

The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Ways and Means

The Honorable David Y. Ige, Chair

The Honorable Michelle N. Kidani, Vice Chair

Monday, April 1, 2013, 10:00 a.m.

State Capitol, Room 211

by

W. Tom Mick

Policy and Planning Department Head

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 197, H.D. 2, S.D. 1, Relating to the Judiciary

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2014 and 2015.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No.197, H.D. 2, S.D. 1, which reflects the Judiciary's resource requirements for FYs 2014 and 2015.

The Judiciary is aware of the fact that the economy and economic outlook for Hawai'i have improved and are on a significant upswing from the devastating effects of the prior three years. But we are also very cognizant of concerns related to the Federal budget (i.e., fiscal cliff, sequestration, and Senator Inouye's passing) and their potential impact on Hawaii's economy; the State's unfunded pension and other post-employment benefit liabilities; and the need for and potential costs associated with the State Information Technology initiatives and the recapitalization of the Emergency Budget and Reserve and Hurricane Relief Funds. We are also quite mindful of the many competing demands for the limited resources available, and that other State departments and agencies have important needs and desires as well. Therefore, we tried to be quite prudent with our biennium budget request and focus on those items required by law or where we felt that there was a pressing, demonstrated need to better serve the public, our employees, and our clients. To that end, the Judiciary has requested 40 new permanent



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positions, of which 20 are no-cost conversions, and additional funding of \$10.8 million and \$11.5 million in FYs 2014 and 2015, respectively.

The Judiciary is grateful for the Senate Judiciary and Labor Committee's and House Finance and Judiciary Committee's approval of our biennium budget requests of \$8.6 million to restore employee salaries to the levels prior to the five percent pay cut experienced by all Judiciary employees in FYs 2012 and 2013, and to restore judges' salaries to the legislatively mandated pay levels set by the 2007 Commission on Salaries. We are also thankful for the positions and funding provided for the neighbor island branches of the Children's Justice Center and for First Circuit's juvenile weekend program, for the funding of a temporary account clerk position in the Courts of Appeal and a temporary social worker position and two half-time research aides for Project HOPE (Hawai'i's Opportunity Probation with Enforcement), for monies to cover increased utility costs in the First Circuit, and for the \$1 million increase to the ceiling of the Indigent Legal Assistance Special Fund. We are very pleased with Senate Committee on Judiciary and Labor's restoration of more than \$1 million cut by the House Finance Committee to lease space in Kapolei for 81 employees in the Juvenile Client Services Branch of the Family Court to move from Honolulu, as well as for two positions and funding for the Community Service Sentencing Program on Maui. And while we appreciate the more than \$600K provided by the Senate Committee on Judiciary and Labor for Purchase of Service (POS) restoration funding in the First and Third Circuits, we note that the Committee did not support the additional \$107K in POS funding provided by the House Committees on Finance and Judiciary.

However, the Judiciary is very concerned that few of the new permanent positions and other specific requests were funded. Specifically, none of the 20 no-cost conversions of budgeted temporary to budgeted permanent positions were approved - seven for Hawai'i Girls Court, two for Mental Health Court, seven for Project HOPE, one for the Third Circuit Traffic Violations Bureau, and three law clerk positions for the Legal Research and Adoption Records Unit for the First Circuit Family Court. The lack of permanency in the positions creates program instability, inefficiencies, and added costs since there is continual personnel turnover as people in these temporary positions seek and leave for permanent positions elsewhere. Further, the length of time it takes from someone leaving to a person being hired and fully trained to fill that position results in less clients being able to be served, a condition that occurs more often than not as a result of the turnover associated with temporary positions.

Ten of the other 20 new positions requested were not funded – two clerks for the Ho'okele program in First Circuit; one Social Services Assistant on Maui to establish a randomized urinalysis program for high risk offenders; two bailiffs in the Third Circuit; one Judicial Clerk in the Fifth Circuit; and a Capital Improvement Program (CIP) Specialist, a Judicial Education Specialist, an Office of Public Guardian (OPG) supervisor, and an



Information Technology (IT) Specialist in Administration. Not funding the two clerks for the Ho‘okele program will result in clients at these service centers having to wait longer to be helped and get their requests answered. This is a matter of concern as more and more people become self-litigants. Further, when court users are unable to obtain timely assistance and turn in improper or incomplete documentation, it can cause denial of requests or delays in judges hearing or reviewing cases and make the whole court experience less accessible and more stressful. The lack of a position to establish a randomized urinalysis program on Maui means that high risk offenders will continue to be tested in a more scheduled manner which, in turn, may allow them to “game the system”. Without providing additional bailiff positions for the Third Circuit, Hilo or Kona bailiffs will continue to have to travel to the Kohala courthouse (about a one hour trip each way) whenever court is in session, which further exacerbates the situation in Hilo where an additional bailiff is already needed just to support court operations. Bailiffs are important for case processing and in helping to maintain decorum and security in court, which is even more important in Kohala where sheriff staffing is sometimes short. Workload and responsibilities for the three Judicial Clerks on Kauai have continued to increase over the years so the absence of funding for an additional clerk means that the current three clerks will continue to be overworked and that it is unlikely that the three to four week backlog in processing cases will be decreased by any significant degree in the near term.

In Administration, no additional CIP Specialist means that there will be only two people in the CIP Office to help initiate, manage, monitor, and coordinate two new courthouse projects as well as more than 20 other CIP and repair and maintenance projects, monitor leases, assist programs with space planning, and be available for any other facility related matters/discussions/analysis/etc. Without an additional Education Specialist, training for Judiciary employees and judges, an important area in the Judiciary’s 20/20 Strategic Vision Plan, may not be able to be expanded to the extent needed. Not funding the OPG Supervisor will result in the current Director having to continue to supervise the eight Oahu personnel, as well as the neighbor island guardians, and handle all administrative and management responsibilities for the office as well. The lack of an additional IT position means that there will be delays in handling IT related problems and in keeping up with and applying IT type knowledge to various applications such as internet/intranet, cloud, mainframe work, and system support.

Other specific requests not funded by House Bill 197, H.D. 2, S.D. 1 related to six replacement x-ray security machines for First Circuit rural courts, ten replacement stenograph machines for First Circuit (although both House Committees on Finance and Judiciary had funded these stenograph machines), an electronic scheduling system for the Detention Home, and additional training funds. Without new x-ray security machines, the security of the public, employees, and clients could be compromised to the extent these machines malfunction or break down and cannot be repaired timely due to lack of or obsolete replacement parts. The ten steno machines used by the Court Reporters Branch have become old and outdated, out of warranty,



and increasingly costly to maintain and difficult to find replacement parts/supplies and servicing for. No electronic scheduling system means that the Detention Home will have to continue to operate with its inefficient, error-prone, and time-consuming manual system. Not receiving additional training funds means that the Judiciary will not be able to expand training for its employees and judges to the extent desired by the Chief Justice and hoped for by Judiciary employees who, overall, have indicated that lack of training is one of their major concerns.

We are extremely pleased that the Senate Committee on Judiciary and Labor restored nine vacant positions that were eliminated by House Finance Committee in House Bill 197, H.D. 2 – four permanent and two temporary in First Circuit and three permanent in Administration. These nine positions were those shown as being vacant for more than one year on a November 30, 2012 vacancy listing provided the Senate Ways and Means and House Finance Committees with our written testimony in late December 2012. However, **four of these positions (#14896, #59529, #57119, and #57144) had already been filled and if not restored, would have caused the Judiciary to have to take action to remove the individuals filling the positions from employment**; one other (#59432 for a Law Clerk for the Chief Judge of the First Circuit) was filled subsequent to the November 30 listing but again became vacant on February 7, 2013 with an estimated fill date of March 31, 2013; one (#59484, a social worker for Drug Court) is pending selection (that is, a candidate list has been referred to the hiring program, interviews and reference checks are being conducted, and an applicant may have been selected but not yet notified); and two (#58219, a Court Operations Specialist in First Circuit's Chief Court Administrator's Office and #58932, a newly established Research Statistician) were the subject of reorganizations that were not finalized between the Judiciary and HGEA until February 13, 2013 and January 17, 2013, respectively. Position #500191, a Social Worker IV temporary position at Girls Court, had been frozen due to budget constraints and was just recently reopened for recruitment with an expected fill date of April 30, 2013.

House Bill 197, H.D. 2, S.D. 1, also provided a position and funding for a staff attorney for the District Court in Hilo, for a Special Assistant to the Administrative Director, and for a Social Worker for the Veteran's Court; and funding for a Public Defender position and two City and County of Honolulu Prosecuting Attorney positions (although no position counts for either of these three positions). Although the Judiciary did not request these positions in its biennium budget request, we are grateful for their addition as long as these items do not come at the expense of other items included in our budget request. It should also be noted, however, that the amounts provided for the Public Defender (\$75K) and the two Prosecuting Attorneys (\$150K) are less than their cost, that is, \$112,699 for a Public Defender and \$192,713 for two Prosecuting Attorneys.

