SB 2002

Measure Title:	RELATING TO CHILD PROTECTIVE PROCEEDINGS.
Report Title:	Child Protective Proceedings; Open Hearings; Records
Description:	Requires child protective proceedings and records to be open to the public unless a party to the proceeding, other than an authorized agency, can prove by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress.
Companion:	
Package:	None
Current Referral:	HMS, JDL
Introducer(s):	CHUN OAKLAND

The Judiciary, State of Hawaii

Testimony to the Senate Committee on Human Services

The Hon. Suzanne Chun Oakland, Chair
The Hon. Josh Green, Vice Chair

Tuesday, February 4, 2014
1:00 p.m.
State Capitol, Conference Room 016

by

Paul T. Murakami, District Family Judge
Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2002, Relating to Child Protective Proceedings

Purpose: Requires child protective proceedings and records to be open to the public unless a party to the proceeding, other than an authorized agency, can prove by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress.

Judiciary's Position:

The Judiciary respectfully opposes this bill. This bill mandates that child abuse and neglect Family Court hearings and records be open to the public, unless a party can prove that these open records and hearings would cause severe emotional distress to the child.

1. The current confidential nature of child abuse and neglect court proceedings reflects the concern of the heightened privacy that families need in order to heal. Parents are required to rigorously follow a service plan in order to overcome their challenges which put their children at risk for further abuse and neglect. Most importantly, the children need to be left in peace. The abuse and neglect they have suffered are now compounded with the family's involvement with various agencies and, of course, the court system.

2. It does not help abused children to mandate that all hearings and records be open to the public. It also does not help to require the child's parent to prove to the court, by a higher standard of proof, that public access will cause the child severe emotional distress. The law currently give the Court discretion to open these hearings, if the party requests, and if it is in the best interests of the child (HRS Section 571-41(b) (1).

3. In these cases, particularly when the child is in foster care, time is of the essence. Children are further harmed by the system if time is wasted; the overwhelming majority wants to return home safely. These children are very aware of waiting for bureaucracies to turn and hearings to be had. We foresee that there will be hearings on this issue in nearly all of the cases. These requirements will further tax severely limited resources and cause delays and extra steps, to the children's detriment. Also, these hearings must be held at the beginning of the case; thereby causing delays at a time of significant trauma to the children and their families. These delays will also detract from what all parties must be immediately focused on, i.e., taking immediate steps to ameliorate the situation for the children and their families, particularly if the child has been removed from the family home.

4. In our experience, information that has been divulged, either intentionally or not, has caused physical and/or psychological harm to the child. Children do not need the added trauma and pain of having to explain to their friends, their classmates, their teachers, and their employers why they can't live with their brothers and sisters, why their parents are addicts, why their parent hit them or sexually abused them, why they can't wear their own clothes, or why they have to keep changing schools.

5. In these cases, the state is exercising its *parens patriae* powers to protect children. It is unclear how this change falls under those powers.

Thank you for the opportunity to submit testimony on this bill.

TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014

ON THE FOLLOWING MEASURE:
S.B. NO. 2002, RELATING TO CHILD PROTECTIVE PROCEEDINGS.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, February 4, 2014 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 016

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

Chair Chun Oakland and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of this bill is to make all child protective proceedings and records under chapter 587A, Hawaii Revised Statutes (HRS), open to the public unless a party to the proceedings, other than an authorized agency, can prove by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress.

This bill directly conflicts with the existing provisions of section 571-41(b)(1), HRS, and would set up two conflicting criteria for when chapter 587A cases would be open to the public. Under section 571-41(b)(1), HRS, a chapter 587A case is closed to the public unless a party to the case requests that the case be open to the public and the court finds that to open the case to the public would be in the best interests of the child victim. Under the provisions of this bill a chapter 587A proceeding would be open to the public unless a party requests that the case be closed to the public and that party can prove by clear and convincing evidence that an open hearing or access to records would cause the child victim severe emotional distress.

The Department prefers the current procedures set forth in section 571-41(b)(1), HRS, because it provides protections to a child victim of abuse unless a party who is actually involved in the case requests that the case be open to the public and the court finds that to open the case to the public would be in the child's best interests.

NEIL ABERCROMBIE
GOVERNOR

PATRICIA McMANAMAN
DIRECTOR

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DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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February 4, 2014

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

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2002 – RELATING TO CHILD PROTECTIVE PROCEEDINGS**

Hearing: Tuesday, February 4, 2014, 1:00 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 2002 is to allow public access to child protective proceedings unless it can be proven by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress. S.B. 2002 proposes to amend the Hawaii Revised Statutes, Sections 587A-25 and 587A-40 of the Child Protective Act.

DEPARTMENT'S POSITION: The Department of Human Services strongly opposes this bill.

In cases of child abuse and neglect, the child is an innocent victim and the privacy rights of the child must be upheld in their best interests. Public access to child abuse hearings and records will subject the child to unnecessary trauma and stress, re-victimize the child, and further hinder the child's ability to heal and recover.

Victims of child abuse and neglect often still love their parents and siblings, and want to return to live with the perpetrator of harm. Safely returning the child home to

their parents is the goal the Department of Human Services strives to achieve. Media coverage and public exposure may obstruct this process, making it impossible for the child, parents, siblings, and family members to return back to their school or community; resulting in victimization by the system that was meant to protect and heal the family.

Victims of sexual abuse will have to relive the horrors and embarrassment of their parents' actions. Unwanted attention by the media will surely traumatize the children and will make their identity and private matters known to everyone. Hawaii has expended much effort to engage youth in their 587A court hearings and give them a voice in planning for their future. The youth have expressed their concern that opening court proceedings and records to the public will keep them from attending, and are concerned about future employers and prospective colleges having access to their information.

The potential for harm to these innocent victims outweighs the public need to know. These innocent victims have a right to their privacy.

Thank you for the opportunity to testify.

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DATE: February 4, 2014

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

FROM: Alana Peacott-Ricardos, Policy Research Associate
Kapi'olani Child Protection Center

RE: S.B. 2002
Relating to Child Protective Proceedings

Good afternoon Chair Chun Oakland, Vice Chair Green and members of the Senate Committee on Human Services. My name is Alana Peacott-Ricardos and I am the Policy Research Associate for the Kapi'olani Child Protection Center (KCPC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

KCPC strongly opposes S.B. 2002. Instead of hearings and records being presumptively private as they have always been, it would require child protective proceedings and records to be open to the public unless a party to the proceeding, other than an authorized agency, can prove by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress. Placing this burden on the parties to protect the most personal of information is completely unreasonable.

