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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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March 21, 2016

TO: The Honorable Jill N. Tokuda, Chair
Senate Committee on Ways and Means

FROM: Rachael Wong, DrPH, Director

SUBJECT: **HB 2465 HD1 - RELATING TO NON-GENERAL FUNDS**

Hearing: Wednesday, March 23, 2016, 9:15 a.m.
Conference Room 211, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) agrees with the intent of the measure and with the amendments of the House Committee on Finance to change the revenue source of the Spouse and Child Abuse Special Account (Part IV) to general fund appropriations.

PURPOSE: The purpose of this bill is to repeal and transfer the unencumbered balances of or amends various non-general funds and accounts recommended by the Auditor in Auditor's Report no. 15-19. The bill also amends the revenue sources of the Spouse and Child Abuse Special Account and appropriates unspecified general funds.

The Auditor agreed that the Spouse and Child Abuse Special Account (SCASA) served the purposes for which it was created. However, the auditor questioned the link between SCASA and revenues derived from a portion of fees for copies of birth, marriage, divorce, and death certificates, and marriage licenses issued by the Department to Health pursuant to sections 338-14.5 and 572-5, Hawaii Revised Statutes (HRS). House Committee on Finance amended the measure to replace these revenues with an unspecified general fund appropriation.

In State Fiscal Year 2015, the SCASA received \$346,258 in revenue from fees generated for vital records from the Department of Health. This amount represents more than half of the \$491,138 total revenues the SCASA received. Replacing the revenue source with a general funds

appropriation would support the ability of the Department to fulfil the purpose of the special fund. The Department requests that the general fund appropriation approximate or match revenue amounts derived from license fees.

The SCASA fund provides for domestic abuse programs that serve 2,000 adults and 7,000 children. Of those adults, 60% are married; one-third are divorced, and more than three-quarters of those served are children. The fund also provides for additional child welfare services where children and their families receive assistance, and when there are changes in federal law that require DHS to implement new programs and or protocols.

For example, as required by Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act (2014), effective October 2015, Child Welfare Services (CWS) developed and implemented protocols to identify, assess, and determine appropriate services for children in the placement, care, or supervision of CWS, who are at-risk of becoming sex trafficking victims or who are sex trafficking victims. Without specific funding, the CWS relied on SCASA funds to implement new protocols, provide statewide training of case workers, procure crisis response/support/advocacy services for victims, and develop a reporting and tracking system. Since August 2015, 11 victims of sex trafficking have been confirmed, with 6 in February 2016 alone. It is anticipated that as CWS staff and our community partners are trained and become more aware of trafficking issues and indicators, the census will likely increase.

Additionally, effective May 29, 2017, Public Law 114-22, the Justice for Victims of Trafficking Act of 2015 requires that CWS identify, assess, and provide appropriate services to all minor victims of sex trafficking, regardless of parental abuse or neglect. This law is also unfunded and is anticipated to, at minimum, double the number of victims who require services to ensure their safety and wellbeing. Additional funding will be needed to expand the scope and capacity of the human trafficking services contract; if no new funding is forth coming, SCASA funds will be used.

Domestic violence is costly to individuals and their families as well as to societal costs, such as civil and criminal justice systems, loss of work, school absenteeism, and human services in general. Domestic violence affects all economic, education levels, age and ethnic groups. Consequently, intervention by multiple systems working collaboratively is required to address domestic violence, child abuse and neglect, and family violence, and funds are required to support these interventions. The following information is shared to highlight that funds for additional

services and programs for whole families are required to successfully address domestic violence and child abuse.

The National Alliance to End Homelessness reports that domestic violence survivors make up approximately 12% of the sheltered homeless population and that domestic violence is the immediate cause of homelessness for many women. The American Association for Marriage and Family Therapy notes that, in almost 20 percent of all marriages, couples physically assault one another. It has found that emotional abuse is even more common. The National Domestic Violence Hotline also found that a child witnesses violence in 22% of intimate partner violence cases filed in state courts. Additionally, 30 to 60% of perpetrators of intimate partner violence also abuse children in the household. One study found that children who were exposed to violence in the home were 15 times more likely to be physically and /or sexually assaulted than the national average.

In the State of Hawaii Violence Against Women Grant Implementation Plan, the Department of the Attorney General reported that between 2008 and 2012:

1. Domestic violence increased 18% statewide in the category of Abuse of Family or Household Members (2,586 to 3,044);
2. Temporary Restraining Orders (TRO) issued by Family Court increased by 14% (4,532 to 5,169); and
3. Most seriously, over a five-year period, there were a total of 46 murders involving domestic violence.

