



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

February 5, 2013

TO: The Honorable Mele Carroll, Chair  
House Committee on Human Services

The Honorable Della Au Belatti, Chair  
House Committee on Health

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 874 - RELATING TO CHILD VICTIMS OF SEX AND LABOR  
TRAFFICKING.**

Hearing: Tuesday, February 5, 2013; 11:00 a.m.  
Conference 329, State Capitol

**PURPOSE:** The purpose of this Act is to recognize the vulnerability of children who are victims of sex and labor trafficking and to ensure the provision of the necessary and appropriate services within the scope of the Department of Human Services (DHS), for children served by the Child Welfare Services Branch (CWS); amend the definition of “harm” in Chapters 587A and 350 to clarify that “harm” includes children who are victims of sex and labor trafficking, and that these children are eligible for CWS’ services where their family is unwilling or unable to provide the child with a safe family home.

**DEPARTMENT’S POSITION:** The Department of Human Services strongly supports this Administration bill. The DHS recognizes the vulnerability of children who are victims of sex and labor trafficking and seeks to ensure the provision of the

necessary and appropriate services within the scope of CWS where the child's family is unwilling or unable to provide a safe family home. The specific inclusion of trafficking within these statutes will help to promote prevention, early identification, intervention, and the provision of services to trafficked children.

Thank you for the opportunity to testify on this measure.



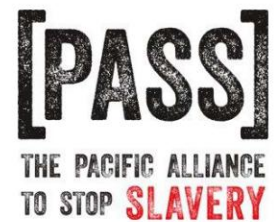


Faith-based organizations act from both a theological and philosophical perspective. Commitment to these principles gives the issue of human-trafficking a sense of urgency to many faiths and religious communities. Because of this, faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking and some organizations in Hawaii are already doing this as part of their mission. We applaud their efforts!

Most faith-based organizations that have service networks can and should enhance their capacity to give voice and volume to the cry for justice for these abused children. Many churches have access to a cross-section of grassroots networks that are willing and able to provide outreach and education. This is an untapped asset not to be underestimated.

We want to acknowledge that there are churches and organizations within the faith-based community that are already doing the best they can to make this situation better. They do it because they strongly believe in the moral gravity of the issue and the ongoing suffering of its child victims. These efforts should be identified, encouraged and then expanded in the community.

Mahalo for the opportunity to testify!



February 1, 2013

**COMMITTEE ON HUMAN SERVICES**

Rep. Mele Carroll, Chair  
Rep. Bertrand Kobayashi, Vice Chair  
Rep. Della Au Belatti  
Rep. Dee Morikawa  
Rep. Rida T.R. Cabanilla  
Rep. Justin H. Woodson  
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**COMMITTEE ON HEALTH**

Rep. Della Au Belatti, Chair  
Rep. Dee Morikawa, Vice Chair  
Rep. Rida T.R. Cabanilla  
Rep. Bertrand Kobayashi  
Rep. Mele Carroll  
Rep. Justin H. Woodson  
Rep. Jo Jordan  
Rep. Lauren Kealohilani Cheape

**DATE:** Tuesday, February 5<sup>th</sup> 2013

**TIME:** 11:00 a.m.

**PLACE:** Conference Room 329, State Capitol, 415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF HB874  
RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING**

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking.

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Dear Committees on Human Services and Health:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of HB874. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

PASS is one of Hawaii's few services that helps heal survivors of human trafficking. We testify that there are no specific services tailored to the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims or "illegal immigrants" if they are labor trafficked victims. Hawaii must accurately and effectively address the handling of human trafficking survivors.

Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Since there is no sex trafficking statute in Hawaii, statistics from law enforcement are unavailable as they are combined with general prostitution statistics but other sources of information are very helpful in assessing the great need for services specific to child victims of sex trafficking. Such information states:

- Hawaii's incarceration rate of juvenile girls exceeds national average<sup>1</sup>.
- Of the girls incarcerated, 35% are runaways, a high-risk criteria for trafficking<sup>2</sup>.
- Hawaii has the third highest attempted teen suicide rate<sup>3</sup>.
- Hawaii has one of the highest rates of intrafamilial sexual abuse (incest)<sup>4</sup>.

All of these statistics significantly contribute to the proliferation of sex trafficking. Since 2009, PASS alone has assisted 96 victims of human trafficking. The need to expand anti trafficking services is very severe.

Thank you for hearing this much needed legislation.