Opening child protective proceedings and all associated records to the public is unnecessary and potentially harmful to the children these types of proceedings are designed to protect. The information disclosed in the hearings and records, such as KCPC's multidisciplinary team reports and psychological assessments, are highly sensitive and may contain very specific revelations of child abuse, sexual abuse, and neglect. KCPC cannot conceive any benefit to the general public, and more importantly to the families involved, for having unfettered public access to these proceedings and materials.

To the contrary, disclosure can exacerbate emotional trauma and revictimize the children. Children and families have a right to privacy and confidentiality in these matters. A child should not be forced to disclose their most personal experiences for an audience of members of their community without any stake in the case. The potential embarrassment and stress is unwarranted. Moreover, this could have a chilling effect, discouraging child victims and parents from accessing the assistance and services they critically need.

The potential for harm far outweighs any benefit to open proceedings and records involving children. We strongly urge you to oppose the passage of S.B. 2002.

Thank you for this opportunity to testify.

EPIC 'OHANA, INC.

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To: **Senate Committee on Human Services**
Tuesday, February 4, 2014
State Capitol, Room 016

From: **Delia Ulima, Statewide Initiative Coordinator**
Hawaii Youth Opportunities Initiative, EPIC 'Ohana, Inc.

Re: **In OPPOSITION to SB 2002, Related to Child Protective Proceedings**

Aloha! My name is Delia Ulima and I am a Statewide Initiative Coordinator for the Hawai'i Youth Opportunities Initiative. We are the local site for the national Jim Casey Youth Opportunities Initiative and EPIC 'Ohana is the lead agency for this Initiative in Hawai'i. The Initiative works with systems, such as the Department of Human Services, Child Welfare, other service providers and partners within the public and private sector to create opportunities and support transitioning foster youth to successfully move into adulthood and become a contributing part of our community.

I would like to submit testimony in opposition to SB 2002 which requires child protective proceedings and records to be open to the public unless a party to the proceeding, other than an authorized agency, can prove by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress.

When a family is investigated for abuse, neglect or other allegation which would bring Child Welfare Services into the picture and a child or children are removed from the family home, this is a very tumultuous and painful time, particularly for the children. There are many factors involved, including details and specifics around allegations of abuse, trauma and other family business. To allow the public access to hearings and records which detail these allegations and incidents that lead children to be removed from their families is intrusive and potentially harmful to the families and children. This is a time for the focus to be on helping the family and exposing them to possible public ridicule and to have information accessible to employers, schools, friends, neighbors, the media and other members of the public, adds another layer of hurt and trauma onto the children and family members.

I work with young people who are affected by foster care and the last thing that they would want is to have their personal business and that of their family exposed to any interested party. Those who grow up in foster care and work hard to create positive futures would like to leave the past behind them. I respectfully ask that this committee consider the children and innocent family members who would be negatively affected by this bill and ask that you vote against it.

Mahalo nui loa.

FAMILY PROGRAMS HAWAIʻI

TO: Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice Chair
Committee on Human Services

HEARING: Tuesday February 4, 2014
1:00 pm
Conference Room 016

FROM: Judith Wilhoite, Family Advocate
Family Programs Hawaiʻi

RE: SB 2002– Relating to Foster Care Services

Thank you for the opportunity to testify. I am the Family Advocate for Family Program Hawaii's It Takes An `Ohana (ITAO) program and a resource caregiver, formerly referred to as foster parent. I, along with my Advisory Committee, strongly oppose this bill.

We believe protecting children is a parent's most pressing responsibility. When the State of Hawai`i becomes a child's parent, the State assumes that responsibility. We believe that making the proceedings of child welfare cases public may harm the child in many ways. This matters because the children/youth have already been traumatized and do not need to worry about their classmates being able to look into the issues that brought them into care. We fear that this could lead to bullying. In addition, Hawai`i has recently made great strides in educating foster youth about the importance of them attending their court hearings so that they can be proactive in their lives and the courts can make better decisions based on the youth's specific needs. We believe this bill would deter many youth from participating in their hearings.

Resource caregiver's identities and address may also be compromised. In many cases, this would not be a problem, for resource caregivers often work closely with their foster children's birth families. But there are some cases where it is NOT SAFE for a birth parent to know where their children are or who they are living with. Thus, to make the proceedings of child welfare cases public would compromise both the foster children and the resource family.

I strongly oppose this bill for the above reasons.

KLEINTOP, LURIA & MEDEIROS

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TO: Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice-Chair
Senate Committee on Human Services

FROM: Dyan M. Medeiros
E-Mail: d.medeiros@hifamlaw.com
Phone: 524-5183

HEARING DATE: February 4, 2014 at 1:00 p.m.

RE: Testimony in Opposition to SB 2002 Relating to Child Protective Proceedings

Good afternoon Senator Chun Oakland, Senator Green, and members of the Committee. My name is Dyan Medeiros. I am a partner at Kleintop, Luria & Medeiros, LLP and have concentrated my practice in Family Law for fifteen (15) years. I am also a past Chair of the Family Law Section of the Hawaii State Bar Association. I am here today to testify against SB2002.

I oppose allowing child protective proceedings to be open to the public.

Requiring a party to challenge and prove by clear and convincing evidence that an open hearing would cause severe emotional distress to the child is beyond inappropriate and borders on absurd.

The bill seeks to make it the "default" position that Child Welfare Service proceedings (more commonly referred to as "CPS proceedings") are open to the public. This "default" would apparently apply to both the case file and the actual hearings themselves.

The "default" should be that CPS proceedings are private. It should be self-evident that CPS proceedings are extremely stressful for children given that the allegations which generate CPS proceedings by definition involve abuse, not to mention the investigation which follows such allegations. If CPS moves for the Family Court to take jurisdiction, the allegations are severe enough that a child has likely already suffered some form of distress (i.e., physical; emotional; sexual, etc.). The family (both children and parents) is always under stress during this time. This bill ignores that stress and would, if passed, cause even more stress and distress to children who have already been victimized and traumatized by making the allegations surrounding them public.

