

**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

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**TESTIMONY in SUPPORT of SB2817 SD1  
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES**

JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date and Time: Tuesday, March 13, 2018 at 8:30 a.m. Room Number: 329

1 The Department of Health (DOH) recognizes that trauma and the reactions to  
2 significant loss and abuse can have long lasting effects in the lives of individuals who  
3 have been victimized.

4 The purpose of this bill is to authorize crime victim compensation for mental  
5 health services for survivors in cases involving a death and for children who witness  
6 domestic violence, through adding these two categories to the statute of the victim  
7 compensation fund.

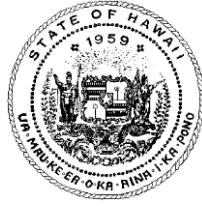
8 The AMHD supports this bill and offers the following comments.

9 Recovery from traumatic loss and the trauma of abuse or witnessing domestic  
10 violence can be alleviated through interventions effectively implemented after the  
11 trauma. These interventions, including specifically mental health services and supports,  
12 can help to reduce the longer term problematic consequences of trauma and help to  
13 restore the individual to improved functioning sooner. Effective interventions

1 implemented after trauma can help to reduce the long-term human, social, and health  
2 care impact of trauma.

3 We thank the committee for considering our testimony.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
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**PAMELA FERGUSON-BREY**  
Executive Director

TESTIMONY ON SB 2817 SD1  
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES  
by  
Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

House Committee on Health and Human Services  
Representative John M. Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair  
COMMITTEE ON HEALTH & HUMAN SERVICES  
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Rep. Lei R. Learmont

NOTICE OF HEARING

DATE:        Tuesday, March 13, 2018  
TIME:        8:30 a.m.  
PLACE:      Conference Room 329  
              State Capitol  
              415 South Beretania Street

Tuesday, March 13, 2018; 8:30 AM  
State Capitol, Conference Room 329

Good morning Chair Mizuno, Vice Chair Kobayashi, and members of the House Committee on Health and Human Services. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of Senate Bill 2817 SD1 relating to Crime Victim Compensation for Mental Health Services. This bill amends section 351-31 and 351-33, Hawai'i Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence. In addition, this bill provides that compensation for victims has priority over compensation for witnesses.

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. No State general funds have been appropriated for victim compensation since FY 2003, and the Commission is now funded solely from non-tax revenue and matching federal funds.

One of the most significant ways the Commission is able to mitigate the impact of violent crime is by providing compensation for mental health counseling services. Unfortunately, some individuals who are severely impacted by violent crime are not eligible for compensation for mental health services. These include surviving family members in cases involving murder, manslaughter, and negligent homicide and children who witness domestic violence. Mental health services will help them heal, and, in the case of children who witness domestic violence, help to reduce the cycle of violence.

### **Mental Health Counseling for Surviving Family Members**

Surviving family members are profoundly impacted by the violent circumstances under which their loved one died. Often, they recall only the painful and violent details of their loved one's death, instead of remembering the victim in life. Mental health counseling will help them move past their trauma.

### **Mental Health Counseling for Children who Witness Domestic Violence**

Witnessing domestic violence has a negative impact on children. Mental health counseling for children who witness domestic violence is necessary to help them understand and heal from the trauma of what they witness and is vital to ensure their normal development. On December 12, 2012, the Department of Justice released Defending Childhood: Protect Heal Thrive, a report of the Attorney General's National Task Force on Children Exposed to Violence. (The report is posted on line at <https://www.justice.gov/defendingchildhood/task-force-children-exposed-violence>) In the report, the Task Force identified witnessing domestic violence as putting "children at high risk for severe and potentially lifelong problems with physical health, mental health, and school and peer relationships as well as for disruptive behavior." Defending Childhood: Protect Heal Thrive at 1. The report found that services such as mental health counseling was necessary for the treatment and healing of child witnesses. A similar conclusion was reached in the study released by the Hawai'i State Department of the Attorney General Domestic Violence in Hawaii: Impact on Mothers and Their Children, (October 2000). (The report is posted on-line at <http://ag.hawaii.gov/cpja/files/2013/01/DV-in-HI-Impact-2000.pdf>) This study found over half of the children who witnessed domestic violence against their mothers suffered symptoms of posttraumatic stress disorder.

Thank you for providing the Commission with the opportunity to testify in strong support of Senate Bill 2817 SD1.