It is critical that SCASA continue to receive adequate revenue to provide resources and services for adults and children who have experienced abuse and need support beyond what restricted federal funding may allow, as well as other needed training resources for responders and service providers who work with children and families experiencing trauma. The Department appreciates and supports the amendment to replace the revenue source with unspecified general fund appropriations.

Thank you for the opportunity to testify on this measure.



25 Years

To: Chair Jill Tokuda
Vice Chair Donovan Delacruz
Members of the Committee
FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: H.B. 2465 HD 1 Opposed/Comments

Aloha. There is a section in this Bill that deletes the deposit of monies collected from marriage license, birth certificate and death certificates into the Child and Spouse Abuse Account. These funds are divided among Hawaii's agencies and branches of government (Department of Health, Department of Human Services and Judiciary) to assist in the support of community programs and necessary initiatives (ie. Fatality Review Team, training for judges) related to the perpetration of domestic violence.

There was a lawsuit filed in Illinois by a plaintiff asserting that the fees added to her marriage license were burdensome and a violation of her due process and equal rights protections. Funds are used in Illinois similarly, to support community programs. The Court found that not to be the case and in fact, asserted that *"we believe that the legislature's imposition of a small charge on marriage license applicants is reasonably related to the Fund's narrow purpose of helping married victims of domestic violence leave violent marriages. As we find that the tax bears a rational relationship to a legitimate legislative purpose, the plaintiff's due process claim fails."*

Funds collected in Hawaii, and used to support programs, training and system examination are most definitely related to the lives of married people and children. There can be no clearer connection than exists between marriage, children and domestic violence. Transitional housing, for example, is key to a survivors successful journey to safety and self-sufficiency. Funds (planned) and allocated for FY 2016 include \$200,000 for transitional housing for domestic violence survivors and children.

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25 Years

Another thought worth consideration is the fact that the costs of responding to domestic violence are enormous and persistent. Government funds to support responsive programs are always at risk and often reduced. The array of revenue sources is crucial to maintaining programs to address the complex needs. The costs to our community are much greater than are calculated.

The truth is a healthy community has its roots in safe families. Law enforcement, courts, health care, education, child welfare, and incarceration are all connected to violence in intimate partnerships and families. Without a strong commitment to addressing domestic violence we are diluting the hopes for a safe community in the future.

Thank you for preserving this Fund.

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March 23, 2016

TO: The Honorable Jill Tokuda, Chair
Members of the Senate Ways and Means Committee

FROM: Ronald M Higashi, Executive Director
Susannah Wesley Community Center

Shante William, PsyD
Program Coordinator/Director
Human Trafficking Victim Assistance Program
Susannah Wesley Community Center

Subject: Testimony HB 2465 HD1

Chair Tokuda and members of the Senate Ways and Means Committee,

My name is Ronald Higashi. I am the executive director of Susannah Wesley Community Center (SWCC) located in the Kalihi community on the island of Oahu. This is Shante Williams, the coordinator/director of our agency's Human Trafficking Assistance Program

SWCC supports the intent of HB 2465 HD1, the stabilization of funding for much needed humans services and the inclusion of addressing Public Law 114-22, the Justice for Victims of Trafficking Act of 2015. From our understanding this is an unfunded mandate.

SWCC has been providing services to human trafficking victims for almost ten years. Over this period of time, a long term stable source of funding for this critical service was not available. Funding for the program has been through primarily grant monies, private and government grants with limited time frames. We are grateful for the support of the Omidyar Ohana Fund, United Methodist Women, and many other private sources of funding for the program over the years. We also part of a three year grant from the Department of Justice, Office of Victims of Crime (OVC) in partnership with the Office of Community Services, DLIR.

Currently in partnership with Parent and Children Together and Hale Kipa, we are in the process of finalizing a contract awarded through the Request for Proposal (RFP) process with Child Welfare Services (CWS) division to provide victim assistance services on each major island. The intent is to address the new federal mandate.

What has been missing from our perspective is a longer term government commitment to continue much needed work with victims of human trafficking. We see this bill as a way of moving toward that goal.

Please contact me there are any questions.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: lhirano@tghawaii.com
Subject: Submitted testimony for HB2465 on Mar 23, 2016 09:15AM
Date: Tuesday, March 22, 2016 7:04:51 PM

HB2465

Submitted on: 3/22/2016

Testimony for WAM on Mar 23, 2016 09:15AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Lorrin Hirano	Individual	Support	No

Comments: Thank you for the opportunity to express support for the intent of House Bill 2465. The need for funding social services to address human trafficking of minors is critical and important for the community. Thank you again.

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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