Since most parents would not want their children to be exposed to public scrutiny, particularly with potential allegations of physical abuse, extreme emotional abuse, and/or sexual abuse, it is safe to assume that virtually all parents would request that the Family Court to keep their case closed. Similarly, most parents would not want to be personally exposed to public scrutiny, particularly if the allegations are false or exclusively involve the other parent. Requiring parents to file specific motions to make their proceedings public would increase the burden on an already overburdened judicial system and calendar.

In this age of information sharing and social networking, the ability to publicize CPS cases is enormous. There are many downsides to doing so including the impact on children once their peers or teachers, etc. learn of the allegations.

Certain family court proceedings are closed due to the sensitive nature of the proceedings. It is in the best interests of Hawai‘i’s children that CPS proceedings remain closed.

Thank you.

TO: Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice-Chair
Senate Committee on Human Services

FROM: Dyan K. Mitsuyama & Alethea Rebman
Mitsuyama & Rebman, LLLC
E-Mail: info@mitsuyamaandrebman.com
Phone: 545-7035

HEARING DATE: February 4, 2014 at 1:00 p.m.

RE: Testimony in Opposition to SB 2002 Relating to Child Protective Proceedings

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Dear Chairwoman Chun Oakland & Vice Chair Green and fellow committee members:

We are licensed attorneys here in the State of Hawaii concentrating in Family law matters, including but not limited to Child Welfare Services proceedings.

We speak for ourselves as well as a few of our colleagues in opposition to allowing child protective proceedings to be open to the public.

Requiring a party to challenge and prove by clear and convincing evidence that an open hearing would cause severe emotional distress to the child is absurd for several reasons:

1. We would imagine there would be more parents than not requesting the Family Court to keep their case closed.
2. If Child Welfare Services (more commonly referred to as "CPS") moves for the Family Court to take jurisdiction, the allegations are severe enough that most likely a child has already suffered some form of distress (i.e., physical; emotional; sexual, etc.)
3. Most parents would not want their children to be exposed to public scrutiny, particularly with allegations again involving physical abuse; extreme emotional abuse; and, or sexual abuse.
4. Most parents themselves would not want to be exposed to public scrutiny, particularly if the allegations are false or exclusively involve the other parent.
5. CPS proceedings follow strict timelines imposed by both federal and state laws. For example, if CPS invokes jurisdiction and requests temporary foster care, a hearing must be held within 2 business days after its petition is filed. Another proceeding (which more likely would happen than not) would impose on those timelines. Both the Family

Court and CWS are already overloaded. Requiring each to participate in another hearing (again more often than not) seems impractical.

Certain family court proceedings are closed due to the sensitive nature of the proceedings. This is one that should stay that way.

Thank you.

SB2002
Submitted on: 1/28/2014
Testimony for HMS on Feb 4, 2014 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Yamamoto	Individual	Support	No

Comments:

I respectfully submit the words of a dedicated journalist and advocate for child protection reform to support open courts and records written by Richard Wexler in his paper SOLUTIONS: Due Process on the website NCCPR.org.

"All court hearings in child maltreatment cases and almost all documents should be subject to a "rebuttable presumption" of openness. Hearings and records would be closed only if the lawyer for the parents or the guardian ad litem for the child could persuade the judge, by clear and convincing evidence, that opening a given record or portion of a hearing would cause severe emotional damage to a child.The judge then would keep closed only the minimum amount of material needed to avoid the damage. The people who work for child protective services agencies are not evil. But even the best of us would have trouble coping with nearly unlimited power and no accountability. One caseworker allegedly told some parents: "I have the power of God." It's alarming if he said it. But what's even more alarming is: It's true. Caseworkers for CPS agencies do have the power of God.

To give a young, inexperienced worker the power of God, send her out on what she is convinced is a Godly mission to rescue innocent children from the scum of the earth -- knowing that there will be no penalty for removal and hell to pay if she leaves the child home and something goes wrong -- and then expect her to exercise self-restraint is more than can be expected of most human beings. Rarely is the power of God accompanied by the wisdom of Solomon. The power must be checked by accountability. Accountability is not possible in secret. Nor is accountability possible simply by hiring people with more expertise and assuming they will do the right thing. It's not supposed to work that way in a democracy. That is why it is so urgent that all court hearings and almost all records in child welfare cases be presumed open.

An exception would be made to the presumption of openness for portions of documents that name people who reported child abuse in confidence. Even then, however, if a parent claims to be a victim of harassment, that parent should be allowed to ask a judge to review the record and, if the judge agrees there has been harassment, open this record as well, and give the accused the right to sue. Only the lawyer for a parent and the guardian ad litem for a child should be allowed to request secrecy. CPS should not even be allowed to ask for it. CPS has no interest in secrecy other than as a way to cover up

its failings. If secrecy truly is needed to protect a child, that's what the guardian ad litem is there to ask for.

The argument against opening hearings and records is that it would embarrass children. That argument fails on several counts:

• The alleged potential for trauma does not explain why information is kept secret even after a child has died.

• In the overwhelming majority of cases there are no graphic details to report. Most cases involve "neglect." A child will not be testifying about being beaten or raped because that's not the accusation.

• The most traumatic cases are likely to involve not only child protection proceedings but criminal cases as well. These hearings already are public. Yet we have never seen nor heard a single account of a child saying that she or he was traumatized by the fact that such a trial was public. Nor do we know of any adult coming forward years after the fact to complain of such trauma.

• At least 14 states have opened child protection proceedings to the press and the public. Two more let in reporters only. In every one of these states, the same fears were expressed. But a comprehensive nationwide examination by the Pittsburgh Post-Gazette found that none of the problems materialized. Indeed, over and over, one-time critics became converts.

"Everyone complains about everything in New York," says Judith Kaye, chief judge of that state's highest court, the Court of Appeals. But, she says, in the years since she ordered all of the state's family courts opened, "we've had no complaints about this." Her deputy, Chief Administrative Judge Jonathan Lippman says "It has been 100 percent positive with no negatives … Our worst critics will say it was the best thing we ever did. Their fears were unfounded … I wish other states would do it."

One of those who initially opposed the change was Michael Gage, former administrative judge of the New York City family court. But now, Gage says, "I think it worked. From my view, it worked remarkably well." Another opponent was Jane Spinak, then head of the Juvenile Rights Division of the Legal Aid Society in New York City. But, Spinak says, "the consensus now is that [the court] is better open than when it was closed."

