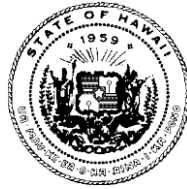


DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

BRIDGET HOLTHUS
DEPUTY DIRECTOR

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

March 1, 2017

TO: The Honorable Scott Y. Nishimoto, Chair
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

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

Hearing: Wednesday, March 1, 2017, 12:00 p.m.
Conference Room 325, State Capitol

DEPARTMENT’S POSITION: The Department of Human Services (DHS) supports this administration measure.

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, and to clarify 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, in accordance with the Child Abuse and Prevention and Treatment Act of 2010, (P.L. 111-320). The Committee on Human Services amended the measure by defecting the effective date and making technical changes.

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 unnecessary. The elimination of unsubstantiated simplifies and provides clarity to families and staff.

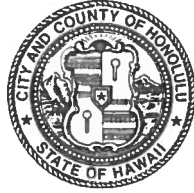
- Clarifies that reports of child abuse and neglect that are expunged from the State's central registry may be retained by the department for future risk and safety assessment purposes.

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 statutory revisions.

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

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL
MAYOR

POOHA KALANOUA
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE AF-LS

March 1, 2017

The Honorable Scott Y. Nishimoto, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

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

I am Captain Aaron Farias 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:

Sincerely,



Cary Okimoto
Acting Chief of Police


Aaron Farias, Captain
Narcotics/Vice Division

On behalf of harm reduction Hawaii

TESTIMONY

c/o 1658 Liholiho St #205

Honolulu, HI 96822

February 27 2017

RE: HB 1099 to be heard Wednesday March 1, in Room 325 at 12:00 noon

To the members of the House Committee on Judiciary

The Harm Reduction Community has strong opposition to this bill. It seems aimed to undermine the work done by the Waikiki Health Center, the YO Project, and others who provide services to street kids by requiring them to report to the police. These teens come in for services because they trust those providing services will not inform on them.

This bill continues to confuse anyone underage who may be doing sex work with a "trafficking victim". It creates a new definition of trafficker to include persons hiring a teen for sex. This is a moral crusade that harms these young people and undermines the good efforts of professional organizations. This is not the first attempt to pass this bad legislation. Let's hope it will end here.

Harm Reduction Hawaii is a non-profit organization that works with a large number of local service agencies to improve social services through harm reduction training and education. A list of some of the partners in the recent conference held at the Ala Moana Hotel is noted at the end of this testimony.

Signed:



Tracy Ryan

Conference Partners Included: ACLU • AIDS Education Project • CHOW Project • Community Alliance on Prisons • Drug Policy Forum of HI • Gregory House Programs • Harm Reduction HI • HI Department of Health-Chronic Disease Prevention, Harm Reduction Services, Health Promotion, and Injury Prevention Branches • HI Coalition for Immigrant Rights • HI Island HIV/AIDS Foundation • HPU School of Social Work • HI Youth Services Network • Hep Free HI • HEP Project-Seattle • Hina Mauka • Life Foundation • Malama Pono Health Services • Maui AIDS Foundation • Mental Health America of HI • Orasure • Pacific Gateway Clinic • Papa Ola Lokahi • Tattoo Hawaii • UH Office of Public Health Studies, College of Pharmacy and School of Social Work • Waikiki Health • We Are Oceania •

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 1:09 PM
To: JUDtestimony
Cc: jusbecuz@hotmail.com
Subject: Submitted testimony for HB1099 on Mar 1, 2017 12:00PM
Attachments: testimony to JUD.docx

HB1099

Submitted on: 2/27/2017

Testimony for JUD on Mar 1, 2017 12:00PM in Conference Room 325

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

Comments:

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I strongly object to the language for HRS 350-2 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. 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.

Marilyn Yamamoto

National Family Advocacy Team, Hawaii member



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

FamilyProgramsHawaii.com

TO: Committee on Judiciary
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair

HEARING: Wednesday, March 1, 2017
12:00 pm.
Conference Room 325

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

LATE



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

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

**House Committee on Judiciary
Hon. Scott Y. Nishimoto, Chair
Hon. Joy A. San Buenaventura, Vice Chair**

**Wednesday, March 1, 2017, 12:00 PM
State Capitol, Conference Room 325**

Honorable Chair Nishimoto 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 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

LATE

725 Kapiolani Blvd. Apt. 902 Honolulu, HI 96813 · (808) 854-1148



HOUSE JUDICIARY COMMITTEE

TESTIMONY — HB 1099, Relating to Reports of Child Abuse

WEDNESDAY , MARCH 1, 2017

Jeanné Kapela, UNITE Hawaii, Executive Director

POSITION: STRONG SUPPORT

Chair Nishimoto, and members of the committee,

Thank you for the opportunity to testify is strong support of HB1099. Hawai'i is home to over 150 high-risk sex trafficking establishments, with the average age a victim is first exploited being only 13 years old. Hawaii is also a target for "cybertrafficking," with over 110,000 ads for local prostitution posted online each year. Yet, the numbers fail to fully capture the human toll of the commercial sex trade, a tragedy we witness each day in the eyes of the survivors we serve.

