approximately \$140,000. This funding is used to provide family strengthening services and child death review.

Compliance with CAPTA requirements is also necessary for the State's compliance with its federal Title IV-E State Plan so that Hawaii remains eligible for approximately \$40,000,000 in annual federal Title IV-E funding. These federal funds support the State's child welfare services program.

Thank you for the opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

S.B. NO. 2575, RELATING TO MANDATORY REPORTING REQUIREMENTS.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, February 7, 2012

TIME: 1:30 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Jay K. Goss, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Department of the Attorney General appreciates the effort this bill makes to better protect our children. For the reasons stated herein, however, we recommend section 1 of the bill be removed.

Section 1 of this bill amends the definition of "child abuse and neglect" under chapter 350, Hawaii Revised Statutes (HRS). Under the current provisions of chapter 350, mandated reporters are required to report any act or omission by a person who is related to or is responsible for a child that causes harm or may subject the child to threatened harm. The amendments in this bill delete the requirement that the harm or threatened harm be by a person who is related to or is responsible for the child.

Under chapter 350, mandated reporters enumerated in section 350-1.1, HRS, are required to report all incidents of "child abuse and neglect" to the Department of Human Services (DHS) and to the police department. Deleting the requirement that the abuse or neglect be committed by a person related to the child would lead to situations where a teacher would be required to call DHS and make a child abuse report if two children got into a fight in school resulting in injuries to one of the children. A probation officer or employee of the Department of Public Safety would be required to report to DHS every time a child was harmed in a correctional facility. A doctor in an emergency room would be required to report to DHS if a child came into the emergency room after being assaulted by a stranger. The challenge with these types of reports coming into DHS is that DHS cannot do anything with the reports. Pursuant to section 350-2 (a), HRS, when DHS receives a report under chapter 350, DHS must follow the provisions of chapter

587A. Pursuant to section 587A-5, HRS, however, the family court only has jurisdiction over a child who "is subject to imminent harm, has been harmed, or is subject to threatened harm by the acts or omissions of the child's family." (Emphasis added). In addition, the entire statutory scheme of chapter 587A involves attempts to reunify children with their parents when that is appropriate and to terminate parental rights when those efforts fail. If the child and perpetrator are not related in some manner, it would not make sense to attempt to reunify the two of them and there would be no parental rights to terminate.

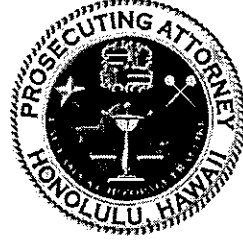
For the above stated reasons, we respectfully ask the Committee to remove section 1 of the bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES**

**Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i**

February 7, 2012

RE: S.B. 2575; RELATING TO MANDATORY REPORTING REQUIREMENTS

Chair Chun-Oakland, Vice Chair Ihara, and members of the Senate Committee on Human Services, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony **in opposition to Senate Bill 2575.**

S.B. 2575 proposes to amend two critical sections of the Hawaii Revised Statutes (H.R.S. Section 350-1 and H.R.S. Section 453-14) which require mandatory reporting of certain types of injuries. The primary effect of the provisions in this bill is to vastly expand the coverage of these reporting mandates. This dramatic expansion creates both intended and unintended consequences that we believe are undesirable and impractical.

Section 1 of the bill proposes to amend H.R.S. 350-1 in a manner that expands child abuse reporting from its current focus on family abuse of children to any act or omission that results in harm to the physical or psychological health or welfare of a child under the age of eighteen. While we are all concerned about harm suffered by children in Hawaii, this proposed expansion of the long standing reporting requirements for harm to children suffered in the home of family, would conceivably overwhelm the resource of both the Department of Human Services and county police departments. The broad nature of the both the types of harm and the list of mandated reporters in the current language of the statute serves to effectively insure that children at risk from family abuse do not escape the appropriate scrutiny of DHS or the police. The proposed expansion in this measure, however, would mean that any type of dispute, no matter how minor, that results in physical or psychological harm to a child, must now be reported by teachers, doctors, and the many other professionals covered by this statute. This means every

playground dispute, sports related altercation, or accidental injury suffered by a minor under eighteen now fall under the province of the police or DHS. The practical implications and increased demands on these essential agencies would be both dramatic and debilitating. In addition, teachers or athletic coaches, who frequently observe children receiving injuries, may now have their entire day consumed by filing the new reports required by this bill.

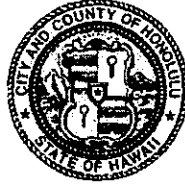
Of equal concern is the removal of child and parental discretion in reporting non-family related physical or sexual abuse. While ideally we want to respond to any harm suffered by Hawaii's children, there are many legitimate concerns for both adults and youth when their ability to make critical life decisions are taken away from them. Parents, on the one hand, are legitimately concerned about the impact that the criminal justice process can have on a vulnerable child. A psychologically frail child can conceivably suffer serious harm when thrust into a criminal investigation without any ability for a parent to exercise their rights to consent to such a decision. Similarly, and of equal concern, is the potential chilling effect on teenagers seeking critical confidential care for a variety of sensitive physical injuries or sexually transmitted diseases. The net benefits of subjecting families struggling with making challenging decisions on seeking and receiving medical and psychological care for children to a mandatory reporting requirement are questionable at best.

