

DAVID Y. IGE
GOVERNOR



MARI McCAIG
Chair

MARTHA ROSS
Commissioner

SANDRA JOY EASTLACK
Commissioner

PAMELA FERGUSON-BREY
Executive Director

STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

TESTIMONY ON HB 437, HD1
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES
by
Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Thursday, March 14, 2019; 9:30 AM
State Capitol, Conference Room 016

Good morning Chair Rhoads, Vice Chair Wakai, and Members of the Senate Committee on Judiciary. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of House Bill 437, HD1, with proposed housekeeping amendments. House Bill 437, HD1, 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, House Bill 437, HD1, 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 U.S. 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.

Proposed Housekeeping Amendment

As a housekeeping amendment, we propose that on page 3, lines 8-9, and on page 4, line 15, the domestic violence crime specified as "abuse of family **and** household member (section 709-906)..." be changed to "abuse of family **or** household members under section 709-906" (emphasis added) to appropriately reflect the title of the offense and for consistency in the Hawai'i Revised Statutes in referencing the statutory section.

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 437, HD1, with proposed amendments.



‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the Senate Committee on Judiciary

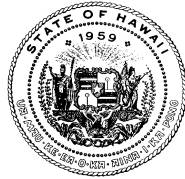
In Support of HB437 HD1
Wednesday, March 14, 2019, at 9:30 a.m. in Room 016

Dear Chair Rhoads, Vice Chair Wakai, and Honorable Members,

The Hawai‘i State Commission on the Status of Women **supports** HB437 HD1, which would authorize crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. As a member of the state’s JRI Victim Services Workgroup and Victims of Crime Assistance Advisory Committee, the Commission supports the effort to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Every jurisdiction in the United States provides money to compensate victims and witnesses of crime, including family members of victims. Research by the Hawai‘i State Department of the Attorney General *Domestic Violence in Hawaii: Impact on Mothers and Their Children*, suggests that half of the children who witnessed domestic violence against their mothers exhibit symptoms of PTSD. This proposal would assist children affected by domestic violence to recover psychologically and emotionally. Accordingly, the Commission asks that the Committee pass HB437 HD1.

Mahalo,

Khara



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB0437 HD1
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date and Time: Thursday, March 14, 2019 at 9:30 a.m.

Room: 016

1 **Fiscal Implications:** Undetermined.

2 **Department Testimony:** The Department of Health (DOH) supports this measure. We
3 recognize that trauma and the reactions to significant loss and abuse have long lasting effects in
4 the lives of individuals who have been victimized.

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

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

14 Thank you for the opportunity to testify.

15 **Offered Amendments:** None.

Department of the Prosecuting Attorney
City and County of Honolulu

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515



KEITH M. KANESHIRO
PROSECUTING ATTORNEY

DWIGHT K. NADAMOTO
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE KARL RHOADS, CHAIR
THE HONORABLE GLENN WAKAI, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii**

March 14, 2019

RE: HOUSE BILL 437, HD 1, RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

HEARING: Thursday, March 14, 2019, 9:30 A.M., Conference Room 016

Good afternoon Chair Rhoads, Vice Chair San Cullen and members of the House Finance Committee, the Department of Prosecuting Attorney provides the following testimony **in support of H.B. 437, HD 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 H.B. 437, HD 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 H.B. 437, HD1. Thank you for your time and consideration.

Executive Director
Adriana Ramelli

ADVISORY BOARD

President
Mimi Beams

Joanne H. Arizumi

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, M.D.

Councilmember
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Lindsay Norcross Mist

Nadine Tenn Salle, M.D.

Joshua A. Wisch

Date: March 14, 2019

To: The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Judiciary

From: Justin Murakami, Manager, Prevention Education and Public Policy
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of H.B. 437 H.D. 1
Relating to Crime Victim Compensation for Mental Health Services

Good morning Chair Rhoads, Vice Chair Wakai, and members of the Senate Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 437 H.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, Hawai'i'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.

H.B. 437 H.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.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

Senate Committee Judiciary
Chair Karl Rhoads
Vice Chair Glenn Wakai
Mike Gabbard
Donna Mercado Kim
Kurt Fevella

March 12, 2019

RE: **SUPPORT HB 437HD1** Relating to Crime Victim Compensation for Mental Health Services

Dear Members of the Committee:

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 23 domestic violence programs and shelters that provide services statewide. Our mission is to engage communities and organizations to end domestic violence through education, advocacy and action for social justice.