Sincerely,



Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery

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<sup>1</sup> Hawaii Department of the Attorney General, Research and Statistics Branch Crime Prevention and Justice Assistance Division. (May 2006). *The Female Juvenile Offender in Hawaii: Understanding Gender Differences in Arrests, Adjudications, and Social Characteristics of Juvenile Offenders*

<sup>2</sup> Ibid.

<sup>3</sup> Hawaii State Department of Health (2010)

<sup>4</sup> Dunn, A. Girl Fest Hawaii Conference on Youth. (2012). Deputy Prosecutor, Honolulu City Prosecutor's Office

**morikawa2 - Shaun**

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**From:** Edward Thompson, III on behalf of HUS testimony  
**Sent:** Monday, February 04, 2013 8:50 AM  
**To:** HLT testimony  
**Subject:** FW: Submitted testimony for HB874 on Feb 5, 2013 11:00AM

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov) [<mailto:mailinglist@capitol.hawaii.gov>]  
**Sent:** Sunday, February 03, 2013 1:10 PM  
**To:** HUS testimony  
**Cc:** [mkorman@email.phoenix.edu](mailto:mkorman@email.phoenix.edu)  
**Subject:** Submitted testimony for HB874 on Feb 5, 2013 11:00AM

**HB874**

Submitted on: 2/3/2013

Testimony for HUS/HLT on Feb 5, 2013 11:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Korman	Courage House Hawaii	Support	No

Comments: The State of Hawaii received a grade of "F" or 40% out of 100% on Shared Hope International's domestic report card for protecting minor sex trafficking victims. As citizens of this beautiful state, we see paradise all around us, but when it comes to protecting our children from insidious harm we fall gravely short. Gaps in Hawaii's laws do not adequately provide protection for victims of child abuse and/or neglect stemming from sex and labor trafficking. As elected officials and representatives of the people of Hawaii, we seek your help to update the state laws that pertain to our Departments of Health and Human Services. Sexually and labor exploited children, regardless of their citizenship status, need special care and a multi-disciplinary treatment approach to include counseling, health care, substance abuse treatment, educational opportunities, and a safe environment secure from their predators. Including sex and labor trafficking in the definitions of harm in section 350-1, Hawaii Revised Statutes, and section 587A-4, Hawaii Revised Statutes, will allow appropriate reporting and subsequent action by health and human services professionals. I am a proud volunteer with Courage House Hawaii, a blossoming non-profit organization dedicated to building a safe place in Hawaii where minor victims of sex trafficking can heal physically, emotionally, and spiritually. Our home is part of Courage Worldwide which is committed to establishing a network of safe houses around the globe to increase awareness education, community partnerships, and residential care to assist this highly vulnerable population in their recovery and restoration from horrific trauma and degradation. Please help by supporting these critical amendments to ensure provision of the necessary and appropriate care by the child welfare services branch. Thank you very much for your important consideration and assistance.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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

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TESTIMONY FOR HOUSE BILL 874, RELATING TO CHILD VICTIMS OF  
SEX AND LABOR TRAFFICKING

House Committee on Health  
Hon. Della Au Belatti, Chair  
Hon. Dee Morikawa, Vice Chair

House Committee on Human Services  
Hon. Mele Carroll, Chair  
Hon. Bertrand Kobayashi, Vice Chair

Tuesday, February 5, 2013, 11:00 AM  
State Capitol, Conference Room 329

Honorable Chair Belatti, Chair Carroll and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in strong support of, with proposed amendments for HB 874, relating to child victims of sex and labor trafficking.

In 2011, lawmakers passed HB 141 and HB 240, the former of which outlawed labor trafficking in the islands and the latter of which strengthened existing anti-prostitution laws by expanding witness protection for victims and targeting repeat offenders, particularly pimps and johns. Both bills were important steps in rectifying Hawaii's poor image and record with regard to anti-trafficking law. Importantly, these new statutes focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations—pimps, johns, owners and managers of prostitution houses, and traffickers themselves—while protecting those who are most vulnerable. In 2012, policymakers passed a “vacating convictions” bill, for the first time allowing persons who have been wrongfully convicted of prostitution-related offenses and can demonstrate that their offenses were coerced to petition to have these convictions vacated from their record, so that they can matriculate into healthy, sustainable, fruitful lifestyles.

