

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
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EMAIL: oip@hawaii.gov

To: House Committee on Human Services

From: Cheryl Kakazu Park, Director

Date: March 15, 2016, 9:00 a.m.  
State Capitol, Conference Room 329

Re: Testimony on S.B. No. 2318, S. D. 2  
Relating to Address Confidentiality

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Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) takes no position on the substance of this bill, which would establish an address confidentiality program, but is testifying to **suggest clarification** of provisions relating to chapter 92F, Hawaii’s Uniform Information Practices Act (UIPA).

Proposed section \_\_\_-10(a), beginning at bill page 17, line 16, provides that disclosure of a participant’s actual address is presumed to be an unwarranted invasion of personal privacy and the address shall not be disclosed “unless required by chapter 92F,” and then goes on to set standards for when a **court** may order the disclosure of an actual address and to provide that a **court order** requiring disclosure must be stayed while the participant is notified. However, under the UIPA, a record requester has the alternative of going **either to court or to OIP** to seek a determination as to whether a record must be disclosed under the UIPA. The stay provision and disclosure standards of this subsection do not address the possibility that a requester might appeal to OIP instead of appealing to court. Thus, under the current language a member of the public seeking access to a

participant's real address – quite possibly the very abuser the participant is concerned about – could still seek a decision from OIP on whether the address confidentiality program must disclose the real address, and if OIP's decision found that disclosure was required, no stay prior to disclosure would be required.

**OIP supports the amendment proposed by the Crime Victim Compensation Commission, which would clarify that disclosure is only pursuant to court order and set standards for when a court may so order.**

Additionally, OIP notes that the **UIPA has mandatory disclosure provisions at HRS section 92F-12(a)(5) and (12) that would require state and county agencies to release names connected to address-related records** such as land ownership and property tax records and board of water supply records of water consumption. **A possible fix for the water consumption records would be to provide in this bill that an address confidentiality program participant may obtain water service under a pseudonym.** The use of a pseudonym in property tax and land ownership records would be considerably more problematic; however, this Committee may find it unnecessary to address the disclosure of landowners' names given that program participants seeking to hide from an abuser would probably not be residing at an address to which they held legal title

Thank you for considering OIP's comments.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA  
CYD HOFFELD  
JUDY KERN  
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March 15, 2016

To: Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the House Committee on Human Services

From: Cathy Betts  
Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support, SB 2318, SD2, Relating to Address  
Confidentiality

Thank you for this opportunity to testify in strong support of SB 2318, SD2, which would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking. This program would assist victims by allowing them to use a substitute legal address in place of their physical address. Additionally, this bill would provide for a mail forwarding system for program participants, so that perpetrators of violence will not be able to seek out and find victims' physical addresses.

More than 30 other states in the nation have enacted and successfully implemented address confidentiality programs. The program originated in Washington in 1991. Lawmakers saw a need for victims to remain safe, yet still remain accessible for service of process, child support enforcement, voting and drivers license registration, etc.

It has become increasingly simple for abusers to find their victims. Abusers can become quite capable of using public data to find information on their victims. In cases of domestic violence, sexual assault, and stalking, this entails the intensive use of people search engines, impersonation, stealth use of public resources, using social media profiles, etc. Finally, courts often request this information of victims in custody and protective order proceedings. If a victim is pro se, does not understand the court system, is intimidated by the process or has limited English proficiency (LEP), it becomes increasingly difficult for a victim to safeguard her confidential location.

Other states that have successfully implemented address confidentiality programs see the programs as vital to protecting victims of violence. However, the programs are most successful when government agencies communicate and collaborate with victim service agencies to make victims' safety and privacy a priority. The Commission urges the passage of SB 2318, SD2.

Thank you for this opportunity to testify.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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MARI McCAIG  
Chair

MARTHA ROSS  
Commissioner

ABELINA M. SHAW  
Commissioner

PAMELA FERGUSON-BREY  
Executive Director

TESTIMONY ON SENATE BILL 2318 SD2  
RELATING TO ADDRESS CONFIDENTIALITY

by

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

House Committee on Human Services  
Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair

Tuesday, March 14, 2016; 9:00 AM  
State Capitol, Conference Room 329

Good morning Chair Morikawa, Vice Chair Kobayashi and members of the House Committee on Human Services. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support with the amendments suggested by the Women's Coalition of Senate Bill 2318 SD 2 relating to address confidentiality.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission.