Relative to the CIP budget included in House Bill 197, H.D. 2, S.D. 1, the Judiciary is very appreciative of the restoration of construction funding by the Senate Committee on



Judiciary and Labor for the new Judiciary Court Complex in Kona. There is an urgent need for a new courthouse in Kona, since we are currently holding court in three different locations there, in buildings that were not designed for that purpose, and that are accordingly difficult to secure. We have completed a detailed environmental study, selected a site on state-owned land, and are moving forward with design work. Construction funding is the next step in the process and will allow us to provide our citizens in Kona with a secure, efficient, and modern court facility. However, we are concerned over the lack of funding for any of our other five important CIP projects - design and construction of a new District Court facility in Wahiawa, renovation work at Ka'ahumanu Hale (the Circuit Court building on O'ahu), funding for an environmental impact assessment at Alder Street, and two safety related projects at Hoapili Hale, the main court building on Maui. For Wahiawa, the Judiciary has received some initial planning money, but without the additional design and construction funding requested, we will not be able to continue forward with this project and will have to continue leasing space in a former retail building that was not designed for court operations usage. The lack of funding for renovations of the second floor of Ka'ahumanu Hale means that the Judiciary cannot begin the design process to create a minimum of four courtroom "sets" (that is, courtrooms, chambers, and office space) for four circuit judges that would move from Kauikeaouli Hale (the District Court building in Honolulu) and cannot achieve its long-term goal of having all of First Circuit's circuit court divisions in one location. Without funding for an environmental assessment at Alder Street, the Judiciary cannot continue moving forward towards providing a juvenile services center at this location along with the co-located existing status offender shelter Home Maluhia. Not funding the projects for structural repairs/exterior remedial improvements and for replacement/upgrade of the carbon monoxide monitoring and garage ducting systems at Hoapili Hale could eventually affect the structural integrity of the building, lead to much more expensive repairs in the future, and jeopardize employee and public safety.

It should also be noted that the Senate Committee on Judiciary and Labor in House Bill 197, H.D. 2, S.D. 1, included an additional unspecified appropriation amount for JUD 601 (Administration) CIP, specifically the Kona Judiciary Complex, for the design and construction of an adjacent correctional facility. While we certainly concur in the need for a new correctional facility in the Kona area, we respectfully submit that the Judiciary generally does not manage nor construct such correctional facilities. Rather, the responsibility for such correctional facilities in Hawai'i lies solely with the Department of Public Safety (PSD) and such funding would seem more appropriately directed towards them. We would definitely support any provisions in the PSD budget to construct such a facility in Kona. One other point – the land selected by the Judiciary to build its courthouse is not large enough to also build a correctional facility, and the land adjacent to it is currently being planned for a regional park by the County of Hawai'i. It may not be appropriate to have a correctional facility next to a regional park.



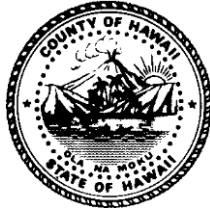
House Bill No. 197, H.D. 2, S.D. 1, Relating to the Judiciary
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There had been one last item of concern for the Judiciary with House Bill 197, H.D. 2 which the Senate Committee on Judiciary and Labor rectified in House Bill 197, H.D. 2, S.D. 1 – that is, approval of the budget base transfer of \$150,000 to Courts of Appeal in varying amounts from each of the other Judiciary programs to cover continuing shortages over the past few years in the Courts of Appeal appropriation. Courts of Appeal did not have this funding problem four to five years ago because there were always vacancies to cover any shortages in payroll, but there have been few if any vacancies in the last few years so there are no extra funds to help cover shortages. As it is, the payroll percentage of the Courts of Appeal total allocation of more than \$5 million is 96%, leaving only about \$200,000 to cover all its other expenses. For the last few years, we have had to transfer funds from other programs to cover the shortage in Courts of Appeal so we thought it would be a better and more efficient management of money and programs to transfer these funds up front in the budget base.

The proposed biennium budget request is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill 197, H.D. 2, S.D. 1, which includes the Judiciary's biennium budget request, and that you strongly consider reinstating the 20 no-cost conversions of budgeted temporary to budgeted permanent positions, and restoring positions and funding for our other biennium budget requests that were not funded. The Judiciary also respectfully requests restoration of CIP funding of \$37.7 million for the Wahiawa District Court facility, \$2.8 million for renovation work at Ka'ahumanu Hale, \$250K for an environmental impact assessment at Alder Street, and almost \$2.8 million for two projects at Hoapili Hale on Maui.

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

William P. Kenoi
Mayor



Walter K.M. Lau
Managing Director

Randall M. Kurohara
Deputy Managing Director

County of Hawai'i Office of the Mayor

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April 1, 2013

The Honorable David Y. Ige, Chair,
And Members of the Senate Committee on
Ways and Means
Hawai'i State Capitol, Room 211
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: House Bill 197, HD2 SD1, RELATING TO THE JUDICIARY

Aloha, Chair Ige and Committee Members:

Thank you for this opportunity to express our strong support for an appropriation of \$90 million for design and construction of the proposed Kona Judiciary Complex. Chief Justice Mark Recktenwald has made this project a top priority this year, and we believe this courthouse is needed to better serve the residents of West Hawai'i.

West Hawaii residents have never had a single, centralized courthouse. Currently the District Courtroom and Circuit Courtroom are in the Old Kona Hospital in the Keakealani Building, while Judge Ronald Ibarra's courtroom is in the former Al's Farm & Garden location on Halekii Street in Kealakekua. Family Court facilities to serve the area are located in the Lender's Document Service Building in Kailua-Kona.

The proposed Kona Judiciary Complex is planned for the corner of Ane Keohokalole Highway and Kealakehe Parkway across the street from the West Hawai'i Civic Center, which opened in 2011. This central location in a rapidly growing area of North Kona will provide for more efficient and convenient operations to improve service to the public.

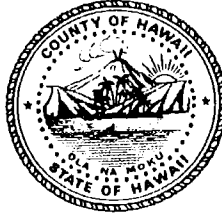
Mahalo for your consideration.

Aloha,

William P. Kenoi
MAYOR

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OFFICE OF THE PROSECUTING ATTORNEY

March 30, 2013

TESTIMONY IN SUPPORT OF HB 197. HD2. SD1
RELATING TO KONA JUDICIARY COMPLEX FUNDING

COMMITTEE ON WAYS AND MEANS

Senator David Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Honorable Chairman and Members:

The Office of the Prosecuting Attorney for the county of Hawaii supports HB 197, HD2, SD1 and in particular funding of the proposed Kona Judiciary Complex.

Our deputy prosecutors serve at the various Kona Courthouses everyday and have seen first hand the problems in the current facilities. Although the judiciary has made improvements and do their best under the circumstances, we are deeply concerned about safety for staff, parties, jurors and witnesses. Since 2008, the Kona courts hear cases from North Kohala, South Kohala, Kona and Ka'u districts. As caseloads increase, the concerns stated below will become more pressing. We sincerely appreciate Chief Justice Recktenwald for his support for the building of the Kona Judiciary Complex.

Keakealani Building located at the old Kona hospital is the main courthouse, which houses both a circuit and district court as well as clerks offices and judiciary administration staff. It has numerous steps, which our deputies must use to enter the building, often laden with files and other equipment. Parking is scarce and efforts to obtain a dedicated stall for prosecutor and public defender were unsuccessful because of existing DAGS rules. We had one deputy fall and fracture her rib while walking with her trial box to her car, which had to be parked in the grass because there was no other parking space. She was in the midst of a felony jury trial and had to continue to work in pain.

Prisoners coming from or going to the cellblock must climb steep concrete steps in the back of the building, which is wet if it rains. We have had at least one prisoner fall with shackles, and another escape from this location. The cellblock itself is woefully inadequate. Its small space must sometimes house newly arrested defendants as well as inmates transported from the community correctional facility. There is no place for attorneys to talk to their clients or for guards to wait. ACOs set up an outdoor table under the judge's overpass to watch the cellblock door.

There are three separate locations for Kona courthouses. In all locations, quarters are very close; resulting in jurors, parties, witnesses and families forced to intermingle in the hallways, limited waiting spaces and restrooms. During criminal proceedings, it is common for family and friends of a victim and the defendant to want to come to the courthouse and observe the proceedings. Emotions can run high and people may be distressed and desperate. Our deputies have observed jurors to appear intimidated because everyday when they arrive and leave, and at every break, these jurors must walk by supporters and family of the defendant on trial. Trials have had to halt because jurors may have inadvertently heard something improper. Deputies have been threatened by family members upset that a defendant is found guilty. The close quarters don't provide the space needed to prevent, diffuse or react to intimidation or violence. This is not safe, and a serious incident is just a matter of time.

Preliminary hearings and trials in the Family Court at the Lender's Documents Building are held in a room where victims must testify within six feet of the defendant, separated only by counsel table. This Family Court also hears juvenile matters, domestic violence restraining orders, divorces, and child welfare cases. These types of cases can be highly charged. The deputy sheriffs do their best to be present and prevent incidents but they cannot be everywhere and incidents nevertheless have occurred.

The fact that the courtrooms are located in three separate buildings have led to confusion with people going to the wrong location to conduct their business. Defendants who go to the wrong courthouse may be issued a bench warrant; attorneys and parties risk being sanctioned. A witness who appears in the wrong courthouse may result in a case being dismissed. The Kona community has only limited public transportation. A person with transportation issues cannot readily appear at the correct courtroom if he or she misunderstood their summons or subpoena.

The adult probation department is currently on the second floor of the Lenders Document Building, which does not have an elevator. Disabled defendants have to meet their probation officers in an alternate location. This is not acceptable.

The Kona community deserves a complex where all judiciary business is conducted in one location in a safe environment, and where lessons learned from other complexes built throughout the state may be applied. We urge this Legislature to enact H.B. 197, HD2, SD1 and support the Kona Judiciary Complex.

Yours very truly,


MITCHELL D. ROTH
Prosecuting Attorney



Hon. Daniel R. Foley
Associate Judge
Intermediate Court of Appeals
Chair

Jill M. Hasegawa
Vice Chair

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March 30, 2013

To: Senator David Y. Ige
Chair, Senate Committee on Ways and Means

Re: Senate Committee on Ways and Means
Decision Making Date: Monday, April 1, 2013
Time: 10:00 a.m.