The IMUAlliance lauds the State Legislature's efforts during the last two sessions. At the same time, we call upon lawmakers to continue the fight against human trafficking by hearing and advancing bills that increase services for victims. This bill ensures that child victims of sex and labor trafficking receive the support services they need from the Department of Human Services by amending the definition of "harm" contained in HRS 350-1 and HRS 587A-4 to include evidence of sexual exploitation pursuant to promoting prostitution in the first degree under HRS 712-1202 (Hawaii's *de facto* sex trafficking statute) and labor trafficking under HRS 707-780. Taken together, these two definitional changes subject suspected human trafficking of children to "mandatory reporting" requirements, mandating that persons who, in their professional judgement, believe a child to be at risk of trafficking—including medical professionals and school employees—report their suspicions to DHS and/or law enforcement.

Contrary to common wisdom, victims of human trafficking, particularly sex trafficking, utilize medical services more frequently and openly than other demographics because doing so can lead to the compassion-based reception of free medical assistance, birth control, and pelvic examinations, and female-oriented health treatment. Moreover, as sad as it may be to acknowledge, traffickers and pimps frequently bring their victims into hospitals to ensure and maintain minimal physical well-being, so that these persons may continue to work in involuntary sexual servitude and earn their victimizers a profit. Last year, concerned health care organizations argued that a similar bill violated the privacy provisions of the Health Insurance Portability and Accountability Act, which were put into place to provide federal protections for personal health information disclosed for the purpose of facilitating patient care. It should be noted, however, that HIPAA regulations regarding public health information contained in 45 CFR 164.512(f)(1)(i) state, "A covered entity may disclose protected health information for a law enforcement purpose to a law enforcement official...as required by law including laws that require the reporting of certain types of wounds or other physical injuries," in compliance with relevant judicial requirements. Thus, there should be no question that enacting reporting requirements pertaining to injuries specific to labor trafficking or promoting prostitution is permissible under federal HIPAA law.

That said, we note that the revised definition called for by the bill refers to "sexual exploitation" pursuant to the provisions in section HRS 712-1202. No definition of "sexual exploitation" exists in conjunction with HRS 712-1202 and that a similar term, "sexually exploited persons," is defined in HRS 712-1210 in a manner that covers both adults and children who offer erotic services at massage

therapy establishments or strip clubs. Moreover, HRS 712-1202 does not, in its entirety, cover children, but also criminalizes coerced prostitution of adults. Only the second subsection of HRS 712-1202 refers specifically to children. Thus, we urge the committee to amend the proposed changes to HRS 350-1(2) and HRS 587A-4(2) to read: "...including, but not limited to, promoting prostitution pursuant to the provisions in section 712-1202(b).

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

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

Testimony in strong support of HB874

Relating to child victims of sex and labor trafficking

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking

Dear Committees on Human Services and Health:

As an active supporter of PASS, Courage Worldwide, Shared Hope International and a volunteer for the Courage House Hawaii Project I am in strong support of HB874. Hawaii is recognized worldwide as a place of beauty, a refuge even. Unfortunately for countless children living in this state, Hawaii is not a refuge, but a place where they are sexually exploited repeatedly while their abusers prosper from their abuse and go without punishment. State laws fail to protect them. There are no long term treatment facilities to address the unique needs of these traumatized children.

I am fortunate to be part of an organization as special as Courage House Hawaii. Courage House Hawaii is working to build a home here in Oahu that will provide the individualized treatment that is critical for the physical, emotional, and spiritual healing of minors who are victims of sex trafficking. Please help by supporting these critical amendments to ensure provision of the necessary and appropriate care by the child welfare services branch.

Sincerely,

Kimberly Carson

Volunteer Director Courage House Hawaii Project

February 3, 2013

**COMMITTEE ON HUMAN SERVICES** Rep. Mele Carroll, Chair Rep. Bertrand Kobayashi, Vice Chair Rep. Della Au Belatti Rep. Dee Morikawa Rep. Rida T.R. Cabanilla Rep. Justin H. Woodson Rep. Jo Jordan Rep. Beth Fukumoto

**COMMITTEE ON HEALTH** Rep. Della Au Belatti, Chair Rep. Dee Morikawa, Vice Chair Rep. Rida T.R. Cabanilla Rep. Bertrand Kobayashi Rep. Mele Carroll Rep. Justin H. Woodson Rep. Jo Jordan Rep. Lauren Kealohilani Cheape

**Date:** February 5, 2013 Tuesday

**Time:** 11am

**Place:** Conference Room 329, State Capitol, 415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF **HB874** RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING**

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking.