During the legislative recess, the Commission was part of a working group led by the Women's Coalition that collaboratively created a draft of an address confidentiality bill to address the concerns that were raised during the last legislative session. The Commission supports the creation of an address confidentiality program that would provide victims of domestic violence, sexual assault, and stalking with another safety planning tool. The working group continues to work with the Department of the Attorney General on the placement of the program and ensuring that the program will be victim-centered and victim-sensitive. Additionally, the working group is willing to continue working on the draft to address concerns or issues.

Based on suggestions raised by the Office of Information Practices, the Child Support Enforcement Agency, and victim groups, the following amendments are requested:

1. Amend § -10(B)(2)(A) To Clarify That A Participant's Actual Address Can Only be Disclosed By a Court Order And To Require An Compelling Purpose Instead Of An Legitimate Purpose For Disclosure Of An Address.

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In prior testimony, the Office of Information suggested amendments to clarify that a participant's address can only be disclosed by a court order and cannot be disclosed through a request through the Office of Information Practices. Concern was also raised that requiring a legitimate purpose was too low of a standard and that a compelling reason should be required. A possible amendment could read:

§ -10 Disclosure of actual address prohibited; penalty. (a) Disclosure by the program of a program participant's actual address shall be prohibited unless required by ~~chapter 92F~~ a court order. There shall be a presumption that the disclosure of any record of the program constitutes an unwarranted invasion of privacy and any applicant or program participant has a significant privacy interest in any information provided to the program.

(b) No court shall order the disclosure of a program participant's actual address unless:

~~—(1) Required by section 92F-15; or~~

~~—(2) The the court finds by clear and convincing evidence that:~~

~~(A)~~ (1) The disclosure of the actual address is necessary for a legitimate compelling purpose;

~~(B)~~ (2) The use of the substitute address would unduly frustrate the legitimate- compelling purpose; and

~~(C)~~ (3) Taking into consideration the safety of the program participant, there is no reasonable alternative to disclosure of the actual address.

2. Amend § -6 To Delete Subsection (d) To Allow The Program To Develop its own Policies For Handling Undeliverable Mail.

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The Child Support Enforcement Agency requested that subsection (d) be amended to require the program to return mail instead of being able to dispose of the mail after 60 days. The working group recommends that the subsection be deleted to allow the program to develop its own policies for handling undeliverable mail.

Thank you for providing the Commission with the opportunity to testify in strong support with amendments of Senate Bill 2318 SD2.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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KEITH M. KANESHIRO  
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ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE DEE MORIKAWA, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawai`i**

March 15, 2016

**RE: S.B. 2318S.D.2; RELATING TO ADDRESS CONFIDENTIALITY.**

Chair Morikawa, Vice-Chair Kobayashi, and members of the House Committee on Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 2318, S.D.2,

The purpose of S.B. 2318, S.D.2 is to establish an Address Confidentiality Program for victims of domestic violence, sexual assault, and stalking. We strongly endorse such a program and see significant benefits for the victims in the cases that our Department prosecutes. We are familiar with and have cooperated with similar programs in other states and have had victims who participate in those programs tell us that this is the type of resource that Hawaii victims of domestic violence and sexual assault desperately need.

For the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 2318, S.D.2. Thank you for the opportunity to testify on this matter.



**TO:** Chair Morikawa, Vice Chair Kobayashi, and Members of the House Committee on Human Services

**FROM:** Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

**DATE/LOCATION:** March 15, 2016; 9:00 a.m., Conference Room 329

**RE: TESTIMONY IN STRONG SUPPORT OF SB 2318, SD2 – RELATING TO ADDRESS CONFIDENTIALITY**

**I strongly urge you to support SB 2318, SD2 – Relating to Address Confidentiality.** Every year in the United States, 12 million people (24 people per minute) become victims of rape, physical violence, or stalking by an intimate partner. 76% of the women who were killed by intimate partners and 85% of women who survive homicide attempts are stalked prior to the incident. Attempting to escape from an abusive relationship is one of the most dangerous periods the victim goes through as they put themselves and close ones at risk of encountering the perpetrator.

