



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 188, RELATING TO THE CHILDREN'S JUSTICE PROGRAM.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 21, 2019      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Robyn Chun Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this bill and suggests an amendment to the new section 588-A(b)(2) on page 2, lines 13-16, of the bill.

Senate Bill No. 188 clarifies the objectives of the Children's Justice Center (CJC) and makes the documents and materials that pertain to their clients, the forensic interviews it conducts, and the training it provides confidential (see page 1, lines 4 -15). It also limits the disclosure of these documents to agencies and individuals who are involved in the investigations, treatment, and welfare of the children (see page 1, line 16 to page 2, line 16).

CJC uses its interview guidelines to train individuals to conduct forensic interviews of the children who are the alleged victims of abuse or neglect. The guidelines are just that – guidelines – they suggest techniques that can be used to make children comfortable and questions that can be posed in different ways so that children can understand them and answer them completely. The guidelines are not required or mandated and interviews that do not follow the guidelines are not improper or inadmissible. However, because the guidelines describe interview techniques and questions, they can be improperly used to coach or frighten children and threaten the integrity of the interview process. As a result, to the extent possible, CJC keeps the guidelines confidential.

Over the course of the last several years, CJC has been served with subpoena duces tecum commanding the production of its forensic interview guidelines in criminal cases. Asking the court to quash the subpoenas has met with mixed results. Most recently, in two cases, the circuit court has ordered CJC to produce the guidelines despite the CJC's arguments that the guidelines are not relevant and should be kept confidential to protect the forensic interview process. Giving CJC's guidelines and other interview material the confidentiality provided for in this bill will help maintain the integrity of the interviews and, importantly, provide a statutory basis for limiting the disclosure of the guidelines and other interview material.

Given the need to keep the CJC's guidelines and other interview material confidential, section 588-A(b)(2) on page 2, lines 13-16 (which provides for disclosure pursuant to a court order based on a showing of good cause), should either be deleted or, in the alternative, amended to allow disclosure only pursuant to a court order based on specific findings that the guidelines and other interview material are relevant to, and admissible as evidence in, a court proceeding.

Thank you for the opportunity to testify in support of Senate Bill No. 188.



## *The Judiciary, State of Hawai'i*

### **Testimony to the Senate Committee on Judiciary**

Chair Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

Thursday, February 21, 2019, 10:00 a.m.  
State Capitol, Conference Room 016

Jasmine Mau-Mukai  
Statewide Director, Children's Justice Centers of Hawaii

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**Bill No. and Title:** Senate Bill No. 188, Relating to The Children's Justice Program.

**Purpose:** Establishes the confidentiality of Children's Justice Program documents and information and clarifies program responsibilities.

#### **Judiciary's Position:**

The Judiciary supports this bill which is part of its legislative package and requests amendments to the measure. The primary purpose of this bill is to protect the integrity of the child abuse investigative process.

The Judiciary's Children's Justice Program administers the Children's Justice Centers of Hawai'i (CJC). The Program's main mission is to ensure a fair and neutral process for investigating complaints of alleged child abuse --- with a focus on child sex abuse cases --- that protects the rights of both alleged victims and their alleged perpetrators; CJC does not act as an advocate for either party in legal proceedings related to an investigation.

CJC staff and select law enforcement and child welfare services investigators receive special training to conduct forensic interviews of alleged child abuse victims and child witnesses to crime. Training resources include child forensic interview guidelines. These guidelines are not strict interview protocols, but provide a framework for interviewing child victims. To preserve the integrity of the interview process, the guidelines have been maintained as confidential documents.

This bill would establish the confidentiality of the guidelines and other training and interview-related materials, as well as CJC documents and materials that pertain to



specifically-identified cases or clients. Disclosure would be permitted for CJC partners involved in the investigation and processing of a case, such as law enforcement officials, prosecutors, child welfare officials, and treatment providers.

Enacting a confidentiality statute within chapter 588, Hawai'i Revised Statutes, would clarify the status of CJC documents as to disclosure, and provide safeguards for the child abuse investigative process. If the disclosure of child forensic interview guidelines is not statutorily prohibited, techniques and procedures for law enforcement and child welfare services investigations may be revealed, and that information could be used to coach or confuse a child prior to the interview. Most sexual abuse/assault cases lack physical or medical evidence, and their outcomes often depend upon the child forensic interview. Thus, maintaining the integrity of the interview process is critical to ensuring that the court has the necessary evidence to conduct a fair adjudication of the case.

