

# **HB1099 HD1**

Measure Title: RELATING TO REPORTS OF CHILD ABUSE.

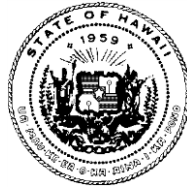
Report Title: Child Abuse; Reports

Description: Brings the State into compliance with the federal Justice for Victims of Trafficking Act of 2015 and the federal Child Abuse Prevention and Treatment Act of 2010. Amends the definition of "child abuse or neglect" to include sex trafficking. Clarifies that child abuse and neglect reports that are expunged from the State's central registry may be retained by the Department of Human Services for future risk and safety assessment purposes. Deletes the child abuse investigation disposition of "unsubstantiated" and replaces it with "not confirmed". (HB1099 HD1)

Current Referral: HMS, JDL

Introducer(s): SOUKI (Introduced by request of another party)

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

BRIDGET HOLTHUS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96808

March 15, 2017

TO: The Honorable Josh Green, Chair  
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1099 HD1 – Relating to Reports of Child Abuse**

Hearing: Friday, March 17, 2017, 2:50 p.m.  
Conference Room 016, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this Administration measure. We respectfully request that the Committee amend the measure by inserting May 29, 2017 as the effective date.

**PURPOSE:** The purpose of this bill is to bring the State into compliance with the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) by amending the definition of child abuse and neglect to include sex trafficking. Additionally, in accordance with the Child Abuse and Prevention and Treatment Act of 2010, (P.L. 111-320), the bill clarifies that child abuse and neglect reports that are expunged from the State's central registry may be retained by the department for the purposes of future risk and safety assessment,

These revisions specifically achieve the following:

- Adds sex trafficking and severe forms of trafficking to the definition of child abuse and neglect in Section 350-1.
- Deletes the child abuse investigation disposition of "unsubstantiated" and replaces it with "not confirmed". As the federal law has only two categories for child abuse investigation dispositions (confirmed and unconfirmed), unsubstantiated is not necessary. The elimination of unsubstantiated simplifies and provides clarity to families and staff.

AN EQUAL OPPORTUNITY AGENCY

- Clarifies that reports of child abuse and neglect that are expunged from the State's central registry may be retained by the department for future risk and safety assessment purposes.

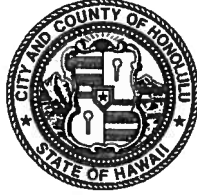
Provisions in the Victims of Trafficking Act of 2015 (P.L. 114-22) require states to come into compliance two years after the bill was signed into law or May 29, 2017. The department has already implemented procedures to ensure that trafficked children are identified and receive appropriate services; however, these federal mandates cannot be fully met without this proposed statute revisions. We ask that the committee amend the measure by inserting May 29, 2017 as the effective date.

Additionally, the Child Abuse and Prevention Act of 2010, P.L. 111-320, requires reports where there is no finding of child abuse or neglect to be expunged from the central registry, so the report cannot be used for employment or background check purposes. However, federal law allows states to maintain expunged reports for future risk and safety assessment purposes. should another investigation be necessary. If someone requested a Child Abuse and Neglect clearance for employment or background check and there was an expunged report, the expunged information would not be shared. However, if another subsequent child abuse or neglect report is received and an investigation is conducted, the prior report would allow DHS to see a pattern over time that may put a child at risk even if the individual reports were unconfirmed. Without the ability to keep the reports, DHS would have no way of seeing any kind of pattern. This is required to ensure that children are safe and not at risk in Hawaii.

Thank you for the opportunity to provide comments in support of this measure.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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LOUIS M. KEALOHA  
CHIEF

CARY OKIMOTO  
JERRY INOUE  
DEPUTY CHIEFS

OUR REFERENCE CT-TA

March 17, 2017

The Honorable Josh Green, Chair  
and Members  
Committee on Human Services  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Green and Members:

SUBJECT: House Bill No. 1099, H.D. 1, Relating to Reports of Child Abuse

I am Major Calvin Tong of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1099, H.D. 1, Relating to Reports of Child Abuse.

The HPD and the Department of Human Services share a strong collaborative effort to protect children from any form of abuse. The passage of this bill will give us a legal foothold in this effort.

In keeping with our conviction of sustaining and enriching communities, the HPD urges you to support House Bill No. 1099, H.D. 1, Relating to Reports of Child Abuse.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink, appearing to be "Cary Okimoto", written over a horizontal line.

Cary Okimoto  
Acting Chief of Police

Sincerely,

A handwritten signature in black ink, appearing to be "Calvin Tong", written in a cursive style.

Calvin Tong, Major  
Narcotics/Vice Division



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

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**TESTIMONY FOR HOUSE BILL 1099, HOUSE DRAFT 1, RELATING TO REPORTS  
OF CHILD ABUSE**

**Senate Committee on Human Services**

**Hon. Josh Green, Chair**

**Hon. Stanley Chang, Vice Chair**

**Friday, March 17, 2017, 2:50 PM**

**State Capitol, Conference Room 016**

Honorable Chair Green and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 350 members. On behalf of our members, we offer this testimony in strong support of House Bill 1099, HD 1, relating to reports of child abuse.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided direct intervention services to 130 victims, successfully emancipating them from slavery and assisting in their restoration. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily bonded to her pimp that while under his grasp, she couldn't remember her own name.