Establishing confidentiality of location is essential to ensure the safety of the survivor and those around them. The provisions of this bill will provide victims and survivors protection from further harm of the perpetrator, and will act as support to their healing processes. Survivors have the right to protection in these dire situations and it is to the authority to make these services available to them.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 18,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 16 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, child and adolescent behavioral health programs, and community building programs.

Thank you for the opportunity to testify in **strong support of SB 2318, SD2**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.



March 14, 2016

Representative Dee Morikawa, Chair  
Committee on Human Services

**Re: S.B. 2318, S.D.2 Relating to Address Confidentiality**

**Hearing: Tuesday, March 15, 2016, 9:00 a.m.**

Dear Chair Morikawa and Members of the Committee on Human Services:

Hawaii Women Lawyers submits testimony in **strong support** of S.B.2318, S.D.2, which would establish an address confidentiality program to help survivors of domestic violence, sexual assault, and stalking to relocate and keep their addresses confidential. The bill also appropriates funds to establish the program.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

This measure will help to protect women who are victims of domestic violence, sexual assault and stalking, by protecting their location and keeping them safe as they are trying to escape from domestic violence or sex assault situations. With the technology available today, it has become increasingly easier to locate victims via publicly available data and social media. The program proposed in the bill to protect victims' safety will help to address this issue, and has been implemented successfully in many other states.

We understand that many stakeholders worked on the details of the provisions in the current bill, and are in support of the amendments made.

We respectfully request that the Committee pass S.B. 2318, S.D.2. Thank you for the opportunity to submit testimony on this measure.





*25 Years*

**To:** Chair Dee Morikawa  
Vice Chair Bertrand Kobayashi  
Members of the House Committee

**From:** Nanci Kreidman, M.A.  
Chief Executive Officer

**Re:** S.B. 2318 SD 2 Address Confidentiality

Thank you for the opportunity to provide testimony in support of this Bill establishing an Address Confidentiality Program (“ACP”) in Hawaii. The ACP creates a mechanism to assist survivors of domestic violence, sexual assault, and stalking relocate and keep their addresses confidential.

Since 1991, thirty-six states enacted legislation and launched ACP’s. The legislative intent of every program is to protect the location of a survivor’s actual address and reduce the risk of future harm. Women in Hawaii who are fleeing domestic abuse must leave their home and relocate to a safe place. However, each woman is only safe so long as her abuser does not track her down. Advancing Internet technologies, the release of personal information by state agencies, and Court-ordered disclosures in family court proceedings make it easier than ever for abusers to locate survivors. The risks may also prove deadly for the woman who underestimates the lengths to which her abuser will go to continue the abuse. Further, the fear of having identifying information disclosed has actually deterred survivors from filing restraining orders, and divorce complaints.

There are countless women whose lives may be saved as a result of this legislation. These are not perceived or imagined threats to survivor’s safety. Last year, a survivor of sexual assault was terrorized in her home by her abuser two and a half years after she relocated. We are aware of an instance where a woman with a young child reported her abuser found her months after she relocated. He sat outside her home in his car. After enduring years of domestic abuse, his presence alone was a threat. There is no question an ACP is necessary in the State of Hawaii.

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*25 Years*

This testimony is provided to your committee to respectfully request the passage of Senate Bill 2318 SD 2, which reflects a significant legislative concern for survivors of domestic violence, and a desire to facilitate their efforts to start a new life free from abuse.

We shall look forward to favorable action on this Bill. Thank you.

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25 Years

### REQUESTED CHANGES TO SB 2318

1. Page 2, after line 15, add definition of agency that includes city and county departments, boards, bureaus, commissions, court divisions, offices, counsels or agencies.

*Reason:* Driver's licenses and car registrations are handled by the counties and are two of the most public items that reveal a person's address. For program participants to have the protection they need, the city and counties agencies must be included.

*Proposed language:* "Agency" means any department, board, bureau, commission, court, division, office, council, or agency of the State, City, or County.