Once the courts were opened, reporters saw the shabby conditions families had to endure. That led to funding for repairs. It's also helped raise fees paid to the lawyers who defend impoverished parents – from $40 an hour in court and $25 an hour out of court, to $75 an hour in all cases - still not nearly enough, but an improvement. Opening New York's family courts probably also helped build support for New York City's new initiative to create an adequately-funded provider of counsel for birth parents in many cases.

The head of New York City's child welfare agency when the courts were opened, Nicholas Scoppetta, said opening up the process helped him improve his agency. "We have not experienced a downside," he said. New York is not alone. In Illinois, the press has been allowed into juvenile court for more than a

century. The former head of the state's child welfare agency, Jess McDonald, says the public should be allowed in, too. "We will only make mistakes if we are hidden in the back room," McDonald says.

The reform-minded head of Allegheny County, Pennsylvania's child welfare system, Marc Cherna, also supports opening hearings. And he supported the county's judges when they agreed to give regular access to a reporter from the Post-Gazette.

In Oregon, hearings in abuse and neglect cases have been open for more than 25 years. "The appearance of being treated fairly is compromised when things are done in secret," says Oregon Circuit Judge Daniel Murphy. "People are suspicious of anything done secretly."

But perhaps most revealing is this: Of all the states to open proceedings, not one has closed them again. For example, after three years of experimenting in 12 counties, the Minnesota Supreme Court opened courts in child maltreatment cases statewide.3 Surely if the experiment had been traumatizing children, it never would have been expanded. And that shouldn't come as a surprise. Cases covered by the media are likely to fall into these categories:

• Cases where the child has been killed.

• Cases where the alleged abuse is so brutal that the details already are public knowledge because of police reports. These cases also are likely to be the subject of public, criminal proceedings.

• Overview stories about court systems, in which case examples can be used without revealing names.

No state court judge in America has a better reputation for concern about the welfare of children than Judge Kaye in New York. She stands by what she said when the courts first were opened: "Sunshine is good for children."

OPEN RECORDS.

Reverse the current presumption that most child welfare records are closed, and allow child welfare agencies to comment freely on any case made public by any other source. As noted above, roughly 14 states allow the press and public into court hearings in child abuse cases. This provides more accountability than exists in states where the entire process is secret. But it is not enough.

The amount that can be learned from what is often a cursory hearing lasting only a few minutes is limited. Therefore it also is urgent to reverse the current presumption that case records are closed. This, of course, goes much farther than most state laws. But it also is more than most news organizations have sought when it comes to case records. News organizations generally seek transparency only in cases of child abuse fatalities. While that is better than nothing, it has an unintended consequence: This limited degree of openness reinforces the misperception that the system errs only in one direction, leaving children in dangerous homes.4 The thousands of families who say their children were wrongfully removed still have no way to prove it; they remain thwarted by a "veto of silence."

They can tell their stories to reporters, but even if they have some limited documentation, the reporters may decline to write about the case, rather than risk the possibility that people at CPS are telling the truth when they heave meaningful sighs and say, as they so often do, “Oh, there’s really so much more to it, and we wish we could tell you, but our hands are tied: Confidentiality, you know.” Or reporters themselves may use this as an excuse to avoid doing stories that challenge their own preconceived notions.

“Sunshine is good for Children.” --Judith Kaye, Chief Judge, New York State Court of Appeals. If almost all CPS records were available to the public, reporters would have a much better look at all sides of the story. (Records are not always accurate, however, and claims in them should not be accepted at face value). Therefore, there should be a “rebuttable presumption” that almost all case records are open. As noted above, the names of people reporting alleged maltreatment almost always would remain confidential.

Most other records would be opened unless the lawyer for the parents or the law guardian for the child could persuade the judge, by clear and convincing evidence, that opening a given record would cause severe emotional damage to a child. The judge then would keep closed only the minimum amount of material needed to avoid the damage”.

Dara Carlin, M.A.
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February 4, 2014

Good Afternoon Senators and thank you for this opportunity to provide testimony IN STRONG SUPPORT of SB 2002 that stems from my experiences as a former therapist for a girls group home and as a Domestic Violence (DV) Survivor Advocate.

As a therapist for a teen girls group home I frequently heard bitter complaints from the girls about closed CWS hearings. Although they had a CWS Worker and/or a GAL who offered to convey their thoughts to the court, the girls resented the exclusion when they knew the hearing was about them, their lives and their experiences – they didn't buy "the confidentiality excuse" or the explanation that they were being protected from potential trauma – instead they felt the abuser's confidentiality was being protected and their access to justice denied. Through healing they learned that they had nothing to be ashamed of yet closed hearings implied that they did; closed hearings also proved that the abuser's "secrets" were going to be kept secret which made them even more distrustful of us (adults/professionals). Although the long-term response to trauma varies from person to person, the initial reaction to abuse is the same regardless of age or gender; by the time CWS hearings are occurring (post investigation) the girls felt "everyone knows everything about what happened anyway" so closed hearings only added to their resentment and frustration.

As a DV Survivor Advocate, the desire for open hearings has stemmed from a desire for scrutiny, transparency and accountability. Many of my cases are "cross-over cases": cases that started out as a DV case but subsequently became involved with CWS. In these cases, the complaint I hear most often (on a national basis as well as a local one) is that professional error and how those errors play out behind closed doors is the main concern. Often my clients and their children want everyone to know what's really going on vs. the abusers who prefer their "private matters" from becoming public. (Remember, **abuse thrives in secrecy and silence!**)

Open hearings can only help professional integrity, accountability and alleviate concerns about impropriety – and actually, it may have the unintended consequence of inhibiting child abuse because if everyone knows the hearings are open, abusers might think twice before "losing control". Thank you once again for this opportunity to provide testimony in support of SB 2002.

SB2002
Submitted on: 2/1/2014
Testimony for HMS on Feb 4, 2014 13:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Matt Ihara	Individual	Comments Only	No

Comments: SB2002 goes against the purpose of the Child Protective Act, which is to make "paramount" the safety and health of children who have been harmed or who have been subject to threatened harm, and is detrimental to children and families under the Act, because, by making child protective hearings and records public, SB2002 places the interests of third parties over the interests of children and families under the Act.

