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**STATE COUNCIL ON MENTAL HEALTH
Testimony to the Senate Committee on Ways and Means
In Support of HB727 HD1 SD1
March 31, 2025 10:02 a.m., Room 211 and Video**

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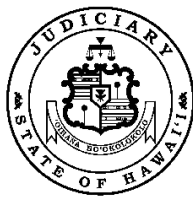
Hawai'i law, HRS §334-10, established the State Council on Mental Health as a 21-member body to advise on the allocation of resources, statewide needs, and programs affecting more than one county as well as to advocate for adults with serious mental illness, children with serious emotional disturbances, individuals with mental illness or emotional problems, including those with co-occurring substance abuse disorders. Members are residents from diverse backgrounds representing mental health service providers and recipients, students and youth, parents, and family members. Members include representatives of state agencies on mental health, criminal justice, housing, Medicaid/MedQUEST, social services, vocational rehabilitation, and education. Members include representatives from the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances and county service area boards on mental health and substance abuse.

Most of the State Council on Mental Health members support this measure. The Women's Court is one of the specialty courts that can be life-changing for people with mental illness or substance use disorders who become involved in the criminal justice system. The Women's Court will primarily address those who suffer from high trauma.

Thank you for the opportunity to testify. Should you have any questions, please contact us at DOH.SCMHChairperson@doh.hawaii.gov.

VISION: A Hawai'i where people of all ages with mental health challenges can enjoy recovery in the community of their choice.

MISSION: To advocate for a Hawai'i where all persons affected by mental illness can access necessary treatment and support to live full lives in the community of their choice.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Sharon Y. Moriwaki, Vice Chair

Monday, March 31, 2025, 10:02 a.m.

State Capitol, Conference Room 211

LATE

by

Robert D. S. Kim

Chief Court Administrator

Third Circuit Court

Bill No. and Title: House Bill No. 727, H.D. 1, S.D. 1, Relating to the Women’s Court.

Purpose: Makes the Women's Court Pilot Program in the First Circuit permanent. Establishes a temporary three-year Women's Court Pilot Program within the Kona division of the Third Circuit. Requires reports. Establishes temporary positions. Appropriates funds. Sunsets 6/30/2028. Effective 4/23/2027. (SD1)

Judiciary's Position:

The Judiciary supports this bill that would establish a three-year Women’s Court Pilot Project in the Third Circuit. However, the Judiciary respectfully requests modifications to the appropriations under this bill that would allow the pilot project to be fully funded through fiscal year 2027-2028. Attached to this testimony is a detailed proposal for the establishment of a Kona Women’s Court (“KWC”) pilot project in the Third Circuit. This proposal—originally submitted as a proposal for a two-year pilot project—has been updated to reflect the current version of the bill, which calls for a three-year pilot project. As set forth in the proposed budget, the cost for a three-year pilot project would be \$514,000 for fiscal year 2025-2026; \$547,000 for fiscal year 2026-2027; and \$515,000 for fiscal year 2027-2028.

The Judiciary supports the current version of this bill, which would situate this pilot project under the supervision of Big Island Drug Court (“BIDC”). Our proposal calls for the KWC program to be supervised by the Kona Division of BIDC. This administrative structure is



similar to the other successful treatment court programs currently offered in the Third Circuit. By situating KWC under the supervision of BIDD with our other treatment court programs, the existing BIDD structure and staff can be leveraged at the outset of the program, allowing us to supplement existing services with the additional resources to be provided by this bill. This structure will maximize existing resources and allow the program to focus its efforts on developing the programming and services that are at the heart of this project.

Additionally, to be an effective use of resources, the KWC program will require a critical mass of female probationers in West Hawai'i who may be eligible for the program. The highest-risk justice-involved women in the Third Circuit are already participating in the BIDD program. Thus, our proposal calls for all fourteen (14) of the women currently participating in the Kona BIDD program to be screened for eligibility for the KWC program. This will allow the program to begin providing services to the target population immediately, instead of waiting for individual referrals to trickle in for a standalone program. If the pilot program is successful, the ultimate goal would be to expand the women's court program to Hilo and make the program permanent after the end of the 3-year project period.

To be successful, the BIWC will require sufficient funding and positions, and a good prospect of recruiting qualified staff for those positions. The Judiciary's proposal contemplates a trauma-informed and gender-responsive program tailored to the unique needs of high-risk women, with robust mental health, therapeutic, and rehabilitative components. The proposal also calls for a cultural competency component and staff in peer support roles, with all programming to be provided in an atmosphere that holds women accountable while providing court-supervised treatment, opportunities, and resources.