Section 3 of S.B. 2575, which amends H.R.S. Section 453-14 that involves reporting of certain types of injuries to police by medical personnel, carries risks and problems similar to those described above for expanding child abuse reporting. Our concerns again are both with the practical effect of this measure as well as the removal of the rights of an adult victim of violence to self determination. In an ideal world reporting abuse to the police would result in immediate and effective relief from harm. However, real life victims often must weigh many numerous and complex factors when deciding to report being the victim of violence. The existing provisions of this statute appropriately mandate that medical personnel report to the police when serious types of injuries, such as knife or gunshot wounds are suffered by individuals seeking medical assistance. Although the critical risk of serious injury or death to the victim or others from the perpetrator of such violence warrants a police report and investigation, we have great difficulty extending reporting requirements to any injury caused by the use of violence or sustained in a suspicious or unusual manner. Again we see a prospective exponential increase of reports to the police if this measure is enacted. And even more problematic is the removal of client/patient self determination from adult victims that this bill proposes. Many major medical providers currently have in place protocols which involve informing patients about options for law enforcement and social services intervention and assistance for victims of violence. While we understand the well intentioned purpose of this bill, providing additional resources to assist victims of violence who seek medical assistance offers a far greater likelihood that these victims will benefit than requiring that every violent injury be reported to the police. And similar to our concern expressed above, the deterrent effect of this measure upon adult victims who need medical treatment posed by mandatory police reporting causes us additional grave concerns.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **opposes S.B. 2575**, and respectfully requests that you defer this measure. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE RC-NTK

February 7, 2012

The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chun Oakland and Members:

Subject: Senate Bill No. 2485, Relating to Children

I am Richard C. Robinson, Major of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 2485, Relating to Children. When a child goes missing, it is important to recover that child as expeditiously as possible. It is important to quickly interview those involved, sort out the information, and follow up on leads.

Criminalizing the timely reporting of a missing child or the death of a child may hamper the recovery of the child if a person having care or custody of the child exercises their Fifth Amendment rights under the constitution against self-incrimination.

The investigation would be hampered because the caregiver's rights would extend to all aspects of the investigation even if they were not directly involved with the child's disappearance or death.

The Honolulu Police Department urges you to oppose Senate Bill No. 2485, Relating to Children.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard C. Robinson".

RICHARD C. ROBINSON, Major
Criminal Investigation Division

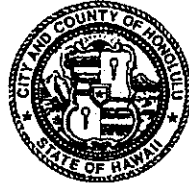
APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA
Chief of Police

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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OUR REFERENCE RC-NTK

February 7, 2012

The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chun Oakland and Members:

Subject: Senate Bill No. 2485, Relating to Children

I am Britt Nishijo, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 2485, Relating to Children. When a child goes missing, it is important to recover that child as expeditiously as possible. It is important to quickly interview those involved, sort out the information, and follow up on leads.

Criminalizing the timely reporting of a missing child or the death of a child may hamper the recovery of the child if a person having care or custody of the child exercises their Fifth Amendment rights under the constitution against self-incrimination.

The investigation would be hampered because the caregiver's rights would extend to all aspects of the investigation even if they were not directly involved with the child's disappearance or death.

The Honolulu Police Department urges you to oppose Senate Bill No. 2485, Relating to Children.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script, appearing to read "Britt Nishijo".

BRITT NISHIJO, Captain
Criminal Investigation Division

APPROVED:

A handwritten signature in cursive script, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA
Chief of Police

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 1:37 PM
To: HMS Testimony
Cc: iris.itoh@kapiolani.org
Subject: Testimony for SB2575 on 2/7/2012 1:30:00 PM

Testimony for HMS 2/7/2012 1:30:00 PM SB2575

Conference room: 016
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Iris Itoh
Organization: SATC
E-mail: iris.itoh@kapiolani.org
Submitted on: 2/6/2012

Comments:



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

TESTIMONY FOR SENATE BILL 2575, RELATING TO PROSTITUTION

Senate Committee on Human Services
Hon. Suzanne Chun Oakland, Chair
Hon. Les Ihara, Jr., Vice Chair

Tuesday, February 7, 2012, 1:30 PM
State Capitol, Conference Room 016

Honorable Chair Chun Oakland and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of SB 2575, relating to prostitution.

Last year, lawmakers passed HB 141 and HB 240, the former of which outlawed labor trafficking in the islands and the latter of which strengthened existing anti-prostitution laws by expanding witness protection for victims and targeting repeat offenders, particularly pimps and johns. Both bills were important steps in rectifying Hawaii's poor image and record with regard to anti-trafficking statutes. Importantly, these new laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations—pimps, johns, owners and managers of prostitution houses, and traffickers themselves—while protecting those who are most vulnerable.

The IMUAlliance lauds the State Legislature's efforts, last session. At the same time, we call upon lawmakers to continue the fight against human trafficking by hearing and advancing bills that increase services and protections afforded to victims, especially children. To that end, the IMUAlliance strongly supports the enactment of "mandatory reporting" legislation requiring reporting by medical personnel of suspicious child abuse, neglect, or trafficking victimization. Contrary to common wisdom, prostitutes and victims of human trafficking, particularly sex trafficking, utilize medical services more frequently and openly than other demographics because doing so can lead to the compassion-based reception of free medical assistance, birth control, and pelvic examinations, women's health treatment, etc. Moreover, as sad as it may be to acknowledge, traffickers and pimps frequently bring their victims into hospitals to ensure and maintain minimal physical well-being, so that these persons may continue to work in involuntary sexual servitude and earn their victimizers a profit.

Undoubtedly, concerned health care organizations will contend that Section 3, §453-14(a) of this bill violates the privacy provisions of the Health Insurance Portability and Accountability Act, which were put into place to provide federal protections for personal health information disclosed for the purpose of facilitating patient care. It should be noted, however, that HIPAA regulations regarding public health information contained in 45 CFR 164.512(f)(1)(i) state, “A covered entity may disclose protected health information for a law enforcement purpose to a law enforcement official...as required by law including laws that require the reporting of certain types of wounds or other physical injuries,” in compliance with relevant judicial requirements. Thus, there should be no question that enacting reporting requirements pertaining injuries specific to human trafficking or prostitution, as this bill does, runs afoul of federal mandates.

Again, the IMUAlliance thanks you for your hard work to stem human trafficking on our shores. Room for improvement remains, however, and we feel that the measure in question will consecrate last year's momentum into a concerted movement. Mahalo for the opportunity to testify in support of SB 2575.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

Executive Director
Adriana Ramelli

Advisory Board

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Suzanne Chun Oakland

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Carol Fukunaga

Frank Haas

David I. Haverly

Linda Jameson

Roland Lagareta

Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscelta

Paul B.K. Wong

DATE: February 7, 2012

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

FROM: Adriana Ramelli, Executive Director
The Sex Abuse Treatment Center

RE: S.B. 2575
Relating to Mandatory Reporting Requirements

Good afternoon Chair Chun Oakland, Vice Chair Ihara and members of the Committee on Human Services. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

While the SATC supports the intent of S.B. 2575, it opposes the proposed change to Section 350-1, Hawai'i Revised Statutes to expand the parameters of situations that are required to be reported to Child Welfare Services (CWS) or to the police. While the change appears prudent in the protection of all children, the change has the potential of preventing many from seeking needed care.