TO: Representative Suzanne C. Oakland, Chair
Representative Josh Green, Vice Chair
Members of the Senate Committee on Human Services

February 4, 2014 1:00 PM Conference Room 016

RE: SB 2002 Relating to Child Protective Proceedings - OPPOSE

I am writing in opposition of SB 2002, Relating to Child Protective Proceedings. When I first heard of this bill, I was appalled. I kept asking myself, "How does this protect and benefit the child?" After conducting some research, I learned that there are in fact several states which open child protective proceedings to the public. I read an interesting survey, conducted by Connecticut Voices for the Children (from: http://www.ctvoices.org/publications/confidentiality-statutes-child-protection-proceedings), which asked professionals in states where there is some level of public access, whether or not negative effects have come from this change in legislation. Admittedly, several responses were positive, however after conducting my research, I still have three main concerns, which support my opposition of SB 2002.

Hawaii created Family Court because it realized that children and family matters are separate from the general judicial proceedings, and Hawaii has made it a mission to support families and keep them united when appropriate. Given this specialized attention, why should matters that pertain to one ohana be open to the public? And even though this bill allows for cases to be closed when necessary, how can we consistently ensure that it would not cause "severe emotional distress to the child?"

Secondly, as mentioned earlier, the Connecticut Voices for the Children survey did find some positive responses to allowing public access to court proceedings. However, this survey was conducted in 2004 and the span of social media was not nearly as large then as it is today. Opening child protective proceedings and records to the public will undoubtedly have unintentional effects if passed, because to the extent that the court can determine whether access is granted or denied, once access is granted, the possible outlets of spreading information (which could be highly inaccurate) is endless.

Finally, if child protective records were to be open to the public unless otherwise prohibited by law, who is going to train providers on what can be written in reports and what cannot? Who has the time or resources to make sure that written reports are consistent and provide the right level of transparency and confidentiality? Can we be sure that providers will report all necessary details when they have the burden of worrying about the safety of every family member and the possible effects that may result from public access to records?

The problem with SB 2002 is that although it appears to be attempting to provide oversight to proceedings and transparency to the public, it is not taking care of the families and children. There are too many potential risks.

Thank you for this opportunity to provide testimony in opposition of SB 2002.

Sincerely,
Alana Yanagida

SB2002
Submitted on: 1/28/2014
Testimony for HMS on Feb 4, 2014 13:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Arlene Harada-Brown	Individual	Oppose	No

Comments: I oppose SB2002. I am a Guardian Ad Litem ("GAL") for this type of proceeding and can not support this bill. Cases such as these are a private matter and should not be shared with the general public. Allowing the hearings and court records to be shared with the public will not assist these families. The impact on the child will be detrimental. Having a child's peers or community learn about the abuse (physical and/or sexual) that this child endured can only humiliate the child and further place the child in a defensive state. Children already placed in foster care are shameful of others knowing they are involved with Child Protective Services ("CPS"). SB2002 is not in the child's best interests. These children and families deserve privacy. Although SB2002 provides that the court can close the hearing and not release court records, it places a high burden (clear and convincing evidence) to show that an open hearing or release of court records "would cause severe emotional distress to the child." The burden would be placed on either parents or the GAL as the Department of Human Services would not be able to make the request as they are defined as an "authorized agency" under the statute. The parents or the GAL would likely have to retain an expert to testify. It is unlikely that these parents would be able to afford an expert witness and the court would likely deny a request from a GAL for costs to retain an expert. Even if one of these parties could retain an expert, a delay in the proceedings would take place as the expert witness would likely have to establish a relationship with the child in order to testify as to the affect on the specific child. I humbly request that SB2002 not be passed. Thank you for allowing me to testify.

January 28, 2014

SEANTOR SUZANNE CHUN OAKLAND, Chair
Committee on Human Services
State Capitol
415 Beretania St.
Honolulu, Hawaii 96813

Re: Senate Bill 2002
Relating to Child Protective Proceedings
Hearing Date: February 4, 2014 1:00pm, State Capitol Room 016

Dear Senator and Committee Members:

We are court appointed Guardian Ad Litems ("GAL") for minors in Child Protective Proceedings. We oppose the above-stated bill as it would be detrimental to the process as a whole, will negatively affect parents/caretakers and be most harmful to the children involved.

In our experience the children we serve are already traumatized at the outset of the case - by the abuse that has been perpetrated on them, removal from their parents/guardians and severely affected by the current state of their family. The above-stated bill would greatly negatively impact any efforts to reunify the family, and more so impede any efforts to heal the child.

Our main goal as a GAL is to advocate and protect the best interest of our child/ren. An ongoing issue that we have is to protect the privacy of our child/ren. Should child protective proceedings be open, the child's information would be available for anyone to see: the school they attend, their academic progress, the therapist and other doctors they may be seeing, as well as any mental health or medical updates, and their individual thought and feels as to what is happening in the legal process regarding their own lives. As private individuals we anticipate this type of information to be private, and known to only to those who we chose to release the information to.

These same children are able to speak directly to the judge and provide their individual thoughts and feelings as to their family's specific situation; and basically participate in what is essentially "their case." It's been our experience that majority of our children want to be heard. As their GAL we encourage their participation by addressing the court either directly or via their GAL. This is a task that can be very overwhelming and nerve-racking for any person, particularly a minor. The added pressure of even being aware that "everybody knows or will know," or potentially having an "audience" as to their private affairs, would certainly inhibit this process, and ultimately discourage any participation.

If there are concerns by extended family members who are trying to obtain information in an attempt to assist the child and their family, a mechanism already exists via EPIC `Ohana Conferencing. This mechanism allows for a more in depth discussion among extended family members and Child Welfare Services.

Thank you for the opportunity to comment on this bill.

Caroline Cobangbang
PO BOX 893476
Mililani, HI 96789
Guardian Ad Litem

Kim Hasegawa
PO BOX 894036
Mililani, HI 96789
Guardian Ad Litem

TESTIMONY OPPOSING SB 2002

My name is Colette Dhakhwa. My work phone is 808 526-4058. My email address is <momco648@gmail.com> .

I work as a court appointed Guardian Ad Litem (GAL) for children whose parents have been petitioned to Family Court in Child Abuse and Neglect cases I represent and advocate for the protection and best interests of those children whose cases are assigned to me.

I have been an attorney since 1985 and have been performing this kind of work as a GAL since 1997. I am 69 ½ years old, a grandmother of 6 and mother of 3 adult children.