Sex trafficking is a profoundly violent crime. The Average age of entry into commercial sexual exploitation is 13-years-old, with 60 percent of sex trafficked children being under the age of 16. Approximately 150 high-risk sex trafficking establishments are operational in Hawai'i. An estimated 1,500-2,500 women and children are victimized by sex traffickers in our state annually. Over 110,000 advertisements for Hawai'i-based prostitution are posted online each year, a number that has *not* decreased with the recent shuttering of Backpage.com's "adult services" section. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home.

With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent of report being physically assaulted, numbers that are underreported, according to

the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence as such. As one underage victim—now a survivor—told IMUAlliance prior to being rescued, “I can’t be raped. Only good girls can be raped. I’m a bad girl. If I *want* to be raped, I have to *earn* it.”

Accordingly, we support adding the federal definitions of sex trafficking to the definition of child abuse and neglect under HRS §350-1, thereby expanding the mandatory reporting requirements of child abuse and neglect to include the broadest nationally recognized understandings of minor sex trafficking. We note that the federal definition of sex trafficking remains more expansive than our current state definition. For example, the federal definition includes solicitation of person under the age of 18 for a commercial sex act as a form of sex trafficking, while our state’s criminal code currently does not. Since launching our interagency “Stop the Sale” hotline in January, we have received 157 calls from victims and at-risk individuals. Moreover, when we provide anti-trafficking instruction in the Department of Education and private schools, students report that themselves or someone they know are being or at risk of being trafficking at a 2:1 ratio—two victims for every class we teach. Including a more expansive definition of sex trafficking in our mandatory reporting laws would ensure that a greater proportion of the victimized and at-risk population we serve are able to receive the care they need and allow appropriate interventions to be facilitated before a child is lost to our state’s prolific slave trade.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance



250 Vineyard Street  
Honolulu, Hawaii 96813  
(808) 521-9531

[FamilyProgramsHawaii.com](http://FamilyProgramsHawaii.com)

TO: Committee on Human Services  
Senator Josh Green, Chair  
Senator Stanley Chang, Vice Chair

HEARING: Friday, March 17, 2017  
2:50 P.M.  
Conference Room 016

FROM: Judith Wilhoite  
Family Programs Hawaii

RE: HB 1099 - RELATING TO REPORTS OF CHILD ABUSE

Thank you for this opportunity to testify in favor of HB 1099. I am a resource caregiver and a family advocate for resource caregivers and adoptive parents, the families in Hawaii who open their hearts and homes to children and youth in foster care.

HB1099 will align Hawaii's state statutes with the federal *Preventing Sex Trafficking and Strengthening Families Act* (H.R. 4980) of 2014. Title I of that act, *Protecting Children and Youth At Risk of Sex Trafficking*, requires each "state plan for foster care and adoption assistance to demonstrate that the state agency has developed policies and procedures for identifying, documenting in agency records, and determining appropriate services with respect to, any child or youth over whom the state agency has responsibility for placement, care, or supervision who the state has reasonable cause to believe is, or is at risk of being, a victim of sex trafficking or a severe form of trafficking in persons." The Hawaii Department of Human Services (DHS) has completed many of these directives. If HB 1099 is passed, it will bring Hawaii into compliance with the federal requirements of Title I of H.R. 4980.

Let us join together to help our hard working DHS identify the young people who have been victimized and create a plan to further support their healing.

Thank you for this opportunity to support HB1099.

We help kids

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 14, 2017 2:09 PM  
**To:** HMS Testimony  
**Cc:** jusbecuz@hotmail.com  
**Subject:** Submitted testimony for HB1099 on Mar 17, 2017 14:50PM

**HB1099**

Submitted on: 3/14/2017

Testimony for HMS on Mar 17, 2017 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Yamamoto	Hawaii Family Advocacy Team	Oppose	No

Comments: Senator Green, I strongly object to the language for HRS 350-2 of HB1099 HD1 that the department may retain expunged reports for future investigations. Expungement means just that. Department retention makes that void in the sense that the accused family will still be at risk of a past report that was not found to be credible, especially when the finding is that the report was made in bad faith (in the proposed deletion of Unsubstantiated). A child abuse investigation is a very serious matter to the family who is on the receiving end of any referral. After 40 plus years of CAPTA, it's reasonable to assume that child welfare has its investigations perfected. The conclusions should stand on the record and not afford the department the option to drag up past unconfirmed reports to the court. This would not be allowed in a criminal court. The consequences of any report of child abuse could be termination of parental rights forever, a penalty worse than a jail sentence. CWS was recently found to having violated federal law enacted 13 years ago on due process requirements to notify families of allegations prior to an interview. Confidentiality law has kept the public from the understanding that parents in the system are presumed guilty until proven innocent or that all parents whose children are in foster care are not criminals. There is no reason to stack the deck against these families with retention of findings that are NOT confirmed when the child abuse hotline is open to mere suspicion or guesses or hearsay reports. Case histories: Three families for which I have first hand knowledge were falsely accused of child abuse, their children removed to foster care. One year later, due to court scheduling, they went to trial and were completely exonerated due to lack of evidence by CWS. Would you, in their circumstance, want to know that the case history was in the hands of the department, even though expunged from the Registry? Hawaii is already behind in compliance of CAPTA on expungement. There is no requirement to keep case files anywhere in the system. Marilyn Yamamoto National Family Advocacy Team, Hawaii member

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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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 16, 2017 10:19 PM  
**To:** HMS Testimony  
**Cc:** begoniabarry@gmail.com  
**Subject:** \*Submitted testimony for HB1099 on Mar 17, 2017 14:50PM\*

**HB1099**

Submitted on: 3/16/2017

Testimony for HMS on Mar 17, 2017 14:50PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Support	No

Comments:

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