2. Page 3, lines 3-4, delete the department of accounting and general services as the department responsible for the address confidentiality program.

soon.

*Reason:* Other agencies are discussing the placement of the program and hopefully a decision will be made

*Proposed language:* "Department means the department of \_\_\_\_\_"

3. Page 3, lines 10-15, delete definition of resident.

*Reason:* There does not appear to be a good reason to require a person to be a resident to apply to the program. This allows a former Hawaii resident who just moved or is about to move from the mainland to escape his or her abuser to be program participant. The requirement that the actual address be a Hawaii address (see section 3(b)(5)) will prohibit someone who does not live in Hawaii from using the program. A residency requirement may also have constitutional implications.

4. Page 4, line 6-8, delete definition of state agency.

*Reason:* City and county agencies must be part of the program for it to succeed and a definition of "agency" was added.

5. Page 5, line 3, delete the department of accounting and general services as the department responsible for the address confidentiality program.

soon.

*Reason:* Other agencies are discussing the placement of the program and hopefully a decision will be made

*Proposed language:* "Department means the department of \_\_\_\_\_" ..

6. Page 6, line 8, delete the word "hire" and substitute "designate"

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*25 Years*

*Reason:* The applicant assistants, by definition set forth in §-1, are employees of other organizations. Also to hire applicant assistants would increase the financial needs of the program.

*Proposed language:* (c) The program director shall designate applicant assistants to assist applicants . . . .

7. Page 6, line 18, delete the residency requirement for a minor

*Reason:* There does not appear to be a reason to require a minor to be a resident of Hawaii at the time of the application.

*Proposed language:* resident who resides with the parent or guardian; or

8. Page 12, lines 11-19, include language to make it clear that a secondary participant's participation in the program ends when the primary participant's participation in the program ends for any reason.

*Reason:* The secondary participant's enrollment in the program is solely to ensure the protection of the primary participant's safety. If the primary participant is no longer enrolled, there is no reason for the secondary participant to be in the program.

*Proposed language:* Upon the determination that an application has been properly completed, the program director may certify the secondary applicant as a secondary program participant and issue the secondary program participant an address confidentiality, program authorization card that shall include the program participant's substitute address and remain valid for the same period of time as the program participant's certification; provided that the certification may be cancelled pursuant to section -6 or if the program participant's is cancelled for any reason.

9. Page 14, line 5, as a housekeeping matter, adding that the failure by the secondary participant (in addition to the primary participant) to renew the application should also be a basis for cancellation of participation in the program

*Reason:* This creates consistency for primary and secondary participants.

*Proposed language:* A renewal application pursuant to section -3(d) or -4(d) is not received or approved by the program; or

10. Page 18, line 16 to page 20, line 2, modifies § -10 to distinguish between the disclosure of public records pursuant to HRS chapter 92F and disclosure pursuant to a court order and also clarifies that penalty for knowingly disclosing an address applies to employees of the program as well as to any agency.

*Reason:* Disclosure pursuant to HRS ch. 92F is based on a member of the public asking the program to produce documents. The second standard is for situations such as in a child custody hearing



*25 Years*

when the court may ask the program participant to disclose his or her actual address to the other custodial parent. The second standard is so that the court in that situation will make a conscious effort to protect the safety needs of the program participant. The criminal penalty is necessary to deter employees who have access to the program participant's address from disclosing that address.

Proposed language: § -9 Disclosure of actual address prohibited; penalty. (a) Disclosure by the program of a program participant's actual address shall be prohibited unless required by chapter 92F. There shall be a presumption that the disclosure of any record of the program will constitute an unwarranted invasion of personal privacy and any applicant or program participant has a significant privacy interest in any information provided to the program.

(b) No court shall order the disclosure of a program participant's actual address unless: (1) Provided by section 92F-15; or

(2) The court finds by clear and convincing evidence that:

(i) The disclosure of the actual address is necessary for a legitimate purpose; (ii) The use of the substitute address would unduly frustrate the legitimate purpose; and

(iii) Taking into consideration the safety of the program participant, there is no reasonable alternative to disclosure of the actual address.  
disclosure of the actual address.

The court shall enter written findings and any conditions on the disclosure of the actual address that are necessary to reasonably protect the safety and privacy of the program participant.