A truly trauma-informed approach to this program will require extensive mental health counseling by trained psychologists, psychiatrists, and/or mental health counselors. These mental health services are severely deficient on Hawai'i Island, where a lack of community-based mental health providers often proves to be an insurmountable barrier to treatment. Moreover, our current BIDD staff are not equipped or sufficiently resourced to address these complex issues without comprehensive training. Thus, our proposal for a KWC has a strong focus on the development of mental health services, with the hiring of full-time equivalent providers, funding for the creation of new services, and training for program staff.

The Judiciary has consulted with the sponsors of this bill—Representative Linda Ichiyama and Representative Mahina Poepoe—in the development of the attached proposal. Given that this HD1, SD1 contemplates a three-year pilot, the only modification to the current bill that is being requested is additional appropriations to ensure that the pilot project is fully funded for the duration of the project period. The proposed budget for KWC is just over \$1.5 million in total for the three-year pilot project. This investment in KWC will ultimately result in



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cost savings. The cost of incarceration of just one person for three years is \$277,035.¹ This means that if KWC helps keep just six (6) women out of prison, the program will have already paid for itself, and it is anticipated that this program will help many more women than that.

If the Legislature is supportive of the Judiciary's proposal, we welcome continued discussions during this session. The Third Circuit and B IDC stand ready to assist the legislature in whatever policy decision is made, as long as we have the requested mental health professionals on contract or hired by the Judiciary, along with additional staff members to be hired by B IDC.

Thank you for the opportunity to offer testimony on this important bill.

¹ The average cost of housing an inmate in Hawai'i is \$253 dollars per day, which totals \$92,945 per year. See *Hawai'i Prison Chief Wants Department Changes To Bring 'Paradigm Shift'*, Civil Beat, Retrieved on 03-29-25 from <<https://www.civilbeat.org/2023/12/hawaii-prison-chief-wants-department-changes-to-bring-paradigm-shift/>>.

**KONA WOMEN’S COURT:
A Proposal for a Women’s Justice and Treatment Program in West Hawai’i
Pilot Program: 3 Years**

I. SUMMARY

This proposal for the formation of a Kona Women’s Court (“KWC”) program as a 3-year pilot project under the umbrella of the well-established Big Island Drug Court (“BIDC”). By developing KWC under the pre-existing drug court program, the KWC pilot project will use the established structures of drug court as its “backbone”, thereby enabling the development of a successful program, notwithstanding the practical limitations of the Third Circuit’s dual-docket courts. Positioning the KWC program under the supervision of drug court will also guarantee the most effective use of resources and maximum benefit to the target population of women that the Women’s Court model aims to serve. The KWC program requires a critical mass of women participants, and all of the fourteen (14) women already participating in Kona BIDC are at high risk for recidivism, have high rates of substance abuse, and have high mental health needs. This proposal therefore envisions KWC as a division of Kona drug court with distinct eligibility requirements, gender-responsive programming, and mental health services and treatment options that are specially designed to address the needs of justice-involved women in Hawai’i Island’s rural community.

II. PURPOSE

A. Due to Resource Requirements and the Structure of the Circuit Courts in the Third Circuit, There Is a Need to Develop the Women’s Court Program under the Auspices of Big Island Drug Court.

The Circuit Courts of the Third Circuit are structured very differently from those in the First Circuit. There are only four (4) Circuit Court judges in the Third Circuit, and all of them, including the two (2) judges assigned to drug court, are responsible for hearing all case types, including all criminal and civil cases, agency appeals, environmental court cases, special proceedings, and more. Moreover, due to Hawai’i Island’s size, the Third Circuit is the only circuit with two courthouses housing Circuit Courts. These courthouses are situated nearly 100 miles apart, and each courthouse services distinct geographic areas of the island—the Hilo Circuit Court hears cases from East Hawai’i, including the districts of North and South Hilo, Puna, and Hāmākua, and the Kona Circuit Court hears cases from West Hawai’i, including the districts of North and South Kona, North and South Kohala, and Ka’ū.

Because of the Circuit Court’s dual-docket calendars and the geography of the island, it has never been feasible in the Third Circuit to have single, standalone specialty courts dedicated exclusively to the treatment court model, as has been done successfully in the First Circuit. Nevertheless, the Third Circuit has a long history of the successful implementation of the treatment court model in spite of these limitations, beginning with the BIDC program.