Comments in **Strong Support** of HB 197, HD2, SD1 portion relating to increasing the ceiling for the Indigent Legal Assistance Fund (ILAF)

Dear Chair Ige and Members of the Senate Committee on Ways and Means:

The Hawaii Access to Justice Commission (the "Commission"), submits these comments in **strong support** of raising the ceiling for the Indigent Legal Assistance Fund (ILAF), as requested in HB 197, HD2, SD1.

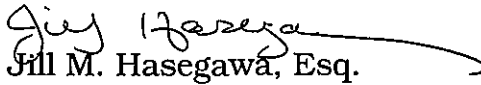
The Commission, which was created by Rule 21 of the Rules of the Supreme Court of Hawaii on May 1, 2008, was established with the purpose to substantially increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii ("low income Hawaii residents"), including increasing and stabilizing long-term public and private funding and resources for delivery of civil legal services to low-income Hawaii residents.

The Commission was created in response to the 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People of Hawaii (2007 Assessment), which found that four out of five low income Hawaii residents do not have their legal needs met and that legal service providers are only able to assist one in three persons who contact them for assistance. The Commission recognizes that in order to increase delivery of legal services to low income Hawaii residents, more funding is essential to assist the legal service providers.

In 2011, Act 180 was passed, which amended HRS §607-5.7 to increase the surcharge fees on various court filings, which additional fees were intended to benefit Hawaii's legal service providers through the Indigent Legal Assistance Fund. The passage of Act 180 was expected to significantly assist Hawaii's legal service providers, who were suffering from budget cuts and lack of funding, while at the same time facing a consistent increase in requests for assistance, well over above the 2007 Assessment figures.

However, in order to carry-out the intent of Act 180, and provide additional assistance to low income residents of Hawaii through increased funding for Hawaii's legal service providers, it is necessary to increase the ceiling amount for the ILAF fund, so that all funds collected may be distributed to the eligible legal service providers.

Therefore, the Commission strongly supports the House position, which raised the budget ceiling for ILAF by \$1 million, and respectfully requests this Committee's favorable consideration on this issue. Thank you for the opportunity to submit comments on this measure.



Jill M. Hasegawa, Esq.

Vice-Chair

Hawaii Access to Justice Commission

UNIVERSITY OF HAWAI‘I AT MĀNOA

Center on Disability Studies

University Center on Excellence in Education, Research and Service

March 30, 2013

The Honorable Senator David Y. Ige, Chair
The Honorable Michele N. Kidani, Vice-Chair
Senate Ways and Means Committee
Hawai‘i State Capitol
Honolulu, HI 96813

Aloha Senators Ige and Kidani and Committee Members:

I am writing in strong support of **HB 197**, **HD2**, and **SD1**, the portion relating to increasing the ceiling for the Indigent Legal Assistance Fund (ILAF).

As an appointed member of the Hawai‘i Access to Justice Commission, I am well aware of the challenges faced by people living in poverty, persons with disabilities, and immigrants as they encounter the state’s civil justice system. One of the ways to increase access to justice for these people is to provide more funding for legal service providers whose mission is to help them.

Act 180 was passed in 2011 to increase surcharge fees on various court filings to help compensate legal service providers, whose funds were drastically reduced during the economic calamity of the last decade. The additional funds from these increased surcharge fees go to the Indigent Legal Assistance Fund. However, to make this happen, the ceiling for the ILAF Fund must be increased so that all funds collected can be distributed to the eligible legal service providers. Increasing the ceiling is critical.

Therefore, as a member of the Commission, a professor at the University of Hawai‘i, and a private citizen, I respectfully ask your support for HB 197, HD2, and SD1, to make access to justice a reality for more of Hawai‘i’s citizens.

Sincerely,



Jean Johnson, DrPH
Director, (Acting)

TESTIMONY

Senate Ways and Means Committee
HB 197, HD 2, SD 1 Relating to the Judiciary
Hearing: April 1, 2013

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TO: Chair David Y. Ige
and Members of the Senate Ways and Means Committee

FROM: Craig P. Wagnild
President, Hawaii State Bar Association

RE: HB 197, HD 2, SD 1 Relating to the Judiciary (Budget)

Chair Ige and Members of the Senate Ways and Means Committee, as the President of Hawaii State Bar Association, I am submitting the following testimony **IN SUPPORT** of three provisions of **HB 197** the biennium budget proposal for the Hawaii State Judiciary submitted for the Legislature's consideration by Chief Justice Mark Recktenwald. The items selected for support have one consistent objective: Access to Justice.

Capital Improvement Projects (CIP)

Integral to the goal of access to justice are clean, safe and conveniently located court facilities for the administering of justice. As with many other State agencies aging buildings with work areas filled to capacity with employees, files, and equipment designed to meet the needs of the public are in great need of renovation and/or expansion. And in some geographical areas of the State, new buildings are needed to accommodate population growth. The HSBA is in strong support of the proposed CIP Kona Judiciary Complex project listed on page 7 of HB197.

Judicial Salaries

The retention and recruitment of qualified individuals for the State Bench is absolutely critical to our community's access to justice, especially for the criminal calendar and the constitutional right of a defendant to a "speedy trial". The Judges and Justices of Hawaii's Bench are dedicated individuals who serve in their courts and who are called upon for extra time and efforts in the community, scheduling speaking engagements in our schools and with community organizations, and serving on special judicial committees to interact with the Federal bench, the HSBA and other national legal organizations.

Testimony

HB 197, HD 2, SD 1 Relating to the Judiciary

Hearing: April 1, 2013

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The salary adjustments for members of the State Bench included on page 3 of HB197 reflect increases proposed by the PRIOR Salary Commission. Judges and Justices like all other State employees took salary cuts and bear the burden of increased healthcare and other employee expenses. Salary adjustments will help retain qualified and experienced jurists, and more importantly, assist in the recruitment of the next generation of judges and justices.

Funds for Legal Service Providers

In prior legislative sessions the Legislature approved modest increases to certain court filings to fund needed programs administered by Hawaii's legal service providers that assist the indigent, handicapped, and groups of people who are not served or who are underserved. The funds are being collected with only a portion being released for needed legal services. The HSBA supports the Judiciary's efforts as reflected on page 3 (JUD601) to increase the ceiling for the release of additional collected funds for community purposes.

Conclusion

The HSBA appreciates your consideration of its support for these three critical items in HB197.

ROBERT D.S. KIM, INC.

A Hawaii Law Corporation

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March 28, 2013

TESTIMONY TO THE SENATE WAYS AND MEANS COMMITTEE H.B. 197, HD 2, SD 1 - SPECIFICALLY THE KONA JUDICIARY COMPLEX FUNDING

Honorable Chairman and Members:

I am supporting continued funding for the Kona Judiciary Complex included in H. B. 197, HD 2, SD 1.

There is a critical need to consolidate the Judiciary in West Hawaii. This project is currently the number 1 priority on the Judiciary's CIP list. Currently, the District and Circuit Court of the Third Circuit Court, Kona Division, located in Kealahou, Hawaii is located along side State Department of Health facilities in a multipurpose building known as the Keakealani Building that was built in 1939, and is dilapidated, and overcrowded. There is also a circuit court for the Big Island Drug Court (BIDC) located blocks away. The Family Court is miles away and it is leased and not a judiciary facility.

The primary concern is security for the judges and the public. Our sheriff staffing is stretched to the limit as they must cover three (3) different locations that are miles apart. The vans and transports of the Sheriff's office are deficient and breakdown often, leaving facilities unprotected. In at least two (2) instances, jury trials involving high profile, volatile cases had to be moved to Hilo due to security concerns. Our judges have to walk unprotected to their vehicles and are potential targets. Our jurors are left to take breaks in the same area where inmates and witnesses share. This situation cannot continue. Last week an inmate being held on \$50,000.00 bail was mistakenly released when transported between the various courts. Public safety is a critical concern.

The Keakealani Building was originally the old Kona Hospital and was built by the Public Works Administration almost 70 years ago. As a practicing attorney, I know firsthand that there exists a severe parking shortage whereby designated parking stalls are provided for the general public and staff to share. This building has eight-six (86) parking stalls, and at least sixty-one (61) are utilized by staff members and state vehicles, leaving a mere twenty-five (25) stalls for public use.

The BIDC has less than 10 public parking stalls. When jury trials are held, forty or more jurors are summoned at a given time. This creates a severe parking shortage, that adversely affects prospective jurors, witnesses, attorneys, and persons summoned to court for proceedings, thereby creating tremendous frustration and anxiety.

The Keakealani Building Court facilities include two (2) holding cells for all in-custody criminal defendants, which are small rooms with bars. These holding cells are substandard, covered with graffiti, and filled with offensive odors.

These approximately ten-feet by ten-feet cells have housed on occasion over twenty inmates in one (1) cell, which is cruel, inhumane, and a deprivation of the constitutional rights of the inmates. Currently, inmates are shackled on their legs and hands when transported by corrections officers to the courtrooms. In order to reach the courtrooms, the inmates are forced to walk up a steep staircase, of approximately twenty or more steps with shackles. At least one (1) inmate has tripped and fall en from the top of the stairs to the bottom causing severe injuries.

At both the Keakealani Building and BIDC, there are no adequate facilities for attorneys to meet with criminal defendants. Counsel are forced to discuss confidential issues with their clients either in the cells with the other inmates, or in the presence of corrections officers. There is a very small room at the Keakealani Building that has been designated for attorneys and clients, however, it is substandard. It has no air-conditioning, and is subject to the availability of court sheriffs whose presence is required for private conversations.

The Family Court is currently located approximately eight miles away from the Circuit and District Courts, in a small and inadequate space and is understaffed and unable to adequately handle the tremendous caseload of family court matters. Due to the physical limitations of the Family Court building, there is only one (1) Family Court Judge for the West Hawaii area. The nearest family court facility is located in Waimea, Hawaii which is 49.48 miles away. Regularly, the family courts are left with security from armed sheriffs due to manpower and transportation concerns. Family Court matters are the most volatile cases prone to violence and outbursts.