(c) Any court order requiring the disclosure of a program participant's actual address shall be stayed for

10 days after written legal notice is provided to the program participant.

(d) No employee, volunteer, or any person with access to the records of the program or the records of any agency who has received a request from the program participant to use a substitute address, shall knowingly disclose any address or telephone number of a program participant other than the substitute address.

(e) Any person who violates section (d) shall be guilty of a misdemeanor.

11. Page 20, line 15 replaces comptroller with program director.

*Reason:* Agencies are discussing where the program should be placed.

*Proposed language:* § -13 Rulemaking authority. The program director shall adopt rules pursuant to chapter

91 as necessary to carry out the provisions of this chapter.

12. Page 21, line 4, deletes the department of accounting and general services as the department responsible for the address confidentiality program.



*25 Years*

soon.

*Reason:* Other agencies are discussing the placement of the program and hopefully a decision will be made

*Proposed language:* “Department means the department of \_\_\_\_\_”

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March 15, 2016

To: Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair and  
Members of the Committee on Human Services

From: Jeanne Y. Ohta, Co-Chair

RE: SB 2318 SD2 Relating to Address Confidentiality  
Hearing: Tuesday, March 15, 2016, 9:00 a.m., Room 329

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB 2318 SD2 Relating to Address Confidentiality which would establish an address confidentiality program for survivors of domestic violence, sexual assault, and stalking. This measure would provide a life-saving tool by allowing survivors to use a substitute legal address in place of their physical address. Additionally, it would provide for a mail forwarding system so that their physical address would remain confidential.

We support the amendments proposed by the Hawai'i State Commission on the Status of Women which were added to the bill in SD1.

Thirty-six other states in the nation have implemented address confidentiality programs. Violent partners are very resourceful and determined to harm their victims; the availability of search engines, social media, and other on-line resources have made it easier to discover personal information.

This confidentiality program will help to keep vulnerable women and children safe from their abusers. We urge the committee to pass this measure.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. Thank you for the opportunity to provide testimony.

**kobayashi2-Jessi**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 14, 2016 10:22 AM  
**To:** HUS testimony  
**Cc:** laurie.field@ppvnh.org  
**Subject:** \*Submitted testimony for SB2318 on Mar 15, 2016 09:00AM\*

**SB2318**

Submitted on: 3/14/2016

Testimony for HUS on Mar 15, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

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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# THE SEX ABUSE TREATMENT CENTER

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

*Executive Director*  
Adriana Ramelli

*Advisory Board*

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Linda Jameson

Michael P. Matsumoto

Robert H. Pantell, MD

Joshua A. Wisch

DATE: March 15, 2016

TO: The Honorable Dee Morikawa, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
House Committee on Human Services

FROM: The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women and Children

RE: Testimony in Strong Support of S.B. 2318 S.D. 2  
Relating to Address Confidentiality

Good morning Chair Morikawa, Vice Chair Kobayashi, and members of the House Committee on Human Services.

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 2318 S.D. 2, which would establish an address confidentiality program to help survivors of domestic violence and sexual assault relocate and keep their addresses confidential, and appropriates funds for this purpose.

Most sexual assaults are not committed by strangers, but by intimate partners, family members and acquaintances. Moreover, sexual assault often does not occur in isolation, but can be one feature of a pattern of violence and intimidation between non-strangers that also includes physical abuse and stalking. In order to ensure their own safety and the safety of loved ones, survivors are sometimes forced to relocate in order to avoid further actual or threatened violence.

Unfortunately, modern search technologies and access to public records make it easy for perpetrators to find survivors' new addresses. This places survivors in harm's way and can complicate the difficult task of recovering from the trauma of sexual assault.

By providing survivors the means to shield their actual locations through the use of substitute addresses, and by penalizing unauthorized disclosures of actual address information, S.B. 2318 S.D. 2 allows the State of Hawai'i to send a strong message that survivors have a right to privacy and safety. In addition, S.B. 2318 S.D. 2 represents an opportunity to place Hawai'i on equal footing with 36 other states that have already enacted address confidentiality programs.