This bill also clarifies the scope of the Children's Justice Program. With a focus on child sexual abuse, CJC handles cases of child abuse and neglect, generally, with priorities for cases involving sexual exploitation of a child, serious physical child abuse, and child trafficking. The program also serves children who have been witnesses to a crime.

After a further consideration of CJC current practices, the Judiciary requests the following amendments:

**SECTION 1, HRS § 588-A(b):** Regarding the CJC partners to whom confidential information may be disclosed:

- In paragraph (1), replace "law enforcement, prosecuting attorneys, health care providers, education officials, and child welfare officials" with "law enforcement, child welfare, prosecuting attorneys, and medical and mental health professionals." The latter language is a more accurate description of the professionals that partner with CJC in child abuse investigations.
- In paragraph (1), delete "provided that access to confidential information shall be permitted on a need-to-know basis and limited to the minimal amount of confidential information necessary to accomplish the intended purpose of the use, disclosure, or request." This language is unnecessary as CJC and its partners already employ confidentiality agreements that govern the partners' management of confidential information.
- Delete paragraph (2) allowing disclosure pursuant to court order. Except as to CJC partner agencies, or where other state law or federal law may authorize the



Senate Bill No. 188, Relating to The Children's Justice Program  
Senate Committee on Judiciary  
Thursday, February 21, 2019, 10:00 a.m.  
Page 3

release of CJC documents or information, (see below), disclosure should be prohibited to protect child victims and the integrity of the child forensic interview.

- Add language allowing disclosure if permitted by federal or other state law. The safeguards proposed in this bill are not intended to contravene federal or state laws that may authorize the disclosure of child abuse-related confidential information in particular situations or in legal proceedings. For instance, in a child abuse criminal case, the alleged perpetrator may obtain a copy of the child forensic interview pursuant to procedures established in court rule.

SECTION 2, HRS § 588-1: In subsection (b)(1)(A)(i), change "Sexual exploitation of a child" to "Sexual abuse/sexual exploitation of a child." In addition, replace the language in clause (iii), "Child trafficking," with the more correct terminology, "Human trafficking of children."

SECTION 3, HRS § 588-1.5(b): Delete the proposed new language on page 5, lines 11 to 14, "provided that further disclosure of shared information shall be permitted only to the extent reasonably necessary to carry out the purposes for which the information was provided, and subject to section 588-A," and make a conforming technical amendment. As noted above regarding requested amendments to Section 1 of the bill, CJC and its partners are already subject to confidentiality agreements that govern partners' management of confidential agreement; thus, the new provision is unnecessary and potentially confusing.

A proposed Senate Draft 1 that incorporates the above-requested amendments is attached.

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

Attachment

## **ATTACHMENT**

**Report Title:**

Judiciary Package; Children's Justice Program; Responsibilities;  
Confidentiality

**Description:**

Clarifies the responsibilities of the Children's Justice  
Program. Limits disclosure of confidential information.

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# A BILL FOR AN ACT

RELATING TO THE CHILDREN'S JUSTICE PROGRAM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 588, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§588- Confidentiality. (a) The following documents and  
5 materials shall be confidential and shall not be disclosed,  
6 subject to the exceptions established in subsection (b):

7           (1) Documents and materials that pertain to  
8 specifically-identified cases or clients, including  
9 files, reports, notes, photographs, records,  
10 electronic and other communications, working papers,  
11 and recordings; and

12           (2) Documents and materials that comprise client interview  
13 guidelines and other interview-related material, as  
14 well as all materials used in training forensic  
15 interviewers.

16           (b) Confidential documents and materials may be disclosed  
17 only as follows:

- 1       (1) To persons employed by the program, or by agencies or  
2       providers, who are directly involved in the treatment  
3       of the child, or in the investigation, case  
4       management, or legal processing of cases under this  
5       chapter, including but not limited to law enforcement,  
6       child welfare, prosecuting attorneys, and medical and  
7       mental health professionals; or  
8       (2) Pursuant to federal or state law that authorizes  
9       disclosure of the confidential information."