The extreme caseload and severe scheduling problems are adversely affecting divorce litigants, who must wait on average 65 to 90 days for a hearing on motions. There is also a lack of security for juvenile defendants and families. Security is stretched to its limits because the sheriffs must provide protection for various locations. In all other judiciary facilities the various courts are housed in a single location, and there is generally a single entrance. In such settings the sheriffs can provide security for the facilities with the manpower provided.

The current problems facing the West Hawaii court system in the Third Circuit are already at critical levels, and require immediate redress. On behalf of the attorneys, judges and the public, your support is in dire need. Please support the Kona

Judiciary Complex by enacting H. B. 197, HD 2, SD 1. Thank you.



Robert D. S. Kim
2st Vice President
West Hawaii Bar Association



LEGAL AID
SOCIETY OF HAWAII

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Calvin Pang, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

COMMENTS IN SUPPORT OF
HB197 HD2 SD1 - RELATING TO THE JUDICIARY

Committee on Ways and Means - Room 211

Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice-Chair

April 1, 2013 at 10:00 a.m.

The Legal Aid Society of Hawaii submits comments in support of HB197 HD2 SD1 – Relating to the Judiciary. Specifically, we are advocating for an increase of the current ceiling of the Indigent Legal Assistance Fund (ILAF) to \$1.55 million to accommodate the increase in revenues expected due to Act 180, SLH 2011.

Act 180 SLH 2011 increased the ILAF surcharge rates and expanded the types of filings to which the ILAF surcharge rates would be assessed. The result of these increases, has helped to increase the amount of funding which is available to legal service providers across the state to provide civil legal services to those in need. These legal services vary, but most help to provide access to basic necessities and to resolve important issues like child custody, protection against violence, and relief from unfair treatment.

Currently, of the Legal Aid receives 20,000 calls each year, approximately 10,000 of callers qualify for assistance. While each caller is provided with basic information and legal advice on how to solve their problem, Legal Aid is only able to assign an attorney or paralegal to represent the client in 15.7% of all cases. With growing federal reductions (currently, we are expecting a decrease of almost \$300,000 from our major federal funding source the Legal Services Corporation due to sequestration cuts and expected census adjustments), increases from this fund will Legal Aid continue to maintain services and possibly increase the amount of services available to those in need.

We ask for your support in increasing this ceiling.

Thank you for this opportunity to provide comments.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2012 provided legal assistance to approximately 10,000 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.

To: Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
COMMITTEE ON WAYS AND MEANS

From: Tony Wong
Oahu Domestic Violence Task Force (DVTF) Coordinator

Hearing Date and Time: Monday, April 01, 2013; 10:00 a.m.

Place: Conference Room 211

RE: HB 197, HD2, SD1 – STRONG SUPPORT

My name is Tony Wong and I am the coordinator for the Oahu DVTF, a multi-disciplinary committee of state and local government agencies and private sector social service providers, addressing the response to domestic violence issues in the City and County of Honolulu. Our effort is to foster a healthy discussion of issues and policies that affect the response to domestic violence, so that it can be improved with better coordination and communication among our 15 plus agencies and organizations.

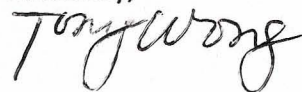
We support HB 197, HD2, SD1, which appropriates funds for the Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015. We are in strong support of the Judiciary's budget request to partially restore POS amounts, which would go towards providing domestic violence intervention services in the state. Domestic violence services fall under "Juvenile and Family Services," Section 2.3 - Domestic Violence Intervention Services. This funding supports victim support groups, victim advocacy, legal assistance, legal representation, crisis and helplines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.

The funding reductions from the current year have impacted the agencies abilities to provide critical services to DV victims. This includes fewer parenting programs and counseling services for children in DV situations and their families, reduced accessibility from a cut in the crisis line hours and walk-in services, lessening the availability of visitation hours for safe child exchange, and expanded waiting lists for much needed DV intervention services for abusers.

The need for ongoing services is critical for the recovery of victims and families seeking to escape from abusive situations. Domestic violence does not end with a court hearing or issuance of a TRO or protective order. The residual effects of DV continue in the lifelong struggle for fiscal stability, maintaining custody, addressing health/mental health issues arising from the situation, and seeking a restoration of respect and acceptance.

For this reason, families and survivors of domestic violence deserve access to community resources that assist in their safety and recovery. Therefore we urge the Committee to pass HB197. Thank you for your kind attention to this matter.

Sincerely,



hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
COMMITTEE ON WAYS AND MEANS

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

Hearing Date and Time: Monday, April 01, 2013; 10:00 a.m.

Place: Conference Room 211

RE: HB 197, HD2, SD1 – STRONG SUPPORT

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of domestic violence programs and shelters. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

We support HB 197, HD2, SD1, which appropriates funds for the Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015. We are in strong support of the Judiciary's budget request to partially restore POS amounts, which would go towards providing domestic violence intervention services in the state. Domestic violence services fall under "Juvenile and Family Services," Section 2.3 - Domestic Violence Intervention Services. This funding supports victim support groups, victim advocacy, legal assistance, legal representation, crisis and helplines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.

Judiciary funding for domestic violence services in fiscal year 2013 is 36% less than it was in FY2009, even with rainy day funds in FY11 and FY12. The impact of the funding reductions has hampered programs' ability to provide timely and responsive services and have had the following impact on programs that support domestic violence victims across the state:

- Eliminated programs such as parenting groups, programs for children who experience domestic violence, counseling for survivors, adult and teen offenders, and support to the families of the teens.
- Fewer survivors receiving specialized domestic violence lawyering in divorce, protection orders, paternity and post decree Family Court cases
- Decreased the number of hours the crisis line is open;
- Decreased the number of crisis walk-ins, forcing victim/survivors to have to return for services on another day;

- Decreased the number of groups available to victim/survivors;
- Reduced families visits from weekly to once or twice per month,
- Closed visitation centers on Leeward Oahu, which has resulted in increasing the waitlist for visitation services in other visitation sites,
- Delayed group intervention for non-English speaking offenders and victim/survivors, especially for those who speak Chuukese and/or Marshallese, and
- Created waiting lists for offenders ordered domestic violence intervention services.

There continues to be great need for these services. On one day in 2012, 411 adults and children received non-residential assistance and services, including individual counseling, legal advocacy, and children's support groups in Hawaii. Unfortunately, on the very same day, there were 69 unmet requests for services in our state due to a critical shortage of funds and staff (National Network to End Domestic Violence Census 2012). These funding shortages have created greater and greater vulnerabilities in the network of services which survivors need for their safety, escape, and self-sufficiency.

For this reason, families and survivors of domestic violence deserve access to community resources that assist in their safety and recovery. Therefore we urge the Committee to pass HB197. Thank you.

Sincerely,
The Hawaii State Coalition Against Domestic Violence
810 Richards Street, Suite 960
Honolulu, HI 96813
PH: (808) 832-9316



To: Chair Ige
Vice Chair Kidani
Members of the Committee on Ways and Means

Fr: Nanci Kreidman, M.A.

RE: HB 197, HD2, SD1

Aloha. Thank you for the opportunity to contribute to the important discussion about the Judiciary Budget for the upcoming Biennium.

The budget under consideration includes funds that represent a partial restoration of monies lost to domestic violence programs in general, and the Domestic Violence Action Center (DVAC), in particular. The support needed to begin to rebuild programs and access to specialized, unduplicated services to survivors cannot be overstated. The DVAC budget was cut \$610,000, by the Judiciary's own calculations. In FY 2009 ten staff was laid off, severely limiting the agency's ability to meet the steady demand for assistance. With a restoration of \$536,000 to Juvenile and Adult Client Services, the distribution of funds will not assist programs to re-build *sufficiently*.

In FY 2012, the DVAC Helpline responded to 2,688 inquiries, opened 289 complex and potentially lethal Family Court divorce, protection order, paternity and post decree cases and closed 243 cases; 563 requests for legal representation were received. The agency advocacy team opened an additional 200 cases and closed 183 cases. DVAC staff assisted with the completion of 5,004 safety plans and 3,369 risk assessments. The agency staff is on site at court, meets with survivors in the community, makes relevant referrals, accompanies clients to other community agencies and assists with stalking kits, Hopeline cell phones, educational scholarships and bus vouchers.

Making the transition from victim survivor remains poorly understood. The barriers to this successful safe escape are overwhelming and terrifying. Assistance along the way, and effective representation in Court is good for the community and good for the court. This informed, compassionate advocacy can be life changing for survivors, their families and the abuser.

As a legal service provider, DVAC would also like to weigh in on the Judiciary's request to lift the ceiling for ILAF funds. Act 180 increased the ILAF surcharge rates which raises



distributed to legal service providers. A previous request (in 2012) was made to the legislature, to raise the ceiling, to accommodate the increase in revenues collected; this request was not realized.. The Judiciary budget in front of you currently has a similar request to adjust the ceiling. We would advocate this adjustment to allow the revenues raised to be disbursed by the Judiciary.

Thank you for your willingness to give consideration to the important work of the Domestic Violence Action Center and the need for increased funds to meet the community need-both through a larger appropriation for POS dv services and the ILAF ceiling increase.

HAWAII DISABILITY RIGHTS CENTER

1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813

Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928

E-mail: info@hawaiidisabilityrights.org Website: www.hawaiidisabilityrights.org

THE SENATE THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2013

Committee on Ways And Means Testimony in Support of H.B. 197, HD2, SD1 Relating to The Judiciary

**Monday, April 1, 2013, 10:00 A.M.
Conference Room 211**

Chair Ige and Members of the Committee:

The Hawaii Disability Rights Center testifies in strong support of raising the budget ceiling of the Indigent Legal Assistance Fund, as requested by the Judiciary.