Under the proposed change, if a 17 year old is sexually assaulted by a date and she wants medical care and counseling she may not seek those services if she knows that by accessing that support, those providing it are required to report her assault to the authorities, something she may be unwilling or not ready to do herself. Likewise, the parent of a 12 year old who learns that his or her child was sexually assaulted by someone who used to live in their neighborhood may not seek services fearing forced involvement by the police. Sometimes extremely protective parents or caregivers have serious concerns about the impact on their child of police or CWS involvement. When this is case, where do these parents turn for critically needed professional support?

The SATC staff always discusses police reporting with clients in the situations described above; however, clients are given the choice about whether or not they want criminal justice involvement. Many subsequently report and are supported through this process by SATC, while others choose treatment only. The proposed change will take this choice away from the victim and family, and could likely be a barrier to ensuring all who need supportive services receive them.

We believe that the current law suffices. Cases involving suspected abuse by individuals who are not related to the child, not residing with the child or are not otherwise responsible for the child's care are currently reported to CWS when there are concerns that the parent or legal guardian is not protective of the child in question. In these situations, the parent or legal guardian is investigated for neglect.

Regarding 453-14 Duty of physician, osteopathic physician, surgeon, hospital, clinic, etc., to report wounds:

The SATC supports the intent of S. B. 2575 which we believe is to bring protection to an injured victim of human trafficking at the time the individual presents for medical treatment. However, the SATC opposes the proposed changes for the following reasons:

1) 453-14 mandates health care professionals to report to the police knife wounds, bullet wounds, gunshot wounds, powder burns, or any injury that would seriously maim, produce death, or has rendered the injured person unconscious, caused by the use of violence or sustained in a suspicious or unusual manner. The inclusion of injuries suffered by a victim of labor trafficking or from prostitution is unnecessary as the reporting of serious suspicious wounds of these individuals is already mandated under the existing law.

2) The SATC agrees that intervention is critical when an injured victim of human trafficking presents for medical treatment. For the victim of sex trafficking taken to the hospital by her pimp after a beating, there may be an opportunity at that moment to encourage the girl to "flip" and turn against her pimp and accept supportive services. However, by changing the law to mandate that health care professionals police report such situations (outside of what is required by the existing 453-14 reporting of serious and suspicious wounds), there is high potential that efforts to intervene and help the victim will be thwarted.

For example, if a sex trafficked victim presents for medical treatment, does not disclose that there was any wrongdoing on the part of her pimp when the police are called, the police will not be able to intervene. The police will leave, as well as the victim with the victorious pimp. The pimp's psychological hold over the girl will have been reinforced, physical violence against the girl may increase, she will no longer trust the health care system, and there will be a high likelihood that critical medical care will not be sought in the future. Calling the police will not force a disclosure, not when a victim has been programmed by her pimp to believe law enforcement cannot be trusted. Mandated reporting to the police when a victim is not ready to disclose will not result in rescue of the girl, but instead can lead to greater harm.

Rather than mandating police reporting, the SATC recommends that health care providers develop policies regarding the identification of trafficked victims and the implementation of practices to protect and help them. The victim of human trafficking needs to know that the health care professional is knowledgeable about her situation and that help exists when she is ready. Trained advocates skilled in the area can be called in to work with her prior to discharge. If she is not ready to take the help, a proposed plan can be discussed and later implemented, when she is ready. If at any point a victim chooses to report her pimp, the medical provider would immediately contact the police.

The SATC believes the unintended consequences of mandated reporting of suspected cases of human trafficking by medical professionals to law enforcement are great and far outweigh the benefits. For this reason, the SATC opposes S.B. 2575.

Thank you for the opportunity to testify.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

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Web site: <http://www.hysn.org> E-mail: info@hysn.org

Daryl Selman, President

Judith F. Clark, Executive Director

Aloha House

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI
Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Support Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Hui Malama Learning Center

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihii Valley

Kula No Na Poe Hawaii

Lanai Community Health Center

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Queen Liliuokalani Children's Center
Kona Unit

REAL

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

The Children's Alliance of Hawaii

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

January 26, 2012

To: Senator Suzanne Chun Oakland, Chair
And members of the Committee on Human Services

TESTIMONY IN OPPOSITION TO SB 2575 RELATING TO MANDATORY REPORTING REQUIREMENTS

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, opposes SB 2575 Relating to Mandatory Reporting Requirements.

This bill expands the statute on child abuse and neglect reporting to include any suspicion of abuse or neglect of a minor by an adult.

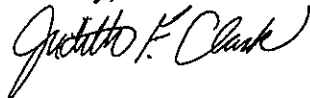
If this bill is passed, minor victims of sexual abuse or assault will lose the right to confidential medical care, counseling and victim support services. This is likely to deter victims from seeking assistance.

Similarly, persons engaged in sex work will be less likely to be tested for HIV or other sexually transmitted infections, which would increase the spread of HIV/AIDS and other sexually transmitted infections, a serious public health hazard. Every state in the U.S. allows minors to consent for care related to STIs because of the serious health risks to the individual and dangers to the community when not treated.