10       SECTION 2. Section 588-1, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12       "(b) The purpose of the program shall be to:

- 13       (1) Develop, achieve, and maintain interagency and  
14       interprofessional cooperation and coordination in the  
15       investigation of and case management of [~~intrafamilial~~  
16       ~~and extrafamilial child sex abuse and serious physical~~  
17       ~~child abuse cases~~];

18       (A) Child abuse or neglect cases, with a priority for  
19       cases involving:

- 20       (i) Sexual abuse/sexual exploitation of a child;  
21       (ii) Serious physical child abuse; or  
22       (iii) Human trafficking of children; and



- 1            (B) Cases involving child witnesses;
- 2            (2) Facilitate in an impartial manner the professional
- 3            gathering of information by public and private
- 4            agencies and their providers for court proceedings
- 5            involving child abuse or neglect victims and child
- 6            witnesses;
- 7            (3) [~~Reduce to the absolute minimum~~] Minimize the number
- 8            of interviews of child [~~sex~~] abuse or neglect victims
- 9            [~~se-as~~] and child witnesses, to [~~minimize~~] avoid
- 10           revictimization of the child;
- 11           (4) Coordinate [~~the~~] therapeutic and treatment [~~program~~]
- 12           programs for child [~~sex~~] abuse or neglect victims and
- 13           child witnesses, and their families;
- 14           (5) Provide for a multidisciplinary team and case
- 15           management approach [~~which is focused~~] that focuses
- 16           first, on the alleged or suspected child [~~sex~~] abuse
- 17           or neglect victim's and child witness' needs and
- 18           conditions; second, on the family members who are
- 19           supportive of the child and whose interests are
- 20           consistent with the best interests of the child; and
- 21           third, on law enforcement and prosecutorial needs;

1 (6) Provide for the training and continuing education of  
2 skilled professional interviewers of child ~~[sex]~~ abuse  
3 or neglect victims[+] and child witnesses; and

4 ~~[Serve as the focus of]~~ Provide information and  
5 referral for child ~~[sex]~~ abuse or neglect and child  
6 witness programs."

7 SECTION 3. Section 588-1.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[+]§588-1.5[+] **Coordination function.** (a) The program  
10 shall promote the mutual sharing of information among the  
11 program and agencies providing services to the child and family,  
12 for purposes of implementing this chapter.

13 (b) ~~[All]~~ The program and all agencies and ~~[their]~~  
14 providers that have information regarding the ~~[mental,]~~ physical  
15 or mental health~~[,]~~ of the child, or other information relating  
16 to the best ~~[interest]~~ interests of the child, shall share ~~[the]~~  
17 this information ~~[among the agencies working with the child]~~  
18 with each other, unless otherwise prohibited by federal or state  
19 statute or rule. ~~[No agency shall further disclose any~~  
20 ~~confidential information received unless written consent~~  
21 ~~expressly authorizing further disclosure is obtained from the~~

1 ~~person who is the subject thereof, or disclosure is permitted by~~  
2 ~~law.]"~~

3 SECTION 4. Section 588-2, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 1. By adding three new definitions to be appropriately  
6 inserted and to read:

7 "Child abuse or neglect" means an act or omission that  
8 results in "harm," as defined in section 587A-4, to a person  
9 under the age of eighteen years.

10 "Child witness" means a child who is a witness to a crime.

11 "Program" means the children's justice program."

12 2. By amending the title to read:

13 **"§588-2 Definitions [~~of child abuse~~]."**

14 3. By repealing the definition of "child sexual abuse."

15 [~~"Child sexual abuse" means any of the offenses described~~  
16 ~~under chapter 707, part V, when committed against a person under~~  
17 ~~the age of eighteen years or as set forth in paragraph (2) of~~  
18 ~~the definition of "harm" in section 587A-4."]~~

19 SECTION 5. Section 588-4, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 **"§588-4 Duties of the director.** The director shall:

1 (1) Enter into agreements with police departments,  
2 departments of the prosecuting attorneys and county corporation  
3 counsels, the departments of the attorney general, health, and  
4 human services, and other public and private agencies, including  
5 agreements for the temporary assignment of appropriate personnel  
6 from each agency to the program;

7 (2) Enter into contracts for the provision of specialized  
8 training and continuing education for interviewers of child  
9 [~~sex~~] abuse or neglect victims and child witnesses from both  
10 public and private agencies and providers;

11 (3) Arrange for interviews of child [~~sex~~] abuse or neglect  
12 victims and child witnesses in an appropriate setting;