In 2011 the Legislature passed Act 180 which increased the filing fee in certain court cases so that more funds were deposited into the indigent legal assistance fund to support various legal services programs. The legislature felt that an increase in the surcharge on filing fees was a reasonable means to provide critical funding to already under funded legal services programs.

Needless to say, the obvious intent was to actually have these increased funds go to these organizations. However, for the funds to be expended to meet the needs of indigent persons, the budget ceiling for the fund must be raised.

For that reason, we view the requested increase in the budget ceiling as the next logical step to properly effectuate the intent of the legislature in passing Act 180. It will also provide necessary funding to organizations that serve a vital interest in the state.

Thank you for the opportunity to provide testimony in support of this bill.

HAWAII JUSTICE FOUNDATION

P. O. Box 1230

Honolulu, Hawaii 96807-1230

(tel) 808•537-3886 (fax) 808•528-1974

E-Mail: [hjff@hawaii.rr.com](mailto:hjf@hawaii.rr.com) Website: www.hawaiijustice.org

March 27, 2013

TESTIMONY FROM: Robert J. LeClair, Executive Director, Hawaii Justice Foundation
(Note: Robert LeClair will not attending in person.)

TO: Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Committee on Ways and Means
Members of the Senate Committee on Ways and Means

HEARING DATE/TIME: Monday, April 1, 2013, 10:00 a.m.
Hawaii State Capitol, Conference Room 211

MEASURE NUMBER: **TESTIMONY IN STRONG SUPPORT OF**
HB 197, HD2, SD1 Re: PORTION RELATING TO \$1,000,000
INCREASE OF THE CEILING FOR INDIGENT LEGAL
ASSISTANCE FUND (ILAF) SPECIAL FUND

SUBMITTED BY E-MAIL: <http://www.capitol.hawaii.gov/submittestimony.aspx>

Dear Chair Ige and Members of the Senate Committee on Ways and Means:

The Hawaii Justice Foundation (HJF) requests the Senate Committee on Ways and Means to approve that portion of HB 197, HD2, SD1 relating the proposed increase of \$1,000,000 to the current ceiling of \$550,000 for the Indigent Legal Assistance Fund (ILAF). In 2011, Act 180 was passed, which amended HRS Section 607-5.7 to provide additional surcharge fees on various court filings in our Hawaii State Court system under the “Indigent Legal Assistance Fund” (“ILAF”) set forth in HRS Section 607-5.7. In order to effectuate Act 180, it is necessary to increase the ceiling amount for the ILAF fund so that all funds collected can be distributed to the eligible legal service providers.

The Judiciary, the Hawaii Access to Justice Commission, HJF, and all eight of the current ILAF grantees strongly unanimously support the raising of the ILAF ceiling so that all funds collected can be distributed. **As it now stands and if collections continue at their current rate, ILAF may have more than a \$900,000 balance in the fund by the end of FY 2013 that cannot be distributed to support indigent legal services due to the \$550,000 ceiling limitation. These funds will become inaccessible, go to waste, and serve no purpose at all, and the intended beneficiaries will not receive the legal assistance they require.**

HJF distributes funds from a variety of sources to help increase access to justice for Hawaii’s

people. HJF does not provide direct client services, but HJF's funding activities provide HJF with a unique perspective on the seriousness of the unmet civil legal needs in the Islands. For several years, HJF has worked in cooperation with the Hawaii State Judiciary to manage the ILAF Program. ILAF has been operating smoothly, with excellent cooperation from the low-income legal service providers, the Hawaii State Judiciary, and the Hawaii Justice Foundation. **In 2011, Act 180 was passed to increase the amount of funding under the ILAF Program, and these additional funds are essential to help offset the decreases in funding sources experienced by each of the ILAF legal service providers.**

Act 180 was an acknowledgment of the serious need for legal services for those of low-income. We are all painfully aware of the current national and local economic conditions. Legal needs of people are higher than ever, due to these economic conditions. Low-income legal service providers have experienced cuts in governmental funding sources and reduced contributions from private donations, which makes it critical that the ceiling for ILAF be raised to enable all funds collected to be distributed to eligible ILAF grantee organizations.

The ILAF Program has procedural safeguards to ensure accuracy and accountability. All organizations receiving funds under ILAF are strictly monitored by the Hawaii Justice Foundation. Quarterly reports and a yearly summary report are required of each organization, and these are reviewed by the Hawaii Justice Foundation. The application process is quite extensive, with thorough documentation. The application includes an attestation clause, where the Executive Director of each organization attests to the truthfulness of the application. State Unemployment reporting forms are used for verification of employees, and individual signed statements are received from each person providing legal services that attest to the veracity of the percentage of time that the person spends in providing qualified direct legal services. The Hawaii Justice Foundation works with the Hawaii State Judiciary to determine the allocation formulas, and the potential grantees have an opportunity to contest any determinations made under the ILAF Program. For many years, the Program has operated smoothly and without complaints regarding accuracy or accountability from the Judiciary, the Hawaii Justice Foundation, or the grantees. The ILAF Program is an example of how mutual cooperation and competency can produce an effective process that works for the betterment of Hawaii's people.

ILAF is currently an extremely strong program, but there are improvements underway to make the Program even more effective. Act 180 requires that a major report be submitted in early 2014 to the Hawaii State Legislature on the effectiveness of the ILAF Program, and this report will contain complete details on the successes and challenges of ILAF. The contracts between the Judiciary and the eligible grantees for FY 2013-2014 will include additional provisions to strengthen requirements that each ILAF grantee demonstrate how the desired outcomes of ILAF are being met.

An additional benefit from increasing funding to the low-income legal service providers relates to increased efficiency in the courts by helping with providing legal advice and other needed services to the numerous *pro se* ("by self") litigants in Hawaii's various courts. District Courts and Family Courts have seen a virtual explosion of cases where people are unrepresented by counsel. The Hawaii State Judiciary has made valiant efforts to assist these

litigants through information kiosks and other programs. However, people representing themselves face two fundamental difficulties. First, they are unfamiliar with court procedures and forms. Second, litigants of any economic level are emotionally involved in their case, and this makes it very difficult to resolve the case without outside assistance. Increasing the ILAF ceiling will provide additional funds to our legal service providers, who in turn will be able to give greater information, advice, and sometimes direct representation to litigants. **This will assist our Courts in processing cases in a more efficient and effective manner.**

Your favorable approval of the requested \$1,000,000 increase in the ILAF ceiling is essential. Increase of the ILAF ceiling will be a major step toward efforts to achieve access to justice for all of Hawaii's people.

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

COMMITTEE ON WAYS AND MEANS
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Hearing Date: Monday April 1, 2013

Time: 10:00 a.m.

Place: Conference Room 211

State Capitol

415 South Beretania Street

By: Tracey Wiltgen, Executive Director
The Mediation Center of the Pacific, Inc.

Bill No. and Title: HB 197, HD2 SD1 Re: Portion Relating to \$1,000,000 Increase of the Ceiling for Indigent Legal Assistance Fund (ILAF) Special Fund

SUBMITTED BY E-MAIL: testimony@capitol.hawaii.gov

TO CHAIR DAVID Y. IGE, MICHELLE N. KIDANI, VICE CHAIR AND MEMBERS OF THE COMMITTEE ON WAYS AND MEANS:

My name is Tracey Wiltgen, Executive Director of the Mediation Center of the Pacific (the Mediation Center) and **I am writing on behalf of the Mediation Center to support HB 197 relating to increasing the ceiling for the Indigent Legal Assistance Fund (ILAF) to \$1,000,000.**

In 2011, Act 180 was passed, which amended HRS Section 607-5.7 to provide additional surcharge fees on various court filings in our Hawaii State Court system under the "Indigent Legal Assistance Fund" ("ILAF") set forth in HRS Section 607-5.7. In order to effectuate Act 180, it is necessary to increase the ceiling amount for the ILAF fund so that all funds collected can be distributed to the eligible legal service providers.

The Mediation Center is one of the legal service providers that currently receives funds through ILAF to support the civil legal needs of Hawaii's low income population. The Mediation Center is a 501(c)(3) not for profit corporation that was founded in 1979 to provide Hawaii's people with high quality mediation and dispute resolution services that are affordable and accessible. Over the past twenty years, mediation has grown and is now in the forefront as a preferred process for helping parties resolve a broad array of disputes quickly and cost effectively. The Mediation Center is the only organization on Oahu that offers mediation and dispute resolution services for people in the low income population.

Over the past five years, while funding to support the work of the Mediation Center has declined, the number of cases managed by the Mediation Center has grown by approximately 24%. In 2012, the Mediation Center managed 1,599 mediations involving 4,693 people. 37% of those individuals were in the low income population working out issues such as: divorce

agreements; co-parenting plans; evictions; transition plans for elders; and more. 52% of the mediations overall, resulted in final agreements, eliminating the need for additional legal or court intervention. In some specific areas, the impact was even greater. For example, 71% of the sixty-one unmarried couples who participated in mediation at the Mediation Center were able to reach agreements on time-sharing and co-parenting arrangements for their children. This successful outcome is significant because last year, 600 unmarried couples filed actions in the First Circuit regarding the needs and living arrangements of their children. With additional funds, the Mediation Center could provide more mediation services for the unmarried couples in the low income population, thereby reducing the court backlog and helping the couples agree on arrangements that focus on the needs of their children, rather than fighting in court.

The ILAF funds provide critical support for the Mediation Center, enabling it to help more individuals in the low income population to resolve their disputes quickly through mediation. Increasing the ceiling on the ILAF funds to \$1,000,000 will enable the Mediation Center and the other low income legal service providers to assist even more individuals, thereby increasing access to justice and strengthening Hawaii's communities overall.