It would impede the work of street outreach workers who work with runaway and homeless youth and those who conduct HIV prevention outreach, because youth will not build relationships with workers or accept help to leave the streets if they know that they will be reported for engaging in survival sex in order to obtain food, a safe place to sleep or other things they need. Street outreach workers in Hawaii work with more than 700 runaway, homeless, and street youth annually, increasing their safety while on the street, reuniting them with their families, or helping them find other safe and appropriate living situations.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark
Executive Director



EQUALITY NOW

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February 6, 2012

MEMORANDUM IN SUPPORT OF S.B. 2575

Committee: Senate Committee on Human Services

Hearing Date: February 7, 2012 (1:30 p.m.), Conference Room 016

Honorable Chair Chun Oakland and Committee Members:

Equality Now is an international human rights organization that works to protect and promote the rights of women and girls throughout the world. Among issues of concern to Equality Now are human trafficking, which disproportionately effects women and girls, sex tourism and other practices that promote the commercial sexual exploitation of women and girls. In the past we have worked with our partners at the Pacific Alliance to Stop Slavery on Hawaii's sex tourism law and last year's bills, H.B. 141 and H.B. 240, which outlawed labor trafficking and strengthened existing anti-prostitution laws respectively.

Equality Now endorses the 4 P's approach to combat human trafficking; prevention, protection, prosecution and promoting partnerships. The passage of H.B. 240 represented a significant step toward easing the prosecution of the johns that create the demand for sex trafficking and the pimps that traffic women and girls to satisfy that demand. The package of bills submitted this year; H.B. 2234, H.B. 2235, H.B. 1994, H.B. 1995, H.B. 2233, S.B. 2575 and S.B. 2122 if

passed will provide the prevention, protection and partnership assistance to effectively combat sex trafficking and will make Hawaii a national model in this regard.

Equality Now strongly supports S.B. 2575. The amendment to Section 350-1 of the Hawaii Revised Statutes that would expand the class of individuals to whom responsibility will attach for child abuse or neglect will serve to better protect all children in the state. Among those protected by this amendment will be children in prostitution.

Children in prostitution often come to that predicament because they lack structure. Often times they come from homes where violence is the norm, where they have been subject to sexual abuse or where substance abuse is present. Many times they have run away from these abusive domestic situations or have been thrown out of their homes. They find themselves as homeless, hungry and truants, forced to engage in all manner of dangerous behavior to survive. Into these gaping needs too often enter pimps and traffickers.

The pimps and traffickers gain the trust of these vulnerable youth by providing housing, clothes, food and a sense of family. The young people fraudulently recruited are convinced that they must contribute to this structure by prostituting themselves. If they refuse, they are often beaten, threatened and raped and then forced to serve as prostitutes.

Having inserted themselves into the lives of child trafficking victims as surrogate family, pimps and traffickers should not expect to be exempt from charges of child abuse or neglect. The abuses set forth in H.R.S §350-1 (1)-(5)

are particularly heinous. Perpetrators of such crimes should not be exempt from prosecution because they are not a relative or guardian or otherwise responsible for the child's care. If they are responsible for the child's abuse, H.R.S. §350-1 should apply.

Equality Now also endorses the proposed amendment to H.R.S. §453-14 which would require that injuries suffered from labor trafficking or prostitution be reported by medical personnel to the chief of police of the county where the injured person was treated. This section is important to the identification of human trafficking victims and providing them with the services they need. Identification and rehabilitation of trafficking victims will result in more identification and prosecution of traffickers.

By amending H.R.S. §453-14 to specifically include injuries from labor trafficking or prostitution, health care providers will receive training to identify these injuries. Often times the injuries of labor trafficking victims might appear indistinguishable from other occupational injuries or diseases. A health care professional trained about human trafficking will know to further inquire when they examine an individual with such traits. A person involved in prostitution might have been branded or tattooed by her pimp which might appear innocuous to the untrained eye but provide evidence of sex trafficking to the trained individual. The potential benefits to trafficking victims, and ultimately law enforcement, from this proposed amendment justifies its adoption and Equality Now strongly endorses this improvement to H.R.S. §453-14.

S.B. 2575 is a well reasoned bill to hold traffickers responsible for the abuse of their child victims and to assist health professionals in identifying such victims. S.B. 2575 will serve to strengthen Hawaii's efforts against human trafficking and Equality Now strongly urges passage of this bill.

Respectively Submitted,

Kenneth J. Franzblau
Director of Anti-Trafficking Initiatives



The PACIFIC ALLIANCE
to STOP SLAVERY

DATE: January 27, 2012

ATTN: SENATE COMMITTEE ON HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

Senator Josh Green

Senator Sam Slom

RE: TESTIMONY IN STRONG SUPPORT OF SB2575 - RELATING TO MANDATORY
REPORTING REQUIREMENTS

Dear Committee on Human Services:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of SB2575. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

It is critical to understand the dynamic of coercion surrounding adult and child victims of sex trafficking, or promoting prostitution in the first degree, and labor trafficking. The coercion is constant and traffickers and their abettors accompany their victims to hospitals and clinics to receive care under their watchful eye. In this situation, the victim is never able to cry out for help out of fear for repercussions from the trafficker.

According to the Family Violence Prevention Fund, 28% of trafficked victims access a health care provider on average 9.5 times while still in servitude.

Hawaii has seen cases at hospitals where victims have been routinely released into the care of their traffickers, with health care professionals unable to do anything about it because of Health Insurance Portability and Accountability Act (HIPAA) restrictions. These victims end up dead or seriously debilitated.

A Human Trafficking victim may not always be a child and the elements of coercion are just as the same for adults. The trafficker has the ability to "hide" the crime and "control" the victim from exposing the abuse.

It is also important to note that the reason why Child Abuse became mandatory to report— due to the nature of the crime of Child Abuse. The ability for the abuser to "hide" the crime and ability to "control" the child from exposing the abuse was one of key reasons why suspected



The PACIFIC ALLIANCE
to STOP SLAVERY

child abuse became mandatory to report. Due to the nature of the crime, the law took the responsibility of reporting the crime from the child victim and placed that responsibility onto the Service Providers. The burden should be on the Service Providers to identify and report in a secure environment and not on the victim to cry for help at risk of serious harm or death when released.

Some may wonder if this bill would conflict with HIPAA regulations, however as stated in HIPAA regulations regarding public health information contained in 45 CFR 164.512(f)(1)(i) state, “A covered entity may disclose protected health information for a law enforcement purpose to a law enforcement official...as required by law including laws that require the reporting of certain types of wounds or other physical injuries,”

Therefore, state law may be enacted to allow mandatory reporting of wounds related to prostitution and labor trafficking.