I first became aware of the issue when my cousin told me her story. I will never forget that day. I will never forget the fear and shame in her eyes. I will never forget the pain in her voice or the tears she cried remembering the loss of her childhood and the sleepless nights spent servicing men three times her age. Most importantly, I will never forget how her story changed the course of my life. Seventeen years ago, my cousin became a victim of sexual exploitation. Approached by a sex trafficker at the age of fourteen. As shocking as my cousin's story is, I learned it is not uncommon in the dark world of the sex trade. In my time as an advocate, I have worked with and encountered many victims with similar or worse experiences. Many times it feels like no one is on your side. Like you are constantly fighting an uphill battle to save the girls that everyone is too ashamed or afraid to admit exist in Hawaii.

In 2015, I worked to save a young victim who at only 16 years of age was forced to service at least fifteen men a day in order to meet a quota set by her pimp. She was broken in at the young age of 13 and by the time I met her she had endured so much trauma she forgotten her real name. She had been used and abused so many times she had no concept of rape. Saying "I cant be raped, only good girls can be raped. My

boyfriend says I'm not a good girl and if I want to be raped I have to earn it.” She was treated worse than an animal. Often deprived of food and water, beaten daily, and made to eat out of a dog bowl. She was forced to sit for hours on a leash and play with chew toys for her pimps viewing pleasure. He broke her in every way possible and never let her forget she was his toy, his “rape slut”, his slave.

We estimate that over the course of the three years she was exploited, from ages 13 to 16 Aspen was raped over 16,000 times and had been forced to endure more torture than any human could ever fathom. By the time we finally got her out she had contracted HIV AIDs and on April 11, 2016 Aspen passed away. Mandatory reporting could have saved her life.

Aspen is not alone, there are women and girls out there this very second being raped and tortured under the crime we call sex trafficking. If being raped over 16,000 times isn't considered child abuse then I don't know what is. Sex trafficking is the most violent crime against humanity and it is targeted directly at Hawaii's children. I urge you to pass HB1099 because what begins with children, will end with us. Starting right now.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 4:10 PM
To: JUDtestimony
Cc: rkailianu57@gmail.com
Subject: Submitted testimony for HB1099 on Mar 1, 2017 12:00PM

HB1099

Submitted on: 2/27/2017

Testimony for JUD on Mar 1, 2017 12:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments: If the person is found not guilty of abuse or neglect of a child and/or children, then his and/or her criminal record should never be left open for further use by any governmental agency. The 13th amendment is a double edged sword for most people of color and now this state wants to do the same?

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Sent: Tuesday, February 28, 2017 7:41 AM
To: JUDtestimony
Cc: tediousmonkey@gmail.com
Subject: Submitted testimony for HB1099 on Mar 1, 2017 12:00PM

HB1099

Submitted on: 2/28/2017

Testimony for JUD on Mar 1, 2017 12:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Comments Only	No

Comments: To the members of the House Committee on Judiciary, As a public health professional and social justice proponent, I have some strong reservations about this bill. Although I appreciate the intentions of the bill, it may have unintended consequences that may increase risks and reduce services for many of the youth it seeks to protect. By defining any teen that does sex work as a "trafficking victim", there is lack of consideration of the context in which the sex work is occurring. For example, if the teen is using sex work to escape from a dangerous home situation, the youth's main source of support would be other teens as well as community service providers. If these community service providers are required to report such teens as "trafficking victims", then many of these at-risk youth will stop seeking services due to lack of trust. Many times, these service providers are the only points of contact for at-risk youth to engage with social services. Please consider the all the possible repercussions of the bill on the network of care for these youth before moving ahead. Thank you for your time.

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Sent: Monday, February 27, 2017 5:58 PM
To: JUDtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1099 on Mar 1, 2017 12:00PM*

HB1099

Submitted on: 2/27/2017

Testimony for JUD on Mar 1, 2017 12:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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