

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

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

February 3, 2017

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

FROM: Pankaj Bhanot, Director

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

Hearing: Friday, February 3, 2017, 9:00 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT’S POSITION:** The Department of Human Services (DHS) strongly supports the bill.

**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).

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 by 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 these revisions to the State's statutes.

Thank you for the opportunity to provide comments on this measure.



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

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

TO: Committee on Human Services  
Rep. Dee Morikawa, Chair  
Rep. Chris Todd, Vice Chair

HEARING: Friday, February 3, 2017  
9:00 A.M.  
Conference Room 329

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 have opened their hearts and homes to foster children.

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. HB 1099 completes the process of accomplishing all 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 support their healing.

Thank you for this opportunity to support HB1099.

We help kids

ON BEHALF OF HARM REDUCTION HAWAII  
TESTIMONY

c/o 1658 Liholiho St #205  
Honolulu, HI 96822

February 2 2017

RE: HB 1099 to be heard Friday 3, in Room 329 at 9:0AM

To the members of the House Committee on Human Services and on Interstate Commerce

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 •

**todd2 - Chloe**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 2, 2017 10:37 PM  
**To:** HUS testimony  
**Cc:** erinrutherford815@gmail.com  
**Subject:** \*Submitted testimony for HB1099 on Feb 3, 2017 09:00AM\*

**HB1099**

Submitted on: 2/2/2017

Testimony for HUS on Feb 3, 2017 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erin Rutherford	Individual	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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**LATE**

TO: Committee on Human Services  
Rep. Dee Morikawa, Chair  
Rep. Chris Todd, Vice Chair

HEARING: Friday, February 3, 2017 at 9:00AM  
Conference Room 329

FROM: Rachele Terukina

RE: HB1099- Relating to Reports of Child Abuse

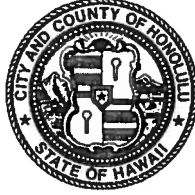
I would like to submit testimony in support of HB1099 relating to reports of child abuse. This bill would amend the definition of child abuse and neglect to include sex trafficking and thereby requiring mandated reporters to report any known or suspected child victims of sex trafficking. Furthermore, it allows the department to retain expunged reports of child abuse and neglect for future risk and safety assessment purposes. Passing HB1099 would bring Hawaii in compliance with federal laws--the Justice for Victims of Trafficking Act of 2015 and the Child Abuse Prevention and Treatment Act of 2010.

As a mandated reporter of child abuse and neglect myself, I strongly feel that we must continue to protect one of our most vulnerable populations--our children. In a local survey conducted by IMUAlliance on about 200 current and former sex trafficking victims, the average age of entry of prostitution is about 13 years old and the average age of a victim is about 17 years old. It is a scary situation to be in and more often than not, victims are afraid to speak out in fear of retaliation, which is why young sex trafficking victims are dependent on mandated reporters and advocates to be their voice and to ensure their safety.

I urge you to pass HB1099 so that we may secure the safety of our children and sex trafficking victims and bring the State up to standards with federal laws. Thank you for your consideration and for the opportunity to testify in support of this measure.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

CARY OKIMOTO  
JERRY INOUE  
DEPUTY CHIEFS

OUR REFERENCE

CT-TA

February 3, 2017

The Honorable Dee Morikawa, Chair  
and Members  
Committee on Human Services  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 329  
Honolulu, Hawaii 96813

Dear Chair Morikawa and Members:

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

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
\_\_\_\_\_  
Cary Okimoto  
Acting Chief of Police

  
Calvin Tong, Major  
Narcotics/Vice Division