Department of the Prosecuting Attorney  
**City and County of Honolulu**

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**THE HONORABLE JOHN M. MIZUNO, CHAIR  
THE HONORABLE BERTRAND KOBAYASHI, VICE CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii**

January 31, 2008

**RE: SENATE BILL 2817, S.D. 1, RELATING TO CRIME VICTIM COMPENSATION  
FOR MENTAL HEALTH SERVICES**

**HEARING: Tuesday, March 13, 2018, 8:30 A.M., Conference Room 329**

Good morning Chair Mizuno, Vice Chair Kobayashi and members of the House Human Services Committee, the Department of Prosecuting Attorney provides the following testimony **in support of S.B. 2817, S.D. 1**, which proposes to amend *H.R.S. Section 351-31 (a)* to permit payment of crime victims compensation for the purpose of providing mental health services for the surviving relatives of deceased crime victims, as well as children who are direct and immediate witnesses of Abuse of a Family or Household Member under H.R.S. 709-906.

A significant gap in the current provisions of Hawaii's Crime Victims Compensation statute is the lack of coverage for the families of victims of crimes resulting in the death of the victim. Of particular concern is the inability to provide compensation to cover counseling expenses even when a relative has witnessed the events that lead to the victim's death. The psychological trauma of losing a family member due to a violent death is undeniable. All too many of our state's residents who have undergone the tragic and agonizing experience of losing a family member in this manner have either had to forego counseling services or become further impoverished by the added expense of these services (on top of catastrophic medical and funeral and burial expenses for their loved one). Although some surviving family members are fortunate enough to have insurance benefits to cover such expenses, many are among our state's ranks of the working poor and lack such coverage. Even projects such as the federally funded M.A.D.D. Victim Services Program are limited in duration and are currently only available on O'ahu. As noted earlier, the most tragic cases are those that involve a homicide or negligent homicide that is witnessed by a family member, especially a child. A case such as this occurred on the Big Island involving the murder of John McDonald and the attempted murder of his wife in front of

their grandson. In a similar incident here on O'ahu Cecelia Fiesta was brutally stabbed to death in front of her 10 year old daughter. Hawaii is fortunate to not have this type of case occur frequently, as is the case in many mainland U.S. cities, however when it does happen the effects on the family are dramatic and far reaching.

The provisions of S.B. 2817, S.D. 1 are narrowly drawn so that only the surviving relatives of victims of cases involving a death, or those who are children who witness Abuse of a Family or Household Member, would be eligible for counseling benefits. While expanding the existing coverage of H.R.S. Chapter 351, the proposed limitations of the bill are practically drawn to insure a fiscal impact that is not unreasonable.

For all of the above reasons we strongly urge your support for S.B. 2817 S. D.1. Thank you for your time and consideration.

## Helping Hawai'i Live Well

To: Representative John Mizuno, Chair, Representative Bertrand Kobayashi, Vice Chair, Members, House Committee on Health and Human Services

From: Trisha Kajimura, Executive Director

**Re: TESTIMONY IN SUPPORT OF SB 2817 SD1 Relating to Crime Victim Compensation for Mental Health Services**

**Hearing: March 13, 2018, 8:30 am, CR 329**

Thank you for allowing us to provide testimony in support of SB 2817 SD1 which amends section 351-31 and 351-33, Hawaii Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 76 years ago, that serves the community by promoting mental health through advocacy, education and service. This bill supports mental health by allowing access to mental health treatment after a significant trauma.

The occurrence of trauma can have serious consequences to the mental health of survivors and untreated, can lead to social, employment, and other health problems. Research has shown that witnessing domestic violence is an Adverse Childhood Experience that also has negative health and social impacts on children. It is important that survivors of these circumstances receive mental health treatment to process the trauma and help them experience the grief and other difficult emotions necessary for them to thrive in the future. We are happy to hear that the Commission seeks this change so that they can help address trauma. For financial limitations to be the barrier to receiving treatment compounds the tragedy experienced by these survivors.

Thank you for the opportunity to testify in support of SB 2817 SD1. We ask that you help pass this bill to help the Commission best serve their constituents. Please contact me at [trisha.kajimura@mentalhealthhawaii.org](mailto:trisha.kajimura@mentalhealthhawaii.org) or (808)521-1846 if you have any questions.