I am **opposed** to this bill because:

1. being involved in family court is traumatic enough for children who are removed from their families or whose families are summoned to court. Children have been harmed in some way and seem to always blame themselves when their parents get into trouble, even when the children are told it is not their fault at all. ***I have seen firsthand how the embarrassment and humiliation increase many times over when they are aware or learn others know they are involved in family court or are in foster care. In this state, on this or any island, word gets around fast.*** Opening these hearings to the public, including the media, will further degrade or destroy their self-esteem and inflate the pain of these children just knowing their neighbors, classmates, teachers, friends, the "whole school" and even the whole state know all about their family woes and degrading abuses heaped upon them, the victims. Is it also necessary to mention here possible teasing and ridicule that sometimes occurs, the looks, the ostracism, the whispers, the innuendoes of being "damaged goods"?

2. it is patently and fundamentally unfair to the child to have the burden placed on it of proving that an open hearing would cause "severe emotional distress" before a hearing can be closed for what appears only a limited amount of time. In all likelihood the reasons for which CPS has entered the child's life and in many if not most cases the reasons for which CPS has removed the child or children from the parents' or guardians' care have caused enough distress. By passage of this bill, are we now to compound and enlarge this distress until it reaches a point of having to be deemed severe before the law permits the hearing to be closed, and if so, only "minimally"? And do we start off by opening the hearings to the public, causing further harm to the child in order to gather enough evidence to adduce at a hearing to show, by clear and convincing evidence, that the harm has risen to the level of "severe" ? I add here, that in some cases, the harm originally perpetrated upon some of

these victims has been so severe and prolonged it is astounding that the child has not attempted suicide.

3. How does one separate the trauma from placement in foster care or even CPS involvement from the further trauma of "everyone knowing the child's or family's business" that is a logical consequence of opening these hearings to the public? If even adults cannot articulate and separate the reasons for being distressed, how feasible is it for even experts in psychology or even psychiatry to separate the reasons for a child's emotional state of distress under these circumstances, to show it was the "open hearing" which was the principal cause and not the harm inflicted by the perpetrator? Determining causation in this situation seems inherently problematic and may prove to always be a barrier to closing the hearings. Is that what was intended?

In closing ***I express vehement opposition*** to this bill which if enacted would do more harm than good to the children which the law is supposed to protect. The confidentiality of HRS 587A shields the children from further harm. To breach this confidentiality runs counter to common sense and the purpose for which our Child Protective Act was passed in the first place.

Thank you for considering the statement of this Guardian Ad Litem who has served and tried to protect and represent the best interests of our keiki and our youth in Abuse and Neglect cases for 17 years. I sincerely believe opening these Family Court proceedings to the public would be a grave injustice to the very children who have already been harmed. In the balance of things, the interests of adults who wish these proceedings open simply cannot outweigh the interests of these children, already deemed victims by their age, minority, and status in these proceedings.

SB2002
Submitted on: 1/28/2014
Testimony for HMS on Feb 4, 2014 13:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Nagamine	Individual	Oppose	No

Comments:

I am offering this testimony in opposition to SB 2002.

I have been involved in the area of Child Protection as a guardian ad litem for the children who are at the center of the child protection cases in our family court. Let me start by saying that when I first began this type of work, I was very much in favor of having the hearings of these cases open to the public for a number of reasons. After being involved in this type of work for close to twenty years, and talking to hundreds of children in this cases, I hold the contrary view.

What changed my mind was speaking to those very children that I was trying to advocate for. Many of the children in our protective cases, particularly the adolescents and teenagers, very much want to maintain privacy with regard to what has happened to them. Many children do not want it widely known that they are in foster care, or that they are under court jurisdiction. Oftentimes they do not want people to know what their parents have done. Sometimes this is because the children are embarrassed by their parents actions and/or what the children were subjected to. Sometimes the children, despite what their parents may have done, do not want their communities to see their parents in a negative light. There are a variety of reasons why the children do not want to be in a spotlight. My fear is that there are children in our child protective system who could be hurt further if their lives were opened to the public.

While I do not represent the parents who are involved in our protection cases, I have also seen a number of instances where a parent has made an admission of responsibility, or has had to make a very difficult decision about their children, and I wonder how much harder this would have been to achieve if this had to be done before an open courtroom. Since our goal in the child protective system is not to mete out punishment (this is what the criminal courts are for) we are focused on healing and reunification, and we strive to have parents take responsibility for their actions, and to do what they need to do to make their children safe.

I would further note that in some instances the judges have allowed non-parties into the hearings, and I think that this should be the avenue for opening the hearings, at least a little. I think that our family court judges are very good gatekeepers who can allow into the hearings those non-parties who can help in fostering the best interests and safety of the children.

Thank you very much for your consideration of this testimony.

To whom it may concern:

I am an attorney licensed to practice in the state of Hawaii and I serve as guardian ad litem for children in child protective proceedings. I am writing in opposition to Senate Bill No. 2002 Relating to Child Protective Proceedings, which proposes to open to the public all court hearings and all court records pertaining to children and families involved with Child Protective Services.

Children who are old enough to understand what is happening are often embarrassed and humiliated by their situation and they do not want their friends, neighbors and peers to know that they are in foster care. They certainly do not want their identities and details of their family situation made public, and doing so will stigmatize them and cause irreparable damage to them. These children are usually provided therapy and other services to help them heal and recover from the hurt and abuse inflicted upon them. These children are victims and they will be re-victimized by the system if personal and private information about these children are available to the public and the press, and the healing process for these children will be delayed or deterred.

At times, parents directly involved in these cases bring supporters with them who are usually family, friends, church members or others. If there are no objections by other parties directly involved in the case, these supporters are allowed into the courtroom. Otherwise, child protective proceedings are closed. These cases are private and confidential. Documents and court discussions often include very private information about the children and their families including therapists' reports, psychological evaluations, family histories and medical reports and records.

It would not be in the best interests of the children that I serve to have their private and personal information reported to the public and published in newspaper, radio and television accounts of the case. I do not believe that the public or the press has the right to this private and personal information. I doubt that any societal benefits or systemic changes will materialize from opening these cases to the public. Thus, the benefits of opening these cases to the public, if any, are substantially outweighed by actual and likely emotional harm to abused children.

I strongly urge legislators to oppose Senate Bill 2002. Thank you for your time and consideration.