The SATC also respectfully requests that the Committee please adopt the suggested revisions recommended by the Crime Victim Compensation Commission.

By ensuring that survivors of sexual assault who are forced to relocate to escape their attackers are able to enjoy the security and peace of mind that is due to them, your support of S.B. 2318 S.D. 2, is a powerful reaffirmation of the State of Hawai'i's commitment to protect its citizens from offenders of violent crime.



## HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

March 14, 2016

To: House Committee on Human Services  
Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair

From: Michelle Rocca, Training and Technical Assistance Director  
Hawaii State Coalition Against Domestic Violence

Re: Testimony in Support of SB 2318, SD2, Relating to Address Confidentiality

Good morning Chair Morikawa, Vice Chair Kobayashi, and members of the committee. On behalf of the Hawaii State Coalition Against Domestic Violence we thank you for the opportunity to share our testimony in **support of SB 2318, SD2** relating to address confidentiality. Address confidentiality for victims and survivors of domestic violence is a critical aspect of planning for long term safety. Protecting the location of a person who has left a violent relationship will promote long term safety and will likely reduce harassment, stalking attempts, and the day to day anxiety a person who has relocated experiences upon terminating the relationship. SB 2318, SD2 would make it possible for program participants to utilize a mail forwarding system that protects their physical address and prevents their perpetrators from having the ability to locate their current residence.

The safety of survivors in our community has always been an absolute priority for the Hawaii State Coalition Against Domestic Violence (HSCADV). Implementing a program that helps a victim's location remain unknown will support survivor safety and has been successfully executed in as many as 30 states across the nation. In recent years it has become increasingly simple for abusers to find their victims. Abusers often utilize data and information made available to them through the use of technology and public records as a means to locate their victims. The Address Confidentiality program would provide a necessary solution to what may be a very dangerous problem for many people in our state.

We support SB 2318 SD2, and we thank you for your consideration of this important measure.



March 14, 2016

To: Hawaii State House Committee on Human Services  
Hearing Date/Time: Tuesday, March 15, 2016 (9:00 a.m.)  
Place: Hawaii State Capitol, Rm. 329  
Re: Testimony of American Association of University Women –  
Hawaii in **support of S.B. 2318 S.D. 2**, relating to address  
confidentiality

Dear Representative Dee Morikawa (Chair), Representative Bertrand Kobayashi (Vice Chair), and Members of the Committees,

I am grateful for this opportunity to testify in **strong support of S.B. 2318 S.D. 2**, providing for address confidentiality of gender violence survivors (specifically of domestic violence, sexual assault, and stalking, each of them, serious crimes). The ability to use a substitute legal address is key to the safety of survivors.

My testimony is on behalf of the 442 members of the American Association of University Women (AAUW) in Hawaii, who list gender-based violence as an important current concern.

This submission is informed by many years of work in the field of domestic violence, and research conducted with survivors of intimate partner violence. In addition, when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and trained Advocates for Women to respond skillfully and empathetically to survivors of violence. At many times, we worked with police, courts, and other service agencies on behalf of survivors. At that time, New Zealand had address confidentiality, and it was an essential strand of police and court policy for maintaining survivors' safety. Providing this service for victims of violence is important since the ultimate penalty for survivors who are located by violent perpetrators is death or serious injury.

It should also be noted that in the USA, many other states (currently 30+) have enacted similar types of programs since the early 1990s. Given that we now have 25 years of data indicated the success of these laws for diminishing violence towards adults and children, the time seems ripe for moving S.B. 2318 S.D. 2 into Hawaiian law. Plus, the application form should be of a straightforward nature, so that an individual may apply for this service on her own, without requiring a lawyer.

In conclusion, passage of S.B. 2318 S.D. 2 is an important step in improving justice for women.

Thank you for the opportunity to testify.