For these reasons we urge you to pass this measure.

Thank you very much for hearing this measure.

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

February 7, 2012

Comments on SB 2575

To: Chair Suzanne Chun Oakland, Vice Chair Les Ihara and Members of the Senate Committee on Human Services

From: Katie Reardon Polidoro, Director of Government Relations & Public Affairs

Re: Comments on SB 2575, Related to Mandated Reports

Planned Parenthood of Hawaii wishes to offer comments on SB 2575. While we support the intent of better addressing the needs of human trafficking victims, we feel the proposed bill may result in confusion for health care providers. In addition, we are concerned about the sections of the bill that require reports to made on adult patients who are involved in prostitution or human trafficking.

As a provider of sexual and reproductive health care to many of Hawaii's young people, PPHI is deeply concerned about the rate of child abuse and sexual exploitation of children and adults, including trafficking and prostitution, that occurs in our state. As mandated reporters, we take HRS §350-1 very seriously. Over the years we have sought legal counsel in developing our own policy based on the statute. That policy has been used as model for other Family Planning Providers in our state. Recently, we provided training to providers participating in the Hawaii Department of Health's Title X Family Planning Program on this subject.

A. Crimes Against Minors By Non-Family Relations Are Already Reportable Under §HRS 350-1.

Section 1 of SB 2575 adds language to Hawaii's current mandatory reporting statute that would require reports of abuse and neglect by non-family members.

Reports of harm done to minors by a person outside the family falls under the current statute. Parsing the statute, child abuse or neglect is defined as an "*act or omission*"¹ on the part of a parent, guardian, relation, or household member which results in physical or psychological harm to a minor or the substantial risk of such harm. The statute goes on to state that "*the act or omissions are indicated for the purposes of reports by circumstances that include but are not limited to:*"² and goes on to list a number of injuries and crimes of which a minor might be a victim. The statute does not require that the perpetrator of the enumerated crimes be a parent or family member.

Put into context, PPHI most commonly reports on sexual abuse of minors. If a minor discloses sexual contact that meets the definition of sexual assault or sexual exploitation we are required to file a report under HRS §350-1, even when the perpetrator is not a family or household member. The rationale is that under the statute, the minor's victimization is indicative of child abuse or neglect under the statute. The "act or

¹ Hawaii Revised Statutes §350-1 (1982)

² Id.

omission” occurs when a parent or guardian fails to protect a child from the sexual assault or fails to act after the fact.

We acknowledge that the intent of HB 2234 is to better address crimes against children; however, we do not think that it substantively changes the mandated reporting requirements under the existing law. The proposed change in language does not add any new obligation for reporters and the amount or types of crimes against minors, whoever commits them, would not change.

B. The Term of Art “Reasonable Suspicion” Needlessly Confuses Reporters.

PPHI is concerned about the effect of changing the current language of “reason to believe” to “reasonable suspicion” in Section 2. Providers are familiar with the term “reason to believe” and have been using it for years. The term “reasonable suspicion” is a term of art describing the legal standard required before law enforcement officials perform some types of searches and arrests. Applying a “reasonable suspicion” standard would needlessly confuse mandated reporters, many of whom are not attorneys or law enforcement. Such confusion may inhibit reporting.

C. Mandated Reporting of Adult Victims Is Broad and May Interfere with Patient Privacy

Section 3 of SB 2575 seeks to expand the existing requirements for physicians to report serious injuries to law enforcement. It expands the types of injuries physicians must report from knife wounds, bullet wounds, powder burns, injuries that maim, cause death, or render a person unconscious to “any [other] injury reasonable believed to be caused by the use of violence.” It also specifically adds injuries resulting from prostitution or human trafficking to the list of reportable injuries.

PPHI is concerned that the definition of “injury” is overly broad. HRS §453-14 is intended to require reports of serious injury. The proposed language broadens the requirement to report *any* injury resulting from violence. This overly broad language could lead to unnecessary reports, jeopardizing patient privacy. We are also concerned that this broad definition may be in conflict with the Health Information Portability and Privacy Act (HIPAA). While 45 CFR §164.512 (f)1(i) does allow providers to comply with state laws that require the reporting of wounds and physical injury to law enforcement, it is clear that this section of HIPAA was written to facilitate reporting of very serious and life threatening injuries. HIPAA strikes a balance of requiring reports of injuries to protect patients’ safety and preserving patient privacy and control over information sharing. The proposed language in Section 3 of SB2575 requires reports of “*any other injury reasonably believed to be caused by violence.*” We fear that frustrates HIPAA’s protections in a way that is out of balance with a patient’s right to privacy and access to health care.

Most importantly, we find that this overbroad reporting requirement may cause harm to victims, despite the proponent’s very worthy intention to protect them. Victims will be discouraged from seeking necessary care. Especially for individuals involved in sex work, access to safe and private health care is a necessity. A person who wants to seek care as a result of prostitution will be less likely to do so if her health care provider is required to report her to law enforcement. Moreover, in the many cases of prostitution where a victim lives under the constant threat of physical violence, required reports may end up exposing her to further harm. In order for SB 2575 to have its intended effect, there must be legal and safety protections for victims before providers make disclosures to law enforcement.

Thank you very much for hearing these comments. We hope that these comments help the Committee in addressing the very important needs of victims of trafficking and prostitution.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 04, 2012 2:49 PM
To: HMS Testimony
Cc: tracyar@hawaiiantel.net
Subject: Testimony for SB2575 on 2/7/2012 1:30:00 PM

Testimony for HMS 2/7/2012 1:30:00 PM SB2575

Conference room: 016
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Tracy Ryan
Organization: Harm Reduction Hawaii
E-mail: tracyar@hawaiiantel.net
Submitted on: 2/4/2012

Comments:
TESTIMONY

Harm Reduction Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822

To the Senate Committee on Human Services Regarding SB2575 relating to mandatory reporting requirements To be heard Tuesday February 7 at 1:30 PM in conference room 016.