Frances Ogata
Guardian ad Litem for abused children

To: **Senate Committee on Human Services, February 4, 2014**
From: **Gernani Yutob Jr., HI H.O.P.E.S. Youth Leadership Board (Oahu)**
Re: **Testimony in OPPOSITION to SB 2002**

Aloha,

My name is Gernani Yutob, Jr., and I am a former foster youth who emancipated from foster care in here Hawai‘i almost six years ago. I am also the president of the O‘ahu HI H.O.P.E.S. (Hawai‘i Helping Our People Envision Success) youth leadership board. We are a part of the Hawai‘i Youth Opportunities Initiative whose mission is to ensure that youth leaving foster care become successful adults in their communities. We work with youth and community partners to provide access to education, employment, health care, housing, family relationships, social capital and financial capability.

I would like to submit testimony in opposition to SB 2002 which requires child protective proceedings and records to be open to the public unless a party to the proceeding, other than an authorized agency, can prove by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress.

When youth are placed into the foster care system it traumatizes them. The thought of being taken away from family and placed into a complete stranger’s home can have adverse effects on a child emotionally. The extraction from home will most likely mean moving to a new neighborhood and attending a new school. Making child protective proceedings and records open to the public will have a demoralizing impact on youth. It’s already bad enough that being in foster care is traumatizing, but I do believe that if this bill was to become law it would more than likely triple that effect. Here are some cons for SB 2002: public access to highly confidential records could inhibit social development. Potential schools and employees would think twice about accepting a youth that has been involved in the foster care system. Youth enter the foster care system through no fault of their own. This would give them a very unfair disadvantage if this bill was to become a law. Another downside is that people who have no business in the youth’s life is free to access the records as well. This would add more emotional distress to the youth’s social life.

As an adult who was in the foster care system almost six years ago and who now work with youth transitioning from the foster care system, this bill would cause unnecessary trauma and burden upon us. Had this become law while I was in the system, my chances to succeed would have greatly been hindered. Since I have been involved with the HI H.O.P.E.S. youth leadership board for almost four years I have become a public figure to the community. Public access to highly confidential record can cause irreversible damage to one’s reputation. The marks from physical harm can go away, but emotional, psychological, and social damage can take a lifetime to heal. I am humbly asking that SB 2002 not be passed into law for the sake and sanity of my fellow foster brother and sisters. Thank You.

SB2002
Submitted on: 1/28/2014
Testimony for HMS on Feb 4, 2014 13:00PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Wada	Individual	Oppose	No

Comments: The confidentiality for the child(ren) is paramount. The bill will make public the child(ren)'s identity and the wrongs suffered by them. Also will hinder the process for parents to work on their issues if their mistakes are publicized when they want to admit their wrongdoings and get help.

KEVIN ADANIYA'S OPPOSITION
STATEMENT TO S.B. NO. 2002

My name is Kevin Adaniya, and I am an attorney who is appointed by the Family Court as Guardian Ad Litem for children in child protective proceedings. As a Guardian Ad Litem, I advocate for the best interest of the children for whom I am appointed.

I am writing to express my strongest possible opposition to S.B No. 2002. If S.B. No. 2002 is passed, it would open up hearings and court records in child protective proceedings in all but the most exceptional cases. The identities and circumstances of the children and parents in these proceedings would be known by anyone and everyone who desires it.

My question is why? Why would these proceedings be singled out as the only type of Family Court cases open for all the public to see?

As for why not, the answer is obvious–for the sake of the children. The children are already the victims in these proceedings. They should not be victimized further by having their lives opened up to public scrutiny. And if this bill is passed, its impact will be that the children will start withholding information necessary for protecting their welfare because they don't want every Tom, Dick and Harry to know about it.

I can only guess that the motivation behind S.B. No. 2002 is to make the child protective system more accountable. While such a motivation is a laudable one, the means for achieving it should not victimize and put at additional risk the very children we are duty-bound to protect.

January 28, 2014

SEANTOR SUZANNE CHUN OAKLAND, Chair
Committee on Human Services
State Capitol
415 Beretania St.
Honolulu, Hawaii 96813

Re: Senate Bill 2002
Relating to Child Protective Proceedings
Hearing Date: February 4, 2014 1:00pm, State Capitol Room 016

Dear Senator and Committee Members:

We are court appointed Guardian Ad Litems ("GAL") for minors in Child Protective Proceedings. We oppose the above-stated bill as it would be detrimental to the process as a whole, will negatively affect parents/caretakers and be most harmful to the children involved.

In our experience the children we serve are already traumatized at the outset of the case - by the abuse that has been perpetrated on them, removal from their parents/guardians and severely affected by the current state of their family. The above-stated bill would greatly negatively impact any efforts to reunify the family, and more so impede any efforts to heal the child.

Our main goal as a GAL is to advocate and protect the best interest of our child/ren. An ongoing issue that we have is to protect the privacy of our child/ren. Should child protective proceedings be open, the child's information would be available for anyone to see: the school they attend, their academic progress, the therapist and other doctors they may be seeing, as well as any mental health or medical updates, and their individual thought and feels as to what is happening in the legal process regarding their own lives. As private individuals we anticipate this type of information to be private, and known to only to those who we chose to release the information to.

These same children are able to speak directly to the judge and provide their individual thoughts and feelings as to their family's specific situation; and basically participate in what is essentially "their case." It's been our experience that majority of our children want to be heard. As their GAL we encourage their participation by addressing the court either directly or via their GAL. This is a task that can be very overwhelming and nerve-racking for any person, particularly a minor. The added pressure of even being aware that "everybody knows or will know," or potentially having an "audience" as to their private affairs, would certainly inhibit this process, and ultimately discourage any participation.

If there are concerns by extended family members who are trying to obtain information in an attempt to assist the child and their family, a mechanism already exists via EPIC `Ohana Conferencing. This mechanism allows for a more in depth discussion among extended family members and Child Welfare Services.

Thank you for the opportunity to comment on this bill.