Sincerely  
Susan J. Wurtzburg, Ph.D.  
Policy Chair

Edward Thompson, III

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 14, 2016 3:07 PM  
To: HUS testimony  
Cc: annsfreed@gmail.com  
Subject: Submitted testimony for SB2318 on Mar 15, 2016 09:00AM

**SB2318**

Submitted on: 3/14/2016

Testimony for HUS on Mar 15, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: Aloha Chair Morikawa, Vice Chair Kobayashi and members, We are in strong support of this measure to protect victims. Current judicial and other state policies require a victim to publicly disclose her residence giving her abuser knowledge of her whereabouts. This measure will remedy that appalling situation. Mahalo, Ann S. Freed, Co-Chair, Hawaii Women's Coalition

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**kobayashi2-Jessi**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 11, 2016 12:50 PM  
**To:** HUS testimony  
**Cc:** eb2@hawaii.edu  
**Subject:** \*Submitted testimony for SB2318 on Mar 15, 2016 09:00AM\*

**SB2318**

Submitted on: 3/11/2016

Testimony for HUS on Mar 15, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
liz Brown	Individual	Support	No

Comments:

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March 15, 2016

**Testimony in Support of SB2318 SD2, Relating to Address Confidentiality**

**To:** Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair  
Members of the House Committee on Human Services

**From:** Fawn Jade Koopman, Esq.

**Re:** Testimony in Support of SB2318 SD2, Relating to Address Confidentiality

I would like to thank this committee for the opportunity to provide testimony in strong support of SB2318 SD2 establishing an Address Confidentiality Program (“ACP”). This measure enables survivors of domestic violence, sexual assault, and stalking to relocate and maintain a confidential physical address by assigning victims a substitute address, forwarding participants mail, and acting as an agent for purposes of service of legal process.

It is easier than ever for offenders to locate victims. The combination of advancing Internet technologies and court-ordered address disclosures make it more and more challenging for victims to keep their physical addresses confidential from their offenders. In some circumstances, victims are deterred from filing restraining orders, divorce complaints, custody motions, and child support enforcement agency requests if they have relocated and fear their safety will be compromised. The intent of an ACP is to protect a survivor and to reduce the risk of future harm. An ACP will also ensure survivors may obtain full access to our courts and public agencies without fear of exposure.

These are not perceived or imagined threats to victims’ safety. In 2014, a woman was sexually assaulted in her home after her offender located her as a result of an order requiring the disclosure of her address for service of process. In early 2015, a woman reported her abuser found her months after she relocated using a free online search for utility bills and the City and County of Honolulu Real Property Division website. He sat outside her home in his car. After enduring years of domestic abuse, his presence alone was a threat. A couple months ago, a woman reported her offender was able to locate her three years after she moved to a secure and confidential location. She moved again, but was afraid to register to vote, to buy a home, or to obtain a cable bill in her name. These women are among many who would benefit from an ACP in Hawaii.

Since 1991, thirty-six states enacted and successfully implemented similar legislation and launched ACP’s. At the end of last year’s legislative session a working group was formed to research ACP’s across the nation and to collaboratively draft and tailor legislation to the needs of our community. This testimony is provided to your committee to request the passage of Senate Bill 2318 SD2, with the revisions and suggested language outlined below and as recommended by the Hawaii State Commission on the Status of Women.

The proposed changes are respectfully recommended as follows:

- 1) Page 17, ¶ 16: § -10 Disclosure of actual address prohibited; penalty.  
*Proposed language:*
  - (a) Disclosure by the program of a program participant's actual address shall be prohibited unless required by chapter 92F a court order. There shall be a presumption that the disclosure of any record of the program constitutes an unwarranted invasion of privacy and any applicant or program participant has a significant privacy interest in any information provided to the program.
  - (b) No court shall order the disclosure of a program participant's actual address unless:
    - (1) Required by section 92F-15; or
    - (2) The the court finds by clear and convincing evidence that:
      - (A) (1) The disclosure of the actual address is necessary for a compelling purpose;
      - (B) (2) The use of the substitute address would unduly frustrate the compelling purpose; and
      - (C) (3) Taking into consideration the safety of the program participant, there is no reasonable alternative to disclosure of the actual address.
- 2) Page 18, ¶ 8-10: § -10: Remove “legitimate purpose” and replace with “compelling purpose.”
- 3) Page 13, ¶ 16-19 § -6 to delete subsection (d).  
*Reason:* The program can develop its own polices on handling undeliverable mail.

Thank you for this opportunity to testify.