Executive Director  
Adriana Ramelli

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**Date:** March 13, 2018

**To:** The Honorable John Mizuno, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
House Committee on Health and Human Services

**From:** Justin Murakami, Policy Research Associate  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

**RE:** Testimony in Support of S.B. 2817 S.D. 1  
Relating to Crime Victim Compensation for Mental Health Services

Good morning Chair Mizuno, Vice Chair Kobayashi, and members of the House Committee on Health and Human Services:

The Sex Abuse Treatment Center (SATC) supports S.B. 2817 S.D. 1.

Violent crimes often cause deep and lasting harm to secondary victims in their wake. Secondary victims experience harm as a result of their relationship with the primary victim who was the direct focus of the violent crime, such as the child of a domestic violence victim who witnesses the crime, or the family of a murder victim.

The psychological impact experienced by children on witnessing domestic violence in their families, and the consequences of that trauma, are well established. Each year, an estimated 3 to 5 million American children witness domestic violence in their families. Such children can display similar effects as the primary victim of domestic violence, including anxiety, depression, psychosomatic complaints (e.g. headaches and stomachaches), manifesting violent behavior themselves, poor school performance, difficulty in relationships with others, and substance abuse disorders.

Similarly, the violent, unexpected death of a family member is, as noted by the federal Department of Justice's Office for Victims of Crime, one of the most traumatic experiences a person can face. Survivors of homicide victims are at risk for developing post-traumatic stress disorder, as well as extreme anxiety, fear, and sadness, with nightmares and intrusive thoughts remaining constant for weeks or months. Additional stressors can further contribute to psychological strain, including financial issues that result from the homicide, participation in the investigation and criminal justice process, and news media coverage of the homicide.

Mental and behavioral health interventions, such as supportive counseling and therapy, are helpful in managing the overwhelming emotions encountered by secondary victims of crime. Unfortunately, Hawaii's victim compensation statute does not currently authorize the use of Crime Victim Compensation Commission



(CVCC) program funds for mental health counseling services for survivors of homicide victims or children who witness domestic violence in their families. This fails to recognize these people, whose lives have been indelibly affected by violent crimes, as legitimate victims, despite the very real suffering they experience, and creates a barrier to accessing necessary mental health services.

S.B. 2817 S.D. 1 corrects this issue by authorizing the use of CVCC program funds for the coverage of mental health services that these victims of violent crimes need and deserve.

**SB-2817-SD-1**

Submitted on: 3/11/2018 10:12:27 PM

Testimony for HHS on 3/13/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katrina Obleada	Hawaii Psychological Association (HPA)	Support	Yes

Comments:

We support Senate Bill 2817 which will allow for mental health support, not only for victims of violent crimes, but also for their family members and witnesses who were tragically affected and have become secondary victims themselves. This bill is intended to assist those who are least able to acquire these services and yet who are in acute and dire need of mental health care. Addressing mental health problems early after a violent event has the best opportunity to improve one's mental health and avoid far greater problems later on. We applaud the committee's commitment to aiding those who most need this support.

Respectfully submitted,

Tanya Gamby, Ph.D.

President

Hawaii Psychological Association

**SB-2817-SD-1**

Submitted on: 3/12/2018 8:14:19 AM

Testimony for HHS on 3/13/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**LATE**

**SB-2817-SD-1**

Submitted on: 3/12/2018 9:43:24 PM

Testimony for HHS on 3/13/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carol McNamee	MADD Hawaii	Support	No

Comments:

To Chairman Mizuno and members of the HHS Committee...

I am Carol McNamee writing on behalf of MADD Hawaii in **support** of SB2817, HD1.

As an organization formed almost four decades ago to aid the victims of violent crime (impaired driving), MADD is deeply sympathetic to, and supportive of, families who have experienced the loss of a loved one in impaired driving crashes or any other violent crime. MADD in Hawaii uniquely offers support and services to victims of homicide as well as negligent homicide and negligent injury. However, in many cases, surviving relatives need professional help beyond what MADD can offer.

MADD Hawaii strongly supports SB2817 because we see the tremendous pain that results from the sudden, violent death of a loved one. We have seen this pain manifest itself in serious mental health problems including divorce, loss of employment, and suicide. The use of crime victim compensation funds for mental health services will be invaluable to surviving family members of victims of violent crime and will help prevent more tragedy in these families.

We encourage the committee to pass this measure. Thank you for this opportunity to testify.