Caroline Cobangbang
PO BOX 893476
Mililani, HI 96789
Guardian Ad Litem

Kim Hasegawa
PO BOX 894036
Mililani, HI 96789
Guardian Ad Litem

Leslie Cintron

COMMITTEE ON HUMAN SERVICES

Honorable Senator Suzanne Chun Oakland, Chairperson

Honorable Senator Josh Green, Vice Chair

DATE: Tuesday, February 4, 2014 at 1:00 pm
PLACE: Conference Room 016

POSITION: STRONGLY OPPOSE SENATE BILL 2002 RELATING TO CHILD PROTECTIVE PROCEEDINGS

My name is Leslie Cintron, and I am a former foster youth emancipated from the Hawaii Child Welfare system in 2001. I also work as a Conference Coordinator for EPIC 'Ohana, Incorporated which is a neutral, nonprofit organization working with families involved with Child Welfare Services (CWS). I strongly oppose SB 2002 for the following reasons:

- Court hearings made public can potentially add another layer of trauma to children. Children experience trauma not only within the home consequently involving CWS, but from being removed from the family home as well. Having sensitive information made public will only add another layer of unnecessary trauma as peers, other members in the community, extended relatives, etc. may not be supportive and/or understanding of the situation thereby exasperating the situation.

- Children should have a right to share their traumatic experiences in their own timing and not a moment sooner. With information being made public, a child may not be ready for their experiences to be known. Further, not all children may want to know the extent of what happened in their family, but with information being made public, the sensitive details of their past may be heard from others before they are ready.

- Parents may not be in the right state of mind to present clear and convincing information to the presiding judge to keep the case private. The hindrance may be due to a low-functioning parent, mental issues, drug or substance abuse issues - or even a combination of these things. Further, there are so many things happening at the beginning of the case opening, that parents may not even know about court being a public matter until it is too late.

- Parents may experience job or housing discrimination thereby making it harder for them to provide for their children, or to have a steady home. My understanding of child welfare intervention is to help parents provide a safe home through services and eventually move forward. It is a low point for the family, but many families get healthy and stable again in due time. Having information available to the public may make it harder for families to seek and keep employment and/or housing. (This writer understands criminal charges are public, but not all CWS cases have criminal charges).

Thank you for this opportunity to testify on this measure.

My name is Terrance Tom, and I am submitting written testimony in strong opposition to SB2002.

As a former legislator, serving in the State House for sixteen years from 1982 to 1998, I focused on legislation to improve the rights, benefits, and safety of Hawaii's keiki. SB2002 will not serve to preserve and protect the rights, benefits, and safety of Hawaii's children by making child protective proceedings involving children's personal lives, and sensitive family matters and issues open to the public.

After leaving the Legislature, I was privileged, and continue to serve as a Guardian Ad Litem in the Family Court, advocating for the safety, well-being, and best interests of children subjected to harm, and threatened harm, in their homes, under the protection of the Child Protective Act. As Guardian Ad Litem for over fifteen years, I have represented children from birth to adulthood subjected to all kinds of harm ranging from: physical injuries, sexual abuse, drug exposure, lack of food, shelter and medical care, and educational and other neglect, just to name a few.

This Bill seeks to make child protective proceedings open to the public. In the bill, there is a very narrow exception to close a child protective hearing if a party to the proceeding, other than an authorized agency, can prove by clear and convincing evidence that an open hearing would cause severe emotional distress to the child. The standard of "clear and convincing evidence" is an extremely high standard to meet, therefore, resulting in opening up to the general public a majority of child protective proceedings. Based on my experience working with children subjected to the child protective system, even the simplest of cases will have an adverse impact on every child. To open up child protective proceedings to the public would be a travesty of justice for children who have already experienced enough grief and tragedy, only to have their broken lives become an open book for everyone to read. With the passage of this Bill, as Guardian Ad Litem for children, I would be unable to advocate for their best interest effectively, and the entire legal system aimed at protecting the rights, privileges, and safety of our children in court would surely be compromised and subjected to public scrutiny and debate. In other words, all the hard work through past legislation to improve the quality of life of our children would result in taking many steps backwards with the passage of SB2002.

I respectfully urge the committee members to shelve SB2002 because it would be "bad law" for Hawaii's children.

Terrance W.H. Tom, Esq.
220 S. King Street, Suite 1675
Honolulu, HI 96813
Telephone: 521-2333

HAWAII STATE DEPARTMENT OF HEALTH

DATE: 02-03-14

LEGISLATIVE BRIEF SHEET
(FOR INTERNAL USE ONLY)

MEASURE No.: SB2002
COMPANION MEASURE No.:
COMMITTEE REPORT No.:
ADMIN. BILL No.:

TITLE: SB2002 – Relating to Child Protective Proceedings
DOH POSITION: Oppose
SUMMARY and ANALYSIS: The measure requires child protective proceedings and records to be open to the public unless a party to the proceeding can prove by clear and convincing evidence that an open hearing would cause the child severe emotional distress. The measure is introduced by Sen. Chun Oakland.
FISCAL IMPLICATION: None
Position Description : CAMHD opposes the measure because revealing the most intimate details of abuse, sex abuse and neglect would be traumatic to children. Today's technology could make that public informationi immediately available on social media, which would stigmatize the children. Children should not bear the burden of proving that the open hearing/records would cause severe emotional distress. On behalf of children, the department takes the position than open hearings/records would cause severe emotional distress.
INTRODUCED BY: Sen. Suzanne Chun Oakland

COORDINATION and THOSE FOR OR AGAINST THE MEASURE – Include Names, Departments or Association, Contact Information, Date(s) of Discussions.

a. **Internal:**

b. **External:**

ACTION:
☒ **Submit written testimony and testify.**
☐ **Submit written testimony only.**
☐ **Write to Chair only.**
☐ **Do not submit testimony.**
☐ **Other:**

POSITION:
☐ **Strongly Support**
☐ **Support.**
☐ **With Reservations/Suggestions.**
☒ **Oppose.**
☐ **Other:**

BRIEF PREPARED BY: Sandra Pak, Planner **PHONE:** 733-8383
EMAIL: Sandra.pak@doh.hawaii.gov
BRIEF APPROVED BY: **DATE:** 02-04-14
Division Chief/Staff Officer

****** THE FOLLOWING IS FOR THE DIRECTOR'S OFFICE USE ONLY ******

___ASO
___HRO
___DD, Health Resources
___DD, Environmental Health
___DD, Behavioral Health

[ ]Approved.
[ ]Approved, but needs modification; see Director's Comments above.
[ ]Do not testify.
[ ]OPPPD Comments:

Measure No.: Error! Reference source not

Committee Report No.:
Date: Error! Reference source not found.

___DD, Administration
___Director