13 (4) Promote interagency cooperation and coordination,  
14 including information sharing and gathering, among the public  
15 and private agencies and their providers that deliver  
16 investigative, case management, and therapeutic services;

17 (5) Coordinate the flow of information between the  
18 agencies responsible for criminal prosecution and the agencies  
19 responsible for protective action in civil proceedings,  
20 including those professionals providing services to children and  
21 their families;

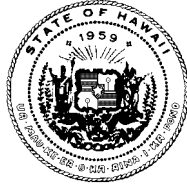
1 (6) Arrange for the exchange of information, to include  
2 statistical data from public and private agencies involved in  
3 child [~~sex~~] abuse or neglect and child witness programs and  
4 issues;

5 (7) Develop recommendations and plans for action to assist  
6 [~~the~~] public and private agencies involved in cases of child  
7 [~~sex~~] abuse or neglect and [~~serious physical~~] child [~~abuse,~~  
8 witnesses; and

9 (8) Prepare and maintain records and reports for the  
10 program."

11 SECTION 6. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 20, 2019

TO: The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 188 – RELATING TO THE CHILDREN’S JUSTICE PROGRAM**

Hearing: Thursday, February 21, 2019, 10:00 a.m.  
Conference Room 016, State Capitol

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

**PURPOSE:** The purpose of this bill is to clarify the purpose of the Children’s Justice Program and limit disclosure of confidential information.

A working agreement currently exists with the Children’s Justice Program to conduct joint interviews whenever possible at the Children’s Justice Center for cases of intrafamilial child sex abuse and serious physical child abuse cases. The purpose of this coordinated, investigative interview is to ensure that the child is seen in a timely manner, in a child friendly environment, by an identified team who will gather the necessary information which will minimize the need for re-interviewing the child or children by multiple individuals.

This collaboration is crucial to ensuring the department’s goals of ensuring the child’s well-being and safety. The work that this collaboration mandates is reflected in the approximately 421 children that were interviewed last year through the Children’s Justice Program. The breakdown of these interviews statewide is as follows:

- Oahu: 242
- East Hawaii: 56

- Kauai: 17
- Maui: 30
- West Hawaii: 76

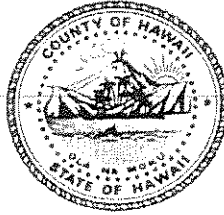
The expansion of the purpose of the Children's Justice Program to include all types of child abuse and neglect will ensure that the aforementioned goals will be afforded to all children who are subject to harm or threatened harm with priority given to sexual abuse/sexual exploitation of a child, serious physical child abuse, child trafficking, and cases involving child witnesses.

The addition of the limits of confidentiality section are in alignment with the DHS confidentiality rules pursuant to section 17-1601, Hawaii Administrative Rules.

Thank you for the opportunity to testify on this bill.

MITCHELL D. ROTH  
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## OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 188

A BILL FOR AN ACT RELATING TO THE CHILDREN'S  
JUSTICE PROGRAM

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

Thursday, February 21, 2019, 10:00 a.m.  
State Capitol, House Conference Room 016

Honorable Chair Rhoads, Honorable Vice Chair Wakai, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in STRONG SUPPORT of Senate Bill 188.

This Bill amends two major areas of the Children's Justice Program's statute, HRS 588:

- 1) Definitions to include sexual exploitation, serious physical abuse, child witnesses to crime and child trafficking; and,
- 2) Adds a section on Confidentiality of Records/Documents.

Before the Children's Justice Center (CJC) existed, agencies responding to child abuse worked independently, often to the detriment of children and their parents who found themselves answerable to two systems, criminal and civil and multiple requests.

The CJC provides a place where children's interviews are conducted by trained interviewers and preserved through recordings available for all parties to view rather than having to interview children repeatedly about traumatic events. Importantly, the CJC supports a multi-disciplinary team response, where professionals coordinate their response in the best interest of the child.

As a partner agency of the CJC, we work in collaboration to meet the special needs of children who are alleged victims of child abuse or witnesses to crime and ensure that evidence based practices are taught and practiced. It is critical that the documents and records of the CJC be confidential and limited in disclosure. This facilitates a fair and neutral process for these children and their families and those accused of assaulting or maltreating a minor.

The Office of the Prosecuting Attorney, County of Hawai'i, strongly supports the passage of Senate Bill No. 188. Thank you for the opportunity to testify on this matter.