Dear Senators:

Harm Reduction Hawaii is opposed to passing legislation putting health care workers in the position of being agents of law enforcement subject to reporting requirements when injuries are done to sex workers. This has been clearly explained to advocates of these reporting requirements by personal at the Waikiki Health Center and elsewhere. The ability to provide medical services will be compromised as word gets out to the population to be served that medical personal they may turn to for help are to be reporting their injuries to law enforcement. The groups that do front line work with persons in the sex industry such as the Waikiki Health Center, the YO project, the CHOW project, and the Life Foundation have years of professional experience dealing with problems relating to the sex industry. They are in a much better position to develop policies than the anti-trafficking advocacy groups that are spending so much time down at the legislature.

Sincerely:

Tracy Ryan
Executive Director, Harm Reduction Hawaii

(808) 534-1846
tracyar@hawaiiantel.net

T A D I A R I C E
CONSULTING

322 Aoloa Street Suite 601 Kailua, HI 96734
Phone (808) 262-6533

January 3, 2012

COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

DATE: Tuesday, February 7, 2012

TIME: 1:30 pm

PLACE: Conference Room 16, State Capitol, 415 South Beretania Street

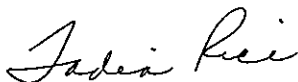
**TESTIMONY IN STRONG SUPPORT OF S.B. 2575 - MANDATORY REPORTING -
WOUNDS RELATED TO HT**

Dear Representative Oakland and Committee on Human Services:

I am very proud that last year the State of Hawaii established laws that now protect the human rights of its citizens, residents, visitors, and victims from sex and labor trafficking (HB 141 and HB 240). Both bills were important steps in rectifying Hawaii's poor record and worse reputation with regard to anti-trafficking statutes. Significantly, these laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations by pimps, johns, owners and managers of prostitution houses, and traffickers themselves, while protecting those who are most vulnerable.

Hawaii's representatives deserve kudos for all these efforts, however lawmakers must continue their battle against human trafficking by passing bills that increase services to victims and greater awareness of the impact of trafficking. Therefore, I am offering testimony in support of S.B. 2575 that amends the definition of child abuse or neglect to include acts or omissions of any person or legal entity. This bill will require mandatory reporting when there is reasonable suspicion of child abuse or neglect; and it also expands medical personnel's duty to report wounds to include injuries suffered by a victim of labor trafficking or injuries that result from prostitution. Subjects a person who reports wounds to physician-patient privilege regarding patient communications for the diagnosis or treatment of the patient but not regarding physician's observations of patient.

Mahalo for the opportunity to testify in support of HB1995.



Tadia Rice

Date: Tuesday, February 7, 2012

To: The Honorable Senator Suzanne Chun Oakland, Chair
The Honorable Senator Les Ihara, Jr., Vice Chair
Committee on Human Services

From: Dr. Nicole Littenberg and Dr. Judy Okawa
Pacific Survivor Center

Re: **Testimony in Opposition to House Bill SB 2575**
Mandatory Reporting of Wounds Related to Prostitution and Labor Trafficking

Chair Chun-Oakland, Vice Chair Ihara, Members of the Committee:

Thank you for the opportunity to present testimony regarding S.B. 2575. The Pacific Survivor Center opposes mandatory reporting of wounds related to prostitution and labor trafficking.

Over the past several years, the Pacific Survivor Center (PSC) has conducted over 35 trainings for more than 500 healthcare providers on the island of Oahu on how to recognize and respond to human trafficking in the medical setting. In our experience, when provided with an understanding of the issue and given information about available community resources, providers are able to recognize, treat, and appropriately refer victims of this crime in a competent and compassionate manner.

It is our opinion that increasing and enhancing patient-provider communication about issues of abuse and exploitation is crucial to improving recognition and care of victims and to empower them. We therefore disagree with the mandatory reporting legislation, which would be counterproductive to these goals.

Under mandated reporting, healthcare providers will be compelled to report to law enforcement, even against the will of the patient.

1. This undermines the patient-provider relationship, which is built on trust and confidentiality. In our experience providing direct medical and psychological care to labor and sex trafficking survivors, we have found that trust and confidentiality are vital to both disclosure of abuse and to the healing process itself.
2. Mandated reporting can not only deter victims from disclosing their situations to health care providers, but it can actually deter them from seeking health care at all due to fear of law enforcement involvement.
3. It can also serve as a deterrent to healthcare providers looking for and identifying cases, as the proposed law will hold them liable for failing to report victims.
4. This legislation will take control away from the patient, who as a trafficking victim has likely already suffered for months or years without control over his/her own life. In this way, one unintended consequence of mandated reporting is to force the healthcare provider to become yet another person to betray the trust of the patient. Disrespecting

a patient's autonomy in this way can reinforce his/her sense of helplessness and is detrimental to the healing process.

5. There is extensive literature on the pros and cons of mandated reporting for domestic violence. It is a well-established phenomenon that one of the highest risks of death to a victim is in the hours immediately following her report to law enforcement. Similarly, victims of trafficking, who know better than any of us the very real threats against themselves and their families, may be put at even more danger by well-meaning but misguided attempts to help them.
6. Cooperation with law enforcement in the prosecution of perpetrators of trafficking is always a vital objective but it is strategically best achieved by first insuring that victims' rights to self-determination and choice are respected. To confront those that have oppressed them, victims should first be allowed the opportunity to heal, and to become physically and emotionally secure in an unconditional fashion. Requiring health care providers to report such victims would deter those victims who do not wish to involve law enforcement from seeking the very care necessary to restore their health, and in the long run would be counterproductive to prosecutorial efforts as well.

The solution to this problem is not to force providers to defy the wishes of their patients and report to law enforcement. The solution, instead, is to encourage healthcare facilities to develop protocols to respond to suspected trafficking cases, which would include separating the patient from the suspected trafficker and sensitively questioning the patient about his/her situation. It would also require governmental and nongovernmental agencies to work together to develop and strengthen community resources for those victims who do decide, after speaking with the provider, to seek additional information, services, and/or the aid of law enforcement. Such community resources should include a network of secure shelters, the availability of legal assistance, and adequate funding for medical and psychological care and other social services.

Thank you for the opportunity to testify.