The HSCADV is in strong support of HB 437HD1 to provide mental health services for surviving family members of murder, manslaughter, and negligent homicide and for children who witness domestic violence. Additionally, this bill would provide compensation for victims as priority over compensation for witnesses.

Surviving family members are impacted for the rest of their lives by the trauma of losing a loved one to violent crime. It is also well established in literature and social science research that the impact of witnessing domestic violence on children is profound. Children often suffer long term effects if a parent has been murdered and providing them with comprehensive mental health counseling could heal the generational trauma we so often see in domestic violence cases.

Thank you for the opportunity to testify on this important matter. The HSCADV stands in **strong support of HB 437HD1.**

Respectfully,

Carmen Golay
Member Services Manager
cgolay@hscadv.org



TO: Chair Rhoads, Vice Chair Wakai, and Members of the Senate Committee on Judiciary

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

DATE/LOCATION: March 14, 2019; 9:30 a.m., Conference Room 16

RE: TESTIMONY IN STRONG SUPPORT OF HB 437 HD 1– RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

We urge you to support HB 437 which authorizes crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. We strongly support this bill that allows 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. This bill strengthens support for survivors of trauma and provides critical access to services that can help to mitigate long-term negative effects and support healing and whole health.

It is important that funding not be a barrier for access to necessary treatment. We commend the Commission for seeking to add mental health and counseling services, which can greatly help to mitigate the trauma and long-term effects that victims and witnesses can suffer from. Surviving family members are deeply impacted by violent deaths as are children who witness violence in their homes and face numerous risk factors and challenges in their journey to healing. With compensation for mental health counseling services, these surviving family members and child witnesses have additional supports and resources to aid them in moving towards healthy and hope-filled futures.

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 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **strong support of HB 437 HD 1**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

Helping Hawai'i Live Well

To: Senator Karl Rhoads, Chair, Senator Glenn Wakai, Vice Chair, Members, Senate Committee on Judiciary

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF HB 437 HD1 Relating to Crime Victim Compensation for Mental Health Services

Hearing: March 14, 2019, 9:30 am, CR 016

Thank you for allowing us to provide testimony in support of HB 437 HD1 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 77 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 HB 437 HD1. We ask that you help pass this bill to help the Commission best serve their constituents. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

LATE

HB-437-HD-1

Submitted on: 3/13/2019 9:07:00 PM
Testimony for JDC on 3/14/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Testifying for Hawaii Women's Coalition	Support	No

Comments:



Aloha Chair Rhoads, Vice Chair Wakai and members,

The Hawaii Women’s Coalition is in strong support of this measure that would cover mental health benefits for family members who are victims of the trauma of witnessing domestic violence and/or suffering the death of a loved one as a result of this pernicious crime against humanity.

The ripple effect of violence against women and children permeates the families involved and ultimately affects the quality of the social fabric.

Please Pass,

Mahalo, Ann S. Freed, Co-Chair, Hawaii Women’s Coalition

HB-437-HD-1

Submitted on: 3/12/2019 10:01:21 AM

Testimony for JDC on 3/14/2019 9:30:00 AM

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

Comments:

Written Testimony

Chair and committee: TAKAYAMA, AQUINO, CACHOLA, CREAGAN, DECOITE, ELI, HAR, HASHEM, HASHIMOTO, HOLT, ICHIYAMA, KITAGAWA, C. LEE, LOWEN, MIZUNO, NAKAMURA, NISHIMOTO, OKIMOTO, PERRUSO, SAY, TARNAS, WILDBERGER, WOODSON, YAMASHITA

Bill number: HB437

Day and date: Thursday, March 14, 2019

Time: 9:30am

Place: Conference Room 016

State Capitol

415 South Beretania Street

LATE

Introduction: My name is Yuen Sin, Queena, Cheung. I am a student in a BSW program in University of Hawaii at Manoa. I am representing the bill HB 437. The measure I testify on is relating to mental health services. I am testifying in support of this measure.

Content: I am supporting this bill. It is because I believe that this bill can provide the mental health services to the crime victims who are the survivors in cases involving death and for children who witness domestic violence. It is because not every crime victims will realize that they have mental problem, so it will be better to provide mental health services to the crime victim for supporting and following their mental health condition. Therefore, I hope that this bill can pass so the crime victims can get mental health services.

Closing: I strongly recommend the State of Hawaii can pass this bill because there are many crime victims who have the needs of mental health services.

YUEN SIN, QUEENA, CHEUNG

Social Work School of UH Manoa