**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy

**Amu I. Reali** First Deputy



**Rebecca Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

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Victim/Witness Program 808-241-1898 or 800-668-5734

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**TESTIMONY IN STRONG SUPPORT OF  
SB 188 - RELATING TO THE CHILDREN'S JUSTICE PROGRAM**

Justin F. Kollar, Prosecuting Attorney  
Diana Gausepohl-White, Victim/Witness Program Director  
County of Kaua'i

Senate Committee on Judiciary  
February 21, 2019, 10:00 a.m., Conference Room 016

Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

We have a long standing partnership with the Kaua'i Children's Justice Center. They continue to provide a safe environment for child victims of sexual and physical abuse at the initial time of an allegation as well as throughout the prosecution process if ensued.

Participating in the criminal justice system can be extremely challenging and this is especially true of such a vulnerable population. We expect a great deal of these children. Their records should be confidential and protected with exception of discoverable and exculpatory information.

Accordingly, we are in STRONG SUPPORT OF SB 188. We request that your Committee PASS the Bill.

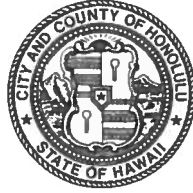
Thank you very much for the opportunity to provide testimony on this Bill.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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**LATE**

KIRK CALDWELL  
MAYOR



SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
JONATHAN GREMS  
DEPUTY CHIEFS

OUR REFERENCE WO-KK

February 21, 2019

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 188, Relating to the Children's Justice Program

I am Walter Ozeki, Acting Major of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports Senate Bill No. 188, Relating to the Children's Justice Program.

The Children's Justice Program has been and continues to be a critical component in providing the protection of Hawaii's children from instances of abuse, neglect, sexual exploitation, and trafficking. Much of the work undertaken by the collaborating partners participating in this program is of a very sensitive nature and all attempts to maintain the confidentiality of any documents generated and materials utilized should be maintained for the purpose of ensuring the welfare of child victims and witnesses who receive services through this program.

If we are to maintain our priority the health and wellbeing of Hawaii's Keiki, the priority of maintaining this level of confidentiality is essential to prevent further victimizing this very vulnerable segment of the population.

The HPD respectfully urges you to support Senate Bill No. 188, Relating to the Children's Justice Program.

The Honorable Karl Rhoads, Chair  
and Members  
February 21, 2019  
Page 2

Thank you for the opportunity to testify.

Sincerely,



Walter Ozeki, Acting Major  
Criminal Investigation Division

APPROVED:



Susan Ballard  
Chief of Police

TESTIMONY OF THOMAS D. FARRELL  
Regarding SB 188, Relating to The Children's Justice Program  
Committee on Judiciary  
Senator Karl Rhoads, Chair/Senator Glen Wakai, Vice Chair  
Thursday, February 21, 2019 10:00 a.m.  
Conference Room 016, State Capitol

Good morning Senator Rhoads and Members of the Committee:

From time to time, I have represented a parent accused of the sex abuse of a child. Typically, there will an interview of the child conducted at Children's Justice Center ("CJC") and preserved by way of video recording.

I am surprised that CJC seeks a law to have their records made confidential, because they have acted as if there already is such a law for many years. Moreover, I have been involved in at least two cases where CJC has simply ignored subpoenas which were properly served. I'm not saying that CJC objected in court or filed a motion to quash the subpoena----they simply ignored them. In one case they attempted to avoid service by telling my process server, "We don't accept subpoenas." That appears to be their standard operating procedure.

When I have tried to get video recordings of child sex abuse interviews conducted by DHS, I have been told that DHS doesn't have the recording, because it belongs to CJC. This is true, even where the interview was conducted by a DHS social worker for a DHS case. Ditto for the police.

I agree that these interviews should not be made available to the merely curious, but you may wonder why CJC's proposed list of approved recipients in Section One of the bill does not include the parents of the subject child (or their counsel) or the person accused (or his counsel).

It is because CJC is an advocacy agent, rather than a neutral.<sup>1</sup> A fair trial for someone accused of child sex abuse is simply not on the CJC agenda. Indeed, the very suggestion that someone might be falsely accused would appear to be a concept that is incomprehensible by many who work in this field. Instead, CJC would require a motion, and a viewing of the video and other records by the judge to determine whether the accused's attorney might just possibly have a look

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<sup>1</sup> In fact, CJC was originally known as the "Children's Advocacy Center."