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

Date Submitted: February 6, 2012

To: Committee on Human Services

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

Hearing Date: February 7, 2012

Time: 1:30 p.m.

Place:

Conference Room 016
State Capitol
415 South Beretania Street

Testimony in Strong Support of: SB2575

**Mandatory Reporting for Health Care Providers When Caring for Victims of
Human Trafficking**

Dear Committee on Human Services:

Human Trafficking is on the rise both here in Hawaii and worldwide. Studies have shown that many victims have sought medical attention while being held in captivity but have not been identified as victims of trafficking. Currently, health care providers do not receive training on working with human trafficking victims, as it is not required in most schools. We receive training on domestic violence, rape, and physical abuse. We are taught extensively about child abuse, in which we are mandated to report any sign of abuse. Similarly to child abuse, domestic violence, human trafficking involves physical, emotional, and mental abuses, yet it is not mandatory for health care providers to report this abuse. The victim is often brought into the health care setting with the trafficker at the bedside. The history of violence, fear of retaliation, and the power of psychological control prevents the victims from seeking help out of their situation. The situation human trafficked victims are involved in is always life threatening. Currently, if a health care provider encounters a victim of trafficking who is over 18 years of age, we are only able to offer to have law enforcement or a victims specialist notified. If the

victim declines wanting to speak to anyone about their situation, we are unable to proceed with getting the victim help. Sadly, most victims are so afraid to disclose their situation due to fear of violence and retaliation, they will decline wanting to speak with anyone. Despite the fact that we suspect there is some sort of abuse occurring, we are unable to report to law enforcement or speak with a victims specialist due to fear of potentially violating confidentiality rules and policies. If we were mandated to report suspected abuse, we would be able to seek help from individuals who have special training in working with individuals who are trapped in this type of slavery. In my work with victims of trafficking, when a victim has had the chance to interact with an individual who specializes in working with trafficked victims, the doors are opened for interaction and discussion. I have seen several victims seek help after having the chance to speak with someone who understands their situation, even though they initially denied the abuse.

If human trafficking was deemed a mandatory reporting issue for health care providers, I believe that this would increase awareness in medical training programs. Similarly to the training on child abuse reporting, implementation of training on human trafficking and reporting suspected cases would be required in order to fulfill the law requirements. The change in the law amends the mandatory reporting of wounds, so if a female comes in wounded (and usually with a pimp), it is gross negligence not to report this abuse/crime. Women have died from lack of reporting. Health care providers have a unique opportunity when working with patients to establish a trusting relationship and have the potential to be a doorway to freedom for those held in captivity. We took an oath to “do no harm”. Failing to report these cases is causing unwarranted abuses and death to several victims of trafficking. The current confidentiality policies prohibit us from being able to report suspected abuse involving human trafficking victims. If we were mandated to report suspected human trafficking cases, more victims will be identified, more traffickers and perpetrators will be identified and brought to justice, and ultimately more lives will be saved. In addition, the testimony of the health care provider may be used in court to prove force/coercion, so law enforcement would have more to prove a case from a reliable source. Health care providers will be able to adhere to their creed of “doing no harm”.

Please pass the mandatory reporting bill for health care providers working with human trafficked victims.

Sincerely,

Jessica R. Munoz
RN, BSN, MSN, APRN-RX, FNP- BC
Emergency Medicine Physicians, Pali Momi Medical Center
Director of Community Relations Courage House Hawaii
Founder and Justice Advocate- Justice Project Hawaii

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2012 9:26 AM
To: HMS Testimony
Cc: c_pomponio@yahoo.com
Subject: Testimony for SB2575 on 2/7/2012 1:30:00 PM

Testimony for HMS 2/7/2012 1:30:00 PM SB2575

Conference room: 016
Testifier position: Comments Only
Testifier will be present: No
Submitted by: Cathleen Pomponio
Organization: Individual
E-mail: c_pomponio@yahoo.com
Submitted on: 1/30/2012

Comments:

This measure and the other measures described on this page are all very well meaning, the only thing that is lacking is a department that will respond to a person's initial report of abuse. Since the police department has been used to the limit during the APEC conference and then to remove individuals during the Occupy era; and so forth, I would rather propose that we create a unit that is just under the level of the regular police - but within the police department and at the same time enhance the powers of the CPS. In calling the CPS office to report possible abuse - they suggest to the caller that we 'call the police' they seem to have no interest or authority to do an investigation on their own; they merely take a few notes and say to call 911. In doing this, about a year ago; two officers came to the apartment; who walked around the premises and were told some nonsense by the adults living in the apartment. They moved only to be replaced by another abusive family. In calling CPS, to report this newest family - I can probably expect that nothing will be done. These measures are new and reflect the recent incident on the big island of Hawaii - a little too late, and the measures don't answer the problem..... who is going to take the responsibility to actually appear at a person's home to investigate a family problem? And what kind of intervention can be planned for the family - required family counseling seems to be the best avenue. Good luck with this, but I really like the idea of an auxiliary section of the police department. It would mean the creation of a new department within law enforcement - but; we've done this in the past.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 3:57 PM
To: HMS Testimony
Cc: vl@traffickjamming.org
Subject: Testimony for SB2575 on 2/7/2012 1:30:00 PM

Testimony for HMS 2/7/2012 1:30:00 PM SB2575

Conference room: 016
Testifier position: Support
Testifier will be present: Yes
Submitted by: V L
Organization: Individual
E-mail: vl@traffickjamming.org
Submitted on: 2/6/2012

Comments:

As an advocate & mentor to many young women & girls coming out of sex trafficking situations I strongly support this bill. Many of these ladies end up in emergency rooms & hospitals. Often, with the trafficker standing next to them the whole way. The victims are unable to voice their desperate cries for help with the trafficker's intimidating presence guarding them. Many times they receive treatment for substantial wounds but are discharged right back into the hands of the abuser. Health providers should not have to fear HIPA punishment for reporting significant wounds on an adult that is in a highly manipulative & controlled situation. Health professionals have expressed their concerns of wanting to help these victims, but also their concerns of violating HIPA when they try to do so.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2012 8:01 AM
To: HMS Testimony
Cc: karena_yee@yahoo.com
Subject: Testimony for SB2575 on 2/7/2012 1:30:00 PM