Respectfully,

A handwritten signature in black ink, appearing to read 'Tracey S. Wiltgen', written in a cursive style.

Tracey S. Wiltgen, Executive Director
The Mediation Center of the Pacific

91-1841 Fort Weaver Road
Ewa Beach, Hawaii 96706
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April 1, 2013



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To: Chair Senator David Ige
Vice Chair Senator Michelle Kidani
Members of the Senate Committee
on Ways and Means

From: The Boards of Directors of
Child & Family Service and CFS Real Property

Hearing Date and Time: April 1, 2013 10:00 a.m.

Place: Conference Room 211

RE: HB197 - Relating to the Judiciary-SUPPORT

Good morning Chair Ige, Vice-Chair Kidani and members of the Senate Committee on Ways and Means. The Boards of Directors of Child & Family Service (CFS) and CFS Real Property **strongly support HB197 which appropriates POS funds for the Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015 for domestic violence intervention services that fall under “Juvenile and Family Services,” Section 2.3-Domestic Violence Intervention Services; victim support groups, victim advocacy, legal assistance, legal representation, crisis and help lines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.**

CFS is the only organization that operates more than one domestic abuse shelter as we have two on Oahu and two on the Big Island. We also provide services for the Domestic Violence Advocacy program funded by DHS for women who receive a waiver from Jobs First due to domestic violence. **In terms of HB197, we also provide Judiciary-funded court ordered education and anger management intervention services for perpetrators and court advocacy for the victims and their children.**

Judiciary funding for domestic violence services in fiscal year 2013 is 36% less than it was in FY2009, even with rainy day funds in FY11 and FY12. These rainy day funds ran out as of June 30, 2012, and we appreciate the First Circuit Court’s efforts to restore some of the previous funding cuts.

There continues to be great need for these services. On one day in 2012, 411 adults and children received non-residential assistance and services, including individual counseling, legal advocacy, and children’s support groups in Hawaii. Unfortu-

Our Mission: Strengthening Families and Fostering the Healthy Development of Children

nately, on the very same day, there were 69 unmet requests for services in our state due to a critical shortage of funds and staff (National Network to End Domestic Violence Census 2012). These funding shortages have created greater and greater vulnerabilities in the network of services which survivors need for their safety, escape, and self-sufficiency.

Domestic violence victims and their families deserve access to community services that provide safety and offer the hope of recovery. Therefore we urge the Committee to pass HB197.

Mahalo for the opportunity to submit testimony.

With Aloha,

The CFS Board of Directors and CFS RP Board of Directors

91-1841 Fort Weaver Road
Ewa Beach, Hawaii 96706
Phone 808.681.3500
Fax 808.681.5280
Email cfs@cfs-hawaii.org
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April 1, 2013



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To: Chair Senator David Ige
Vice Chair Senator Michelle Kidani
Members of the Senate Committee
on Ways and Means

From: Howard S. Garval, MSW, President & CEO
Child & Family Service

Hearing Date and Time: April 1, 2013 10:00 a.m.

Place: Conference Room 211

RE: HB197 - Relating to the Judiciary-SUPPORT

Good afternoon Chair Ige, Vice-Chair Kidani and members of the Senate Committee on Ways and Means. I am Howard Garval, President & CEO of Child & Family Service, Hawaii's oldest and most comprehensive human services organization founded in 1899. Our mission is: **strengthening families and fostering the healthy development of children.** Our organization touches the lives of over 40,000 of Hawaii's residents each year serving keiki to kupuna on every island. We are the only organization that operates more than one domestic abuse shelter as we have two on Oahu and two on the Big Island. We also provide services for the Domestic Violence Advocacy program funded by DHS for women who receive a waiver from Jobs First due to domestic violence. **In terms of HB197, we also provide Judiciary-funded court ordered education and anger management intervention services for perpetrators and court advocacy for the victims and their children.**

Child & Family Service strongly supports HB197 which appropriates POS funds for the Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015. These funds would go towards providing domestic violence intervention services in the state. Domestic violence services fall under "Juvenile and Family Services," Section 2.3 - Domestic Violence Intervention Services; and support victim support groups, victim advocacy, legal assistance, legal representation, crisis and help lines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.

Judiciary funding for domestic violence services in fiscal year 2013 is 36% less than it was in FY2009, even with rainy day funds in FY11 and FY12. These rainy day funds ran out as of June 30, 2012, and we appreciate the First Circuit Court's efforts to restore some of the previous funding cuts. The impact of the

Our Mission: Strengthening Families and Fostering the Healthy Development of Children

funding reductions has hampered our program's ability to provide timely and responsive services and has had the following impact on programs that support domestic violence victims across the state:

- Reduced families visits from weekly to once or twice per month,
- Closed visitation centers on Leeward Oahu, which has resulted in increasing the waitlist for visitation services in other visitation sites,
- Decreased the number of hours the crisis line is open;
- Decreased the number of crisis walk-ins, forcing victim/survivors to have to return for services on another day;
- Decreased the number of groups available to victim/survivors;
- Delayed group intervention for non-English speaking offenders and victim/survivors, especially for those who speak Chuukese and/or Marshallese.
- Created waiting lists for offenders ordered domestic violence intervention services, and
- Eliminated programs such as parenting groups, programs for children who experience domestic violence, counseling for survivors, adult and teen offenders, and support to the families of the teens.

There continues to be great need for these services. On one day in 2012, 411 adults and children received non-residential assistance and services, including individual counseling, legal advocacy, and children's support groups in Hawaii. Unfortunately, on the very same day, there were 69 unmet requests for services in our state due to a critical shortage of funds and staff (National Network to End Domestic Violence Census 2012). These funding shortages have created greater and greater vulnerabilities in the network of services which survivors need for their safety, escape, and self-sufficiency.

Domestic violence victims and their families deserve access to community services that provide safety and offer the hope of recovery. Therefore we urge the Committee to pass HB197.

Mahalo for the opportunity to submit testimony.

With Aloha,

Howard S. Garval, MSW, President & CEO, Child & Family Service

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: jarizumi@carrierhawaii.com
Subject: Submitted testimony for HB197 on Apr 1, 2013 10:00AM
Date: Friday, March 29, 2013 8:47:28 AM

HB197

Submitted on: 3/29/2013

Testimony for WAM on Apr 1, 2013 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
John L. Arizumi	Child & Family Service	Support	No

Comments: I have served on the CFS board for 11 years because I am a believer in strong social services in a community. I am the president of Carrier Hawaii, the state's distributor for Carrier Air Conditioning and the largest locally owned distributor in Hawaii. I fully support HB197 as it will address our domestic violence problems in our state more effectively and provide protection and services for the victims. Thank you.

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From: [Anton Krucky](#)
To: [WAM Testimony](#)
Subject: Testimony for HB197
Date: Friday, March 29, 2013 3:32:01 AM

Good afternoon Chair Ige, Vice-Chair Kidani and members of the Senate Committee on Ways and Means.

I am Anton Krucky and sit on the board of directors for Child & Family Service, Hawaii's oldest and most comprehensive human services organization founded in 1899.

I stand in support of HB197 including its appropriations. The continued support of the mission and activities of organizations such as CFS, strengthens our families in the islands and makes a difference. I appreciate that there are financial challenges and those challenges must be met. That said, I think these services are core to the promises our government makes to its people.

Best regards,
Anton

Anton C. Krucky | President & CEO |  [tissuegenesis](#)
677 Ala Moana Blvd., Suite 1100 | Honolulu, HI 96813
Ph: 808.772.5525 | Fax: 808.539.9345 | akrucky@tissuegenesis.com | www.tissuegenesis.com

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: geppertj001@hawaii.rr.com
Subject: Submitted testimony for HB197 on Apr 1, 2013 10:00AM
Date: Thursday, March 28, 2013 5:40:18 PM

HB197

Submitted on: 3/28/2013

Testimony for WAM on Apr 1, 2013 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
John Geppert	Child & Family Service	Support	No

Comments: I am a board member of Child & Family Service and therefore strongly support HB197 which appropriates POS funds for the Judiciary for the fiscal biennium beginning July 1, 2013 for two years. These funds would go towards providing domestic violence intervention services in the state. CFS in partnership with the government is able to leverage these funds to reach the population that is impacted most as they are able to work across all their outreach efforts.

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Chaminade University

March 30, 2013

Senator David Ige
Chair
Senate Committee on Ways and Means
Hawaii State Capitol, Room 208
Honolulu, HI 96813

As you consider the Judiciary budget request, I am requesting your support to fund the Judiciary's Girls Court Program as proposed in House Bill 197. This would prove to be a no cost conversion for Girls Court to move it from a temporary to a permanent problem-solving court.

Girls and women represent the fastest growing offender and correctional populations in the United States. The factors that bring girls and women into the system are significantly different than those that bring boys and men to the system. Female offenders demonstrate significantly higher rates of sexual and physical abuse and neglect as compared to their male counterparts. As such, it is more likely for the female offender to turn to alcohol and drugs as a way to self-medicate the untreated trauma in her life. For many girls, this path begins with running away from home. The current system in Hawaii as elsewhere is simply not equipped to deal with the problems that bring girls into the system and, even worse, may serve to exacerbate these problems and ensure continued involvement with the criminal justice system. Simply put, the current system was built around research and knowledge of male offenders. Ignoring the unique problems of girls, and their families, equates to a deeper threat to public safety and higher criminal justice processing costs in the future.

Girls Court has been built upon the foundation that girls do need gender-specific treatment if we are to do more than just process them as offenders. There is an identified need for this program in Hawaii and in fact Girls Court represents one of the first gender-specific courts in the nation. It is a model program. The program works to strengthen pro-social bonds, address familial dysfunction, increase self-esteem and self-efficacy, and address other gender-specific problems (e.g., trauma) that are often uniquely correlated with girls' and later women's' entrée into the criminal justice system and with later recidivism.