Divorce ♦ Paternity ♦ Custody ♦ Child Support ♦ TROs ♦ Arbitration  
*also handling national security cases involving revocation or denial of security clearances*

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at what the accuser has said. Of course, no one on the other side of the case has to put up with any of this.

Now, either everybody has to go through that process, or nobody does. If I represent an accused child abuser in a CPS or a criminal matter, certainly a subpoena should be enough (in fact I really shouldn't have to do anything more than send a letter).

The other thing I find obnoxious about this bill is the attempt to make CJC's guidelines and training documents confidential. There is a good reason CJC wants to hide that, and it is to protect themselves and the law enforcement/social work community from criticism. If you can get them, CJC's guidelines and training material would provide a wonderful basis for cross-examining social workers and detectives on slipshod interviews, as well as exposing structural bias in the interviews. I have to admit that I haven't laid hands on them, but I recently finished a trial in which the DHS social worker admitted on cross examination that he didn't follow the CJC guidelines. So, either they aren't worth following or he's a pretty bad investigator.

I would respectfully recommend that you amend SB 188 in ways that will make CJC very unhappy indeed.

- First, add “parents and their attorneys in investigations conducted pursuant to Chapter 587A and suspects and their attorneys in criminal investigations” to the list of persons who may receive CJC records.
- Next, I would ask that you strike the language referring to release “on a need-to-know basis and limited to the minimal amount of confidential information necessary to accomplish the intended purpose of the use, disclosure, or request...” That's just a *carte blanche* for CJC to decide what it thinks is or isn't necessary to release, and that discretion will not be exercised in a fair or even-handed manner.
- Third, I would suggest that you state that “documents and materials that comprise client interview guidelines and other interview-related material, as well as all materials used in training forensic interviewers” shall not be confidential and shall be subject to public disclosure. Confidentiality is for the protection of children, not for the protection of the agency.
- Finally, I would change subsection (b) (2) of Section One of the bill to simply read, “Pursuant to a court order,” and delete all the other language, including the requirement that a judge first review the records in camera. If a judge needs to do that, he certainly can; he doesn't need CJC forcing him to do so whether he wants to or not.

I imagine that CJC will be very unhappy indeed with these changes. You should make them anyway.

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Michael Young

February 15, 2019

Subject: SB # 188 Relating to the Children's Justice Program (also known as the Children's Justice Centers of Hawaii).

Dear Senate Committee,

On behalf of Child and Family Service, we would like to submit this testimony in support of Senate bill 188.

This Bill amends 2 major areas of the Children's Justice Program's statute, HRS 588:

- 1) Definitions to include sexual exploitation, serious physical abuse, child witnesses to crime and child trafficking;
- 2) Adds a section on Confidentiality of Records/Documents;

As a partner agency of the Children's Justice Centers, we work in collaboration to meet the special needs of children who are alleged victims of child abuse or witnesses to crime. It is critical that the documents and records of the Children's Justice Centers be confidential and limited in disclosure. This facilitates a fair and neutral process for these children and their families and those accused of assaulting or maltreating a minor.

In closing, we are in strong support of SB 188 and ask for your assistance in its passing during this legislative session.

Sincerely,

Karen Tan, LCSW  
President & CEO

ACCREDITATIONS

Council on Accreditation  
Better Business Bureau

AFFILIATIONS

Alliance for Strong Families and  
Communities  
Kauai United Way  
Maui United Way  
Hawaii Island United Way



“We’re All About FAMILY”

Mission: Strengthening Families and Fostering the Healthy Development of Children



02/19/2019

To: Senate Chair Karl Rhodes and Senate Vice Chair Glenn Wakai  
House Senate Judiciary Committee

Subject: SB 188, Relating to the Children's Justice Program (also known as the Children's Justice Centers of Hawaii).

Hearing Date: Thursday 2/21 at 10:00 a.m.

My name is Jenna Tomas, Program Manager for Friends of the Children's Justice Center of Oahu. We are in strong support of SB 188.