**kobayashi2-Jessi**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 14, 2016 11:01 AM  
**To:** HUS testimony  
**Cc:** breaking-the-silence@hotmail.com  
**Subject:** \*Submitted testimony for SB2318 on Mar 15, 2016 09:00AM\*

**SB2318**

Submitted on: 3/14/2016

Testimony for HUS on Mar 15, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

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Edward Thompson, III

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 14, 2016 12:14 PM  
To: HUS testimony  
Cc: dylanarm@hawaii.edu  
Subject: \*Submitted testimony for SB2318 on Mar 15, 2016 09:00AM\*

**SB2318**

Submitted on: 3/14/2016

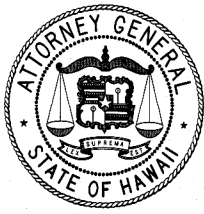
Testimony for HUS on Mar 15, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	Individual	Support	No

Comments:

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**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2016**

**LATE**

**ON THE FOLLOWING MEASURE:**

S.B. NO. 2318, S.D. 2, RELATING TO ADDRESS CONFIDENTIALITY.

**BEFORE THE:**

HOUSE COMMITTEE ON HUMAN SERVICES

**DATE:** Tuesday, March 15, 2016

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Stella M.L. Kam, Deputy Attorney General

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Chair Morikawa and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

This bill establishes an address confidentiality program that will assist victims of domestic violence, sexual offenses, or stalking by providing victims with a substitute legal address to be used by state and local government agencies in place of their physical address.

Pursuant to discussions between the Department and the Commission on the Status of Women regarding placement and implementation of the Address Confidentiality Program (Program), the Department is willing to have the Program placed with and implemented by us.

The Department also provides the following comments concerning this bill. First, the effective date of this bill, with the exception of section 4 regarding the appropriation, is January 1, 2017. We believe that additional time is needed to start up this program and ask that the effective date be changed to July 1, 2017.

Second, we suggest the following wording for subsection (d) of section -6, on page 13, lines 16-19, to allow the Program to develop policies and procedures concerning undeliverable mail:

(d) [~~Any~~] In accordance with program policies, any mail returned as undeliverable or any mail that continues to be received by the program following a certification cancellation [shall] may be returned to sender or destroyed sixty days after the certification cancellation date.

Third, we suggest revisions to section -10, on page 7, lines 16-21, and page 18, lines 1-2, of the current draft of the bill, which prohibits the program from disclosing a program

participant's actual address unless required by the Uniform Information Practices Act, chapter 92F, Hawaii Revised Statutes. Due to safety concerns for the Program participants, we believe that the effectiveness of the Program is better served if disclosure of a Program participant's actual address is prohibited unless disclosure is ordered by the court. We suggest the following wording for section -10:

**§ -10 Disclosure of actual address prohibited; penalty. (a)**

Disclosure by the program of a program participant's actual address shall be prohibited unless required by ~~[chapter 92F]~~ order of a court. There shall be a presumption that the disclosure of any record of the program constitutes an unwarranted invasion of privacy and any applicant or program participant has a significant privacy interest in any information provided to the program.

(b) No court shall order the disclosure of a program participant's actual address unless[=

~~(1) Required by section 92F-15; or~~

~~(2) The] the court finds by clear and convincing evidence that:~~

~~(A) (1) The disclosure of the actual address is necessary for a legitimate purpose;~~

~~(B) (2) The use of the substitute address would unduly frustrate the legitimate purpose; and~~

~~(C) (3) Taking into consideration the safety of the program participant, there is no reasonable alternative to disclosure of the actual address.~~

Our fourth concern is with section -12 of the bill, on page 19, lines 17-20, concerning Indemnification, which provides that "[n]othing in this chapter shall be construed to create a cause of action against the State, the counties, or any of their employees, agencies, officials, or volunteers except as set forth in sections -10 and -11." We believe that the reference to section -11 is in error since section -11 prohibits false attestation by an applicant or program participant that disclosure of their actual address will endanger their safety and also prohibits the applicant or program participant from knowingly providing false information on an initial application or renewal application. Accordingly, we suggest deleting the reference to section - 11 on page 19, line 20, of the bill.

We respectfully ask the Committee to pass this bill with the recommended amendments.