An evaluation conducted by an independent researcher (Dr. Lisa Pasko) discovered that recidivism rates for girls involved in Girls Court were significantly lower than a control group who received traditional probation or other services. Further, my research has supported and built upon Dr. Pasko's earlier work. The most recent numbers demonstrate significant reductions in the number of runaways for girls in Girls Court as compared to a matched control group. Recall that runaways are a common pathway 'offense' for girls' use of drugs, sex work, delinquency/crime and even underage pregnancy. Girls Court offers a myriad of services that directly relate to the girls' individual problems and life circumstances. Multiple evaluations also demonstrate that both the girls and their parents have learned a great deal and witnessed familial change as a direct result of their involvement with the program.

It is also important to note that Girls Court does not represent a 'fluff' court. The girls and their parents are expected to be heavily engaged in therapy, programs, community service and any other court ordered programs. The girls are also expected to be in school and to be doing well. The girls are held accountable when they slip but praised when they do well. It is my opinion that there is actually greater accountability, coupled with greater support, in Girls Court compared to the traditional processing of girls in the system. This also comes with positive outcomes as well. However, a consistent staff is incredibly important for the long term functioning of the court. The girls, and their families, need consistency in terms of staff, programming, and overall philosophy and dedication to the gender-specific model.

In sum, the program is worthwhile not only in terms of gender-specific and gender-relevant services for girls in the juvenile system, but also for public safety. I strongly urge your continued support for this program. The loss of Girls Court would certainly be an unfortunate one for Hawaii.

Sincerely,

Electronic Submission

Janet T. Davidson, Ph.D.
Associate Professor
Criminology & Criminal Justice
Chaminade University of Honolulu
3140 Waiālae Avenue
Honolulu, HI 96816

From: [rann.watumull](#)
To: [WAM Testimony](#)
Subject: HB197 - Relating to the Judiciary SUPPORT
Date: Thursday, March 28, 2013 5:15:05 PM

Chair Senator David Ige
Vice Chair Senator Michelle Kidani
Members of the Senate Committee on Ways and Means

Dear Chair Ige, Vice Chair Kidani and members of the Senate Committee on Ways and Means:

As a board member of Child and Family Services, I am writing to express my support for HB197 which appropriates POS funds for the Judiciary for the fiscal biennium beginning July 1, 2013 and ending June 30, 2015.

Child and Family Services provides Judiciary funded, court ordered education and anger management intervention services for perpetrators and court advocacy for the victims and their children. Having the unique perspective of dealing with all sides of the growing domestic violence tragedy in Hawaii, we know first hand the importance of intervention, education, rescue and victim support services.

HB197 restores some, but not all of the funds allocated to this important area. This is a good start. Since domestic violence victims and their families deserve access to the types of services that provide safety and offer hope of recovery, I respectfully ask that you support the passage of HB197.

Thank you very much for your support as we partner to improve lives in our community.

Sincerely,

Rann Watumull
Co-Founder Hawaii Film Partners
Founder Business Advisory Services, LLC
377 Keahole Street, Suite E202
Honolulu, HI 96825
(808) 447-7529



BELIEVE IN THE POWER OF POTENTIAL

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www.NationalCrittenton.org

March 29, 2013

Senate Ways and Means Committee:

The National Crittenton Foundation (TNCF) founded in 1883 is the umbrella for the 27 members of the Crittenton family of agencies providing services in 31 states and the District of Columbia. For more than a century TNCF and Crittenton agencies have supported the needs and potential of girls and young women who are in or at risk of entering our nation's juvenile justice, child welfare, and homeless and runaway youth systems. Our experience has taught us that gender responsive programs that recognize the unique needs and experience of girls make all the difference in helping them to heal and turn their lives around. As such, we are well aware of the critical importance of model programs like the Hawai'i Girls Court.

We support HB 197, the Judiciary budget - but want to voice our strong endorsement of the request for no-cost conversions from temporary to permanent status for Girls Court staff. This change would provide greater stability, less turnover, and would minimize lost time spent recruiting and training new staff. Nothing is more important to girls whose lives are marked by chaos, abuse, neglect and violence than stability and security. Thus, this change would leverage and maximize state resources while also helping to ensure the best quality of services to girls in need of a positive environment and consistent support from staff.

Hawai'i Girl's Court is a national model of how to provide opportunities for girls to heal, set goals and to build a bright future. Using a comprehensive gender and culturally responsive, trauma informed and strength-based approach it sets the bar high for other programs that work with girls and young women.

The National Crittenton Foundation supports the request for no-cost conversions from temporary to permanent status for Girls Court staff without reservation.

Sincerely,

Jeannette Pai-Espinosa
President

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: amartines@hawaiiintel.net
Subject: Submitted testimony for HB197 on Apr 1, 2013 10:00AM
Date: Friday, March 29, 2013 9:35:39 AM

HB197

Submitted on: 3/29/2013

Testimony for WAM on Apr 1, 2013 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Arnold Martines	Individual	Support	No

Comments: I am in support of HB197.

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March 31, 2013

The Honorable David Y. Ige, Chair
The Honorable Michelle N. Kidani, Vice Chair
Committee on Ways and Means

Brent K. Nakamura, J.D.
9801 Tabor Street #104
Los Angeles, CA 90034
(415) 935-3256

Re: Support of HB 197, Relating to the Judiciary

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to testify in support of HB 197. I am an attorney, now living in California, who grew up in Hawaii. During college, I had the privilege of working with the Hawaii Girls Court in 2004, 2005, and 2006. I write to provide my support for the Judiciary's budget request and to specifically support the request for no-cost conversions from temporary to permanent status for the staff of the Girls Court.

Girls Court is an effective, innovative, and compassionate means of assisting girls in the juvenile justice system in Hawaii. It is a specialized solution to a difficult and highly differentiated problem. During my time with the Girls Court I had the great pleasure of working with and learning from two of the smartest, hardest working, creative and compassionate professionals I have ever met—the current Program Coordinator, Adrian Abe, and current Presiding Judge, the Honorable Karen M. Radius. In time I worked with the Girls Court and in the years since, I have been able to witness first-hand the incredible positive difference the Girls Court has made in the lives in the girls it serves, and I know that the positive outcomes for the girls who come before the Court arise only because of the tireless and creative service the entire Girls Court staff provides. I am particularly impressed with the Girls Court's ability to make such positive changes in the lives of so many girls because the Court has done so since its inception with its staff in temporary status.

Since 2004, the Girls Court has delivered well-documented positive outcomes for many at-risk girls. Approving the Judiciary's request and the no cost conversion of the Girls Court staff positions from temporary to permanent status recognizes the important work of the Girls Court and, most critically, provides consistent and effective support to at-risk girls through a staff protected from Reductions in Force.

Thank you again for this opportunity to testify in support of HB 197.

TESTIMONY
Senate Ways and Means Committee
HB 197, HD 2, SD 1 Relating to the Judiciary
Hearing: April 1, 2013

TO: Chair David Y. Ige and members of the Senate Ways and Means Committee

FROM: Carol Kitaoka
Kona Attorney

RE: HB 197, HD 2, SD 1 Relating to the Judiciary (Budget)
*KONA JUDICIARY COMPLEX

Chair Ige and Members of the Senate Ways and Means Committee, I am an attorney residing in Kona who is employed by the Hawaii County Prosecutor's Office. I am offering these comments as a private citizen IN STRONG SUPPORT of the request for construction funds for a new Kona court complex which is listed on page 6 of this Bill.

The Kona community is in DIRE need of a court complex. Currently one Circuit Court courtroom and the Kona District Court are located in the old Kona Hospital Building along with the Department of Health in Kealakekua. A second Circuit Court courtroom is approximately one mile away. The Kona Family Court is several miles away in Kailua-Kona.

As Deputy Prosecutors we practice in all courtrooms. The Circuit Court Deputies must drive between the Circuit Courts and parking is limited, in fact, scarce is a more accurate description. We park in dirt lots or on the grass. The public is faced with the same problems of finding the right Court and finding parking. In addition, access to the Courts at the old Kona Hospital is very difficult for the disabled. The courtrooms and the parking area are on different levels and there is NO elevator.

The most pressing concern from my perspective is the safety of the public, the Judiciary employees, and the attorneys who must appear in the courtrooms. The in-custody defendants must go through the open hallways to get to the courtrooms, victims and defendants and their families and supporters are waiting in the SAME area. During jury trials, the victims and the defendants' families and supporters must wait in the same area. This may be an intimidating experience for victims who are already under stress. In addition, jurors must wait in the SAME area as defendants' families and supporters if they leave the confines of the courtroom. Jurors have reported instances of intimidation.

In closing, the Kona community needs the long awaited and promised Kona Judiciary Complex. I am humbly requesting your favorable consideration for the full funding requested by Chief Justice Mark Recktenwald for the next phase of this CIP project. Thank you for your consideration.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: ghagerman@hawaiiintel.net
Subject: Submitted testimony for HB197 on Apr 1, 2013 10:00AM
Date: Thursday, March 28, 2013 9:07:50 AM

HB197

Submitted on: 3/28/2013

Testimony for WAM on Apr 1, 2013 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Hagerman	Individual	Comments Only	No

Comments: As an attorney practicing in Hawaii courts for over 45 years I can testify as to the inadequacy of the present courts in Kona. The people of Kona deserve better. Please fully fund the new courthouse in Kona. Aloha, Gary Hagerman

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**Testimony of
Gary M. Slovin & Mihoko E. Ito**

DATE: March 30, 2013

TO: Senator David Y. Ige
Chair, Senate Committee on Ways and Means
Submitted Via Email WAMtestimony@capitol.hawaii.gov

RE: **H.B. 197 H.D. 2, S.D.1 – Relating to the Judiciary**
Hearing Date: Monday, April 1, 2013 at 10:00 am
Conference Room 211

Dear Chair Ige and Members of the Committee on Ways and Means:

We submit these comments in **support** of the Judiciary's request to increase the budget ceiling for the Indigent Legal Assistance Fund (ILAF).