**Dear Committees on Human Services and Health:**

My name is Katie Caldwell and I am a citizen of Honolulu, HI. I have worked in the nonprofit sector for most of my adult life, predominantly in the field of domestic violence. It was not until I moved to Hawai'i, however, (in 2005) that I began to also work peripherally with victims of human trafficking. I use the word "peripherally" because all too often, the victims of domestic violence I assisted as a case manager/advocate for a local agency were also victims of human trafficking. Many had been trafficked into the country; with promises of education, steady work with wages large enough to support their families in their home country, or with promises of marriage. Several of these young (some *very* young) victims end up in dire situations under the most horrific conditions. Victims are forced into prostitution, brothel work, or forced to marry someone against their will. Many of these victims do not have the

means (proper grasp of the English language, money, or an understanding of both the U.S. legal system or of their own immigration status, etc.) in which to escape. Our agency could assist those that came to our agency because their partner/husband was physically and sexually abusive. Under the restrictions of our agency, however, we could only assist them with legal domestic issues (if they were in need of a divorce, temporary restraining order, restraining order, custody assistance, etc.). We were one of only a few agencies on the island of Oahu that provided these services. If they were solely victims of human trafficking (something that happened often via our legal phone-in helpline), there were very few resources to which we could refer the victims. They were terrified and alone. I experienced such frustration with the lack of resources for these sufferers, often having to turn them away from our services, with very few options to provide them as alternatives.

I cannot adequately describe to you, on paper, the immense devastation and turmoil that a victim of human trafficking endures. The utter devastation of realizing that they have been swept up in a heinous circle of lies and deceit is debilitating, while the violence and manipulation they endure is monstrous. To say that it is de-humanizing is an understatement. Coming across victims of human trafficking was not at all a rare occurrence, it was a weekly one. Because of these reasons, it is with heavy-hearted passion that I urge the committees to support HB874. Human trafficking is indeed a serious problem on the island of Oahu, and the lack of resources is astonishing and shameful for our islands. Please help in aiding these victims with vital services and resources.

Thank you kindly for taking the time to hear this hear this much-needed legislation.

Sincerely,

Katie Caldwell

**Testimony in STRONG SUPPORT of HB874**

**RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING**

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking.

Dear Committees on Human Services and Health:

I am in strong support of HB874. There are no specific services tailored for survivors of child sex trafficking in Hawaii. These children have fallen through the cracks for far too long. They are children and they are victims. Adult pimps and "Johns" are the criminals, not these abused children. They need laws to protect them and to allow for the services they need to restore their lives.

I am an active supporter of The Pacific Alliance to Stop Slavery, (PASS) as well as Courage House Hawaii and Shared Hope International. Earlier this year, Shared Hope International gave Hawaii an "F". We are second worst in the nation in protecting child victims of sex trafficking by law. We need to change that immediately.

Aloha,

Jan Cook



Testimony in strong support of HB874

Relating to child victims of sex and labor trafficking

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking

Dear Committees on Human Services and Health:

As an Active supporter of PASS, Courage Worldwide, and Shared Hope International, I am a strong supporter of HB874. There are few services tailored to the needs of child victims of sex trafficking in this State. Shared Hope International, started by Congresswoman Linda Smith, has done extensive research in the area of domestic and international trafficking. At the end of 2012, Shared Hope gave Hawaii an "F" on their annual report card on protecting minor sex trafficking victims. The state of Hawaii is known as paradise for many but the reality of what happens on our streets, in hotel rooms, massage parlors, and on the internet to our local children is absolutely horrendous. Children are being sexually exploited repeatedly and the abusers are going without charge. Gaps exist in the Hawaii laws that fail to protect these innocent lives. Sadly, many of these children are not being recognized as victims of sexual exploitation and thus, we have a gross lack of services specific to the unique needs of this population. As a health care professional, who has worked in the are of pediatric trauma, the trauma these precious lives endure is not an easy fix and will take a multidisciplinary approach to restoration.

I am currently the volunteer director for the Courage House Hawaii Project- whose vision is to build a safe place in Hawaii where minor victims of sex trafficking can heal physically, emotionally, and spiritually. Our home is part of Courage Worldwide (international non-profit), who is committed to establishing a network of state licensed residential facilities around the globe. We work to raise awareness, educate, form community partnerships, as we develop the foundation for these much needed homes. There are currently 2 homes open and running, Northern California and Tanzania Africa. Both are licensed facilities through the Department of Human Services and are meeting the needs identified by the State as well as the girls who have been victimized. As a local resident of Oahu, I continue to work incessantly with the community on several fronts to ensure development and successful operation of this much needed home. Please help by supporting these critical amendments to ensure provision of the necessary and appropriate care by the child welfare services branch.

Sincerely,

Jessica Munoz

RN, BSN, MSN, APRN-RX, FNP-BC

Volunteer Director Courage House Hawaii Project



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