This Bill amends two major areas of the Children's Justice Program's Statute, HRS 588:

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1) Definitions to include sexual exploitation, serious physical abuse, child witnesses to crime and child trafficking;

2) Adds a section on Confidentiality of Records/Documents;

Friends of the Children's Justice Center of Oahu (FCJCO) is the nonprofit partner of the Children's Justice of Oahu. FCJCO provides resources to the Center, with the intention of helping child victims and their families overcome the trauma associated with child abuse. In 2018 alone, FCJCO provided services to over 500 child victims on Oahu. Our goal is to help these children heal and reestablish normalcy in their lives. As Hawaii is such a small state, the confidentiality of these cases becomes essential for child victims to live normal lives post abuse. Confidentiality allows for these children not to be labeled as a victim within our society, giving them the opportunity to truly overcome their abuse. The safe, supportive environment of the CJC Oahu is not only conducive to effective forensic interviews, but often supports the healing process for the child. It is imperative that child victims feel protected enough to share their story, to develop evidence for possible proceedings against the alleged perpetrator.

In closing, we are in strong support of SB 188 and ask for your assistance in its passing during this legislative session. Please feel free to contact me with any questions at 808-445-1873.

Jenna Tomas  
Friends of the Children's Justice Center of Oahu  
808-445-1873, 3019 Pali Highway Honolulu, HI 96817

**SB-188**

Submitted on: 2/19/2019 10:46:09 PM

Testimony for JDC on 2/21/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:





**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: February 21, 2019; 10:00 a.m., Conference Room 016**

**RE: TESTIMONY IN SUPPORT OF SB 188– RELATING TO THE CHILDREN’S JUSTIC CENTER**

**We ask you to support SB 188 which clarifies the purpose of the Children's Justice Program and limits disclosure of confidential information.**

This Bill amends 2 major areas of the Children’s Justice Program’s statute, HRS 588:

1. Expands definitions to include sexual exploitation, serious physical abuse, child witnesses to crime and child trafficking;
2. Adds a section on Confidentiality of Records/Documents;

As a partner agency of the Children’s Justice Centers, we work in collaboration to meet the special needs of children who are alleged victims of abuse, exploitation, trafficking, and/or witnesses to crime. It is critical that the documents and records of the Children’s Justice Centers be confidential and limited in disclosure. This facilitates a fair and neutral process for these children and their families and those accused of assaulting or maltreatment of a minor.

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, poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of SB 188**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.

Executive Director  
Adriana Ramelli

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**Date:** February 21, 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 S.B. 188  
Relating to the Children's Justice Program

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

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 188, which clarifies the purpose of the Children's Justice Program (the Program) in the Hawai'i State Judiciary, and provides protections for the confidentiality of the Program's records and documents.

The Program works in collaboration with partner agencies, like SATC, to meet the special needs of children who are victims of child abuse and neglect, including sexual abuse and exploitation, and children who witness crimes.

The goal of the Program is to facilitate the professional, impartial gathering of information for court proceedings involving these children and their families, in a manner that reduces their risk of experiencing re-victimization and additional trauma, and to further assist them to access needed therapeutic and treatment services.

Confidentiality is a fundamental principle at the core of providing services for victims. When children who experience crime and their families are assured of confidentiality, they are more open about their needs and willing to access services, allowing for effective, individualized care.

As such, it is critically important that the Program's documents and records be kept confidential, and that protected disclosures of those materials be appropriately limited to circumstances where a party can demonstrate good cause for their release.

We appreciate this opportunity to testify in strong support of S.B. 188, and ask that the Committee please pass this important measure.

**SB-188**

Submitted on: 2/16/2019 3:47:38 PM

Testimony for JDC on 2/21/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Comments	No

Comments:

One circumstance/provision not covered in this measure is Pro Se access to documents and materials which MUST be addressed here. A specific case in mind: the mother of sexually victimized children whose legal counsel quit could not have access to the materials she needed to present to the court as a Pro Se litigant due to the proclaimed "confidentiality" of her own children. Confidentiality is NOT to be misused as a tool to conceal truth and justice - this needs to be addressed here. Thank you for the opportunity to provide comments on this issue.

**SB-188**

Submitted on: 2/19/2019 10:40:33 AM

Testimony for JDC on 2/21/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
denby toci	Testifying for child and family service	Support	No

Comments:

Aloha. The work that the Children's Justice Center does for abused children is paramount to providing support for child victims and of holding offenders accountable. As a member of CJC's multidisciplinary team, case reviews assist to provide support for children as well as hold offenders accountable. We appreciate this SB 188 that limits disclosures of confidential information so we can continue to do our good work of healing our community. Mahalo!

Denby Toci