In 2011, the Legislature increased the ILAF filing fee surcharge in certain circuit court cases (Act 180 Session Laws of Hawaii 2011), intending to increase ILAF funding distributed to non-profit legal service provider organizations. The funds generated from the surcharge are vital to these legal service providers, who rely on the funds to provide much needed legal services to the indigent. Given the decline in funding from other sources to these organizations in recent years, the need for this source of funding continues to be urgent.

The increase in the ILAF budget ceiling is needed to effectuate the intent of the Legislature, and to preserve and provide funds to achieve justice for those who need it most. While the ceiling was not increased in last year's Judiciary budget, it will be critical to increase the ceiling this year, given the graduated increase in filing fees set forth by Act 180 and the continuing decline in funds from other sources that has placed the agencies in very difficult circumstances.

We support the House position, which raised the budget ceiling for ILAF by \$1 million, and respectfully request your favorable consideration of this important issue.

Thank you for the opportunity to submit comments on this measure.

Gary M. Slovin
Mihoko E. Ito
Tiffany N. Yajima
Nicole A. Velasco

1099 Alakea Street, Suite 1400
Honolulu, HI 96813

March 30, 2013

Senator David Ige
Chair, Senate Ways and Means Committee
Hawai`i State Capitol, Room 208
415 S. Beretania St.
Honolulu, HI 96813

Dear Senator Ige:

I am requesting your support of HB 197, the Judiciary appropriations bill, in its entirety. The Judiciary is asking for the conversion of Hawai`i Girls Court from temporary to permanent status.

The temporary status of Girls Court has made staff retention difficult. As a founding member of the Hawai`i Girls Project, I have seen the positive outcomes of Girls Court. This initiative is one of the first courts in the United States to offer a full range of gender-specific programming for females in the juvenile justice system, and this approach has been a proven success. Girls Court participants demonstrated the following statistically significant reductions: 88.1% fewer law violations, 98.2% fewer status offenses and 89.1% fewer runaways. Please sustain these successful outcomes by helping Girls Court retain high quality staff.

Girls Court is an innovative and effective way to address female delinquency in Hawaii by focusing on the needs of adolescent girls who, although appearing before the court as offenders, are most often victims of physical abuse, sexual abuse or domestic violence. Girls Court uses a strengths-based approach to develop healthy relationships between girls and their families, return girls to school or appropriate educational placement, and introduce girls to employment education and other opportunities in the community.

In the girls' and parents' own words:

- "I think I've done so much better since I've been in Girls Court."
- "She's helping me better myself, by accepting responsibility."
- "Communication is more open and I feel that my daughter is totally opposite of what she was at the beginning."
- "I am proud of her progress and her accomplishments and I am glad she chose to persevere."
- "I now listen more to her and listening made a huge difference."

Please support HB 197 in its entirety, and provide permanent status for Girls Court. Let's give adolescent females the opportunity to lead healthy and productive lives.

Mahalo,
Marcie Uehara Herring

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: mkmasunaga@aol.com
Subject: Submitted testimony for HB197 on Apr 1, 2013 10:00AM
Date: Sunday, March 31, 2013 8:54:53 AM

HB197

Submitted on: 3/31/2013

Testimony for WAM on Apr 1, 2013 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Masunaga	Individual	Support	No

Comments: Dear Chairman and Members of the WAM committee: I am submitting written comments on HB197 in STRONG SUPPORT of full funding (90 million over two years) for the Kona Judiciary Complex. My husband Gail, daughters Colette & Jana, also support a new courthouse in Kona. We live in Capt. Cook, South Kona. We live on a Kona coffee farm. My husband went to Hookena School and graduated from Konawaen High and UH Hilo. Colette graduated from Konawaena High as well. Jana is at Konawaena Elem. My dream is that West Hawaii will have a beautiful landmark building called the Kona Judiciary Complex before I die. My daughter may want to become a lawyer or judge. I want her to be able to practice in a safe courtroom. Not like what I experienced before Judge Auna where there have been centipedes on the floor, "747" cockroaches on the walls, or a leaking toilet from the floor above. You get my picture. We do not want to continue feeling like second-class citizens. Please let our keiki grow up with a Courthouse they can be proud of, and more importantly, feel safe. Mahalo nui loa, Margaret, Gail, Colette & Jana Masunaga PO Box 345 Kealakekua, HI. 96750 808 328 2521

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: markyama@hotmail.com
Subject: Submitted testimony for HB197 on Apr 1, 2013 10:00AM
Date: Friday, March 29, 2013 6:26:10 AM

HB197

Submitted on: 3/29/2013

Testimony for WAM on Apr 1, 2013 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Yamakawa	Individual	Support	No

Comments: Strongly support restoration of funding. Mahalo.

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To whom it may concern,

I am in support of an increase of funds from HB 197 to help support Domestic Violence Action Center (DVAC). I have received services and support through DVAC. With the help from social workers, advocates, and attorneys provided by DVAC within my community, both my child and I are in a much better place psychologically and physically. They helped create safety plans, goals, and coping techniques that made me feel safe. Throughout the process of dealing with Domestic Violence (DV) I have found that those who could help my family more effectively were professionals who understood the concept and structure behind DV relationships.

Mahalo

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: olivia.dequiroz@gmail.com
Subject: Submitted testimony for HB197 on Apr 1, 2013 10:00AM
Date: Thursday, March 28, 2013 2:14:31 PM
Attachments: [increase funds to DVAC.doc](#)

HB197

Submitted on: 3/28/2013

Testimony for WAM on Apr 1, 2013 10:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Olivia	Individual	Support	No

Comments:

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March 28,2013

Senator David Ige
Chair
Senate Committee on Ways and Means
Hawaii State Capitol, Room 208
Honolulu, HI 96813

Dear Senator Ige:

I am writing to support the Judiciary budget in its entirety. I especially support the no cost conversion of permanent funding for the Hawaii Girls Court program. The Girls Court program has been helpful to a multitude of young women and their families. I'd like to share my family's story with you as an example of the support and influence the Girls Court Program provides.

My daughter Starla is now almost nineteen years old. She was a member of the Girls Court Cohort Seven. Today she is a drug-free, stable mother of a five- month old baby girl. The change is remarkable in comparison to a few years ago before Girls Court.

My ex-husband, Starla's stepfather was a detrimental influence in her life, giving her ideas that drugs and criminal activities were a commonplace way of life. This played a huge role in our divorce. I had hoped that the impact would be alleviated once we were on our own. However, as a single parent and a teacher of the Department of Education I worked two additional jobs to make ends meet. Starla went from maintaining a B average and being a member of the JV cheerleading squad to a teenager that ran away, did drugs, and was basically uncontrollable.

I made never-ending attempts to get help. I called the 24-hour crisis line for assistance and had to leave a message. They called back a day later (no help there). I also personally took her to the Pearl City Police station where they told me they could do nothing to help me, as she was a minor. This led to many arrests as a run-away. Nothing really gets done with those either, and she learned that it was O.K. to run away. Increasingly, those runaways became longer and included shoplifting while on the run. Therapists along the way were not the biggest help either. At one point, she was on the run for almost six months. Mililani High School provided no help either, she was diagnosed as "socially maladapted" which basically says "no help as she's not emotionally disturbed". It was a nightmare. No one seemed to be able to help. The biggest help came when she eventually was assigned a probationary officer. The third that was assigned to her gave us a referral to Girls Court.

Girls Court provided a sense of accountability both as a family and for individual purposes. It gave a structure and expectations and provided consistency. Judge Ching was firm with the girls and upheld expectations. She also made sure that steps forward were highlighted and affirmed. Margaret Cadiz was instrumental in reaching Starla in ways no other therapist did. She provided support and guidance and showed that she was "on her side" while integrating therapy sessions. The probation officers were constantly switching but each one kept in contact with our family on a regular basis. Tony and Leia (our longest probation officers) really had a great impact on Starla's progress as well. They were firm, but workable. They stated expectations and held boundaries, while

showing a true interest in what was going on in our lives. There were also a variety of other people involved with activities such as the drama sessions, health activities, and community involvement programs.

The old adage is “It takes a village to raise a child”. In this time of financial uncertainties, availability of resources becomes strained and affects our communities. For many families, like mine, Girls Court was the safety net that provided the support we needed. It became the gathering of a “village” to help guide and support these children. It gave positive alternatives as activities. It looked to healing the girls and families, not just doling out fines and punishments that were not innately reinforcing. Each success or step-back was celebrated or supported by all the families, each family felt and supported those in the program. It formed a sense of community for families that often feel alone in the struggles and challenges being faced.

My daughter is not the only success story in our co-hort. One of her friends is now joining the Air Force; another has successfully enrolled in college. A third has a job and is looking for her own apartment. I hear that most of the other girls have made substantial steps forward as well.

When evaluating the cost of this program, please balance it as well as the cost without. Many of these girls would end up “in the system”, or costing society much more due to the negative impacts of their actions (theft, property destruction, and jailing costs to name a few). In addition, please evaluate the cost return: healthy families, contributing members of society, future leaders who are a benefit to their communities. Perhaps villages helped to raise children because the impact back ON the village can be so very significant.

Thank you for your consideration of this request. Funding for the girls Court will benefit many families, communities, and the State of Hawaii in a multitude of ways both now and in the future.

Mahalo,

Sandra Simonds