Testimony for HMS 2/7/2012 1:30:00 PM SB2575

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Karena Yee
Organization: Individual
E-mail: karena_yee@yahoo.com
Submitted on: 1/27/2012

Comments:

Human Sex trafficking is the worst form of abuse. Many of its victims are young. We are to take aggressive actions to identify these victims and do whatever it takes to protect them. This bill is a small step in the direction.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 1:36 PM
To: HMS Testimony
Cc: beverlyzigmond@juno.com
Subject: Testimony for SB2575 on 2/7/2012 1:30:00 PM

Testimony for HMS 2/7/2012 1:30:00 PM SB2575

Conference room: 016
Testifier position: Oppose
Testifier will be present: No
Submitted by: beverly zigmond
Organization: Individual
E-mail: beverlyzigmond@juno.com
Submitted on: 2/6/2012

Comments:

I am concerned about the language in this bill regarding the mandatory reporting of injuries of sex workers. Just as with victims of domestic violence, any mandatory reporting puts the victim at risk of harm and undermines the confidentiality which is so essential in their seeking medical treatment in the first place. Please oppose this bill. thank you, Beverly Zigmond, Lana`i City

Shanna-Lei K. Giles / Parent of Victim

Committee on Human Services

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 7, 2012
TIME: 1:30 pm
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

Measure Number: SB 2575

I am the mother of a minor human trafficking victim. Thru accounts told to me by my child, I learned that her nightmare began with a night out with a family member and turned into a four months of abuse, rape and slavery in prostitution.

My daughter was recruited by someone very close to her and her "pimp" not only used physical force to break her into submission but also used personal info gained by this person and threatened to kill anyone close to my child should she run. My daughter at the age of 16 walked the streets of Waikiki, prostituting, right under the nose of HPD. In fact she was arrested once, at 1 a.m. on a week night, but, for being a runaway and not once was her street life addressed,

questioned or even made a concern. When they were unable to contact us, she was placed in a home and she ran away within the hour. The entirety of her absence from our home was four months. Four months of believing she was a runaway. Four months of frustrations. Four months of fear. Four months of sadness. Four months of heartache. But, worst or maybe best, was the four months of ignorance.

One night, around 12 a.m. we received the call we had waited months for...the police had "found" my child and physically had her in their custody. When we picked her up, I barely recognized my daughter. Her expression was blank, reactions minimal and she was not under the influence of drugs, she was just...numb. She even went so far as to ask us to let her out of the car less than a block away from the Waikiki substation! I didn't understand, I couldn't understand. Why?!

In the months that followed, she went to treatment facilities and became residential in each. In the first facility, she never mentioned her time away or the horrors she experienced and to be quite honest they never really did much in the way of helping her. This facility over six weeks of residential and four weeks of partial cost upwards of \$50,000. One evening, my child overdosed on OTC meds and we took her to the E.R., from there she was placed in another residential facility, where her true healing process began.

While at the 2nd facility my child was blessed with being put in contact with Kathryn Xian of Pacific Alliance to Stop Slavery (P.A.S.S). Not only did she help my child understand that this was not her fault, she connected her with people who actually could help my child work thru all of her emotions, she found strength in expression thru writing and positive encouragement. She was introduced to authorities who have started the process of bringing those involved in her kidnapping to justice. She continues to actively work with P.A.S.S. and has found her passion in not only helping others who have been in her situation but educating and preventing it from happening to other young women. She has given testimony at the Capital, worked with Kathryn in educating Oahu EMT's, has been offered more opportunities to train others and is currently in a rigorous program working toward her goal of graduating.

I am not sure of happy endings, but I will say this: all of her current progress would not have been made possible without those who have been place in her life. We as parents were completely oblivious and ignorant to the fact that human trafficking/ sex-slavery could happen to our child. As a parent you believe you have taught about strangers and the safety of the police and to always tell if someone hurts them, but, how do you fight the monster you don't see lurking in plain sight? The one that locks your child in a house and beats, rapes and threatens her till she is so fearful, that selling her body is something she has to do just to avoid more or worse beatings and the grown men who prey and look for these young women to fulfill their sick needs.

EDUCATE! PLEASE!! Open the eyes of our children, educators, law enforcement, medical field and give them power to do something to help these young children. It is OUR responsibility to protect them, but yours to enact or pass the bills for it. I truly pray that if all our efforts and even the horrible things that happened to my daughter can change the outcome of one little girl out there, then it will be worth it because then I know, that no matter how small, change was made.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 3:21 PM
To: HMS Testimony
Cc: breaking-the-silence@hotmail.com
Subject: Testimony for SB2485 on 2/7/2012 1:30:00 PM

Testimony for HMS 2/7/2012 1:30:00 PM SB2485

Conference room: 016

Testifier position: Support

Testifier will be present: No

Submitted by: Dara Carlin, M.A.

Organization: Individual

E-mail: breaking-the-silence@hotmail.com Submitted on: 2/6/2012

Comments:



Holly J. Huber

1519 Nuuanu Ave #154 • Honolulu, Hawaii 96817

(808) 554-7692 • hollyjhuber@gmail.com

TO: Senate Committee on Human Services
Hearing on February 7th in room 16 @ 1:30 PM

FROM: Holly J. Huber

DATE: February 6, 2012

RE: In support of SB2575
Relating to Mandatory Reporting Requirements

Mahalo nui loa for hearing SB2575 and addressing this important issue.

The recent Penn State child sex abuse scandal has called attention to the need for strict mandatory reporting requirements for child abuse. If only that assistant coach had reported what he witnessed to authorities, instead of to his Penn State superiors... But he wasn't required to.

Hawaii has had its share of horrific child abuse and neglect cases, many of which have resulted in a child's death, disappearance, or permanent disability.

Each time you see the front-page story, you have to wonder if only someone had spoken up sooner.

SB2575 requires that we speak up and report suspected child abuse and neglect. Staying silent can not be an option when the lives of our keiki are at stake.

Please support SB2575.