Big Island Drug Court is a specialty treatment court first established in the Third Circuit over twenty (20) years ago, in 2002. The BIDD program is dedicated to reducing recidivism and supporting individuals with substance use disorders and co-occurring mental health issues, through a structured, evidence-based approach that integrates judicial oversight with intensive treatment, supervision, and accountability measures. BIDD operates programs in both Hilo and Kona, and it currently has over 100 participants, including twenty-five (25) women, engaged in substance use treatment, frequent drug testing, judicial monitoring, group activities, and supportive services designed to promote recovery and long-term stability.

Due to the success of the BIDD program over the years, the Third Circuit also implemented a Veterans' Treatment Court program in 2014, as well as a Juvenile Treatment Court program. These programs are not standalone courts, but rather distinct programs operated by drug court staff and stationed under the supervision of BIDD. This proposal seeks to add a Women's Court program to the quiver of specialty programming offered to probationers in West Hawai'i, under the auspices of Kona BIDD. If the pilot program is successful, the ultimate goal would be to expand the Women's Court program to Hilo and make the program permanent after the end of the 3-year project period.

By leveraging the existing BIDD structure and staff at the outset, the Third Circuit will be able to supplement existing drug court services in Kona with the additional services to be provided through this measure—services that justice-involved women on Hawai'i Island desperately need. Through a Women's Court program that is well-tailored to the Third Circuit's unique court structure, and, most importantly, that is responsive to the individual needs of justice-involved women, the Judiciary looks forward to the opportunity to participate in this revolutionary pilot project.

B. There Is a Need to Develop Critical Resources and Services in West Hawai'i.

Due to the severe shortage of community-based treatment options on Hawai'i Island, developing, creating, and sustaining community-wide resources and treatment capacity is critical to ensuring the success of the KWC pilot project. The lack of community-based mental health services on the island is particularly severe. In 2023, the final report of the Adult Mental Health Summit², held by the Hawai'i County Mayor's Office, concluded that there are serious barriers to accessing mental health services island-wide, and that there is a "lack of a comprehensive continuum of care".³ The group found that in Hawai'i County, there is a "lack of alternatives to hospitalization or encounters with law enforcement when someone is experiencing a [mental health] crisis", with the shortage of mental health providers in the community standing as a significant barrier to accessing

² The Adult Mental Health Summit included participants from a wide-range of community stakeholders, including government agencies such as the Department of Health.

³ Hawai'i County Office of the Mayor (2023). *Adult Mental Health Summit August 2023 – Summary Report*. Retrieved Feb. 11, 2025 from <<https://www.hawaiicounty.gov/home/showdocument?id=307444&t=638453177631770000>>.

treatment.⁴ The group underscored the pressing need for funding to attract mental health professionals to Hawai'i County and ensure retention.⁵

This shortage of community-based providers is particularly acute for justice-involved women, as the few existing providers are often reluctant to take on patients with justice-system involvement. The providers who do take on justice-involved clients already have overwhelming caseloads, which hinders their ability to provide timely and consistent treatment. The community-based providers available are also located off-site, creating practical challenges for patients who may not have access to reliable transportation or access to the technology needed for telehealth appointments. These providers also have established practices, and their ability to cater to the specific needs of women may be limited.

Only with funding to develop community resources and provide direct services in West Hawai'i, will KWC be able to address the individualized needs of women with a trauma-informed and gender-responsive approach. Accordingly, KWC seeks funding to develop services in the following areas through contracted direct services and training for KWC staff:

- Timely Screening of At-Risk Women
- Mental and Behavioral Health Services, Including Psychiatric Care and Medication Management
- Access to Trauma-Informed Therapies that Meet Individual Needs
- Substance Use Disorder Treatment
- Peer Support
- Housing
- Cultural Activities and Practices
- Case Management Services
- Increased Testing and Laboratory Confirmation

In addition to the development of these critical services and treatment options for KWC clients, program participants would also have access to established Kona drug court resources through available community-based services. These existing services can provide classes, treatment, and support in the areas of domestic violence, including survivor counseling; education and vocational training; life-skill training, such as financial literacy classes; and family support resources, including parenting classes and relationship improvement resources. KWC probation officers would coordinate referrals to these community-based providers based on a risk-needs assessment.

The combination of these existing services with the new, direct services proposed herein will ensure that Women's Court clients are receiving the support they truly require in light of their particular backgrounds and needs.

⁴ *Id.*

⁵ *Id.*

C. The Pilot Program Will Focus on West Hawaii’s Most At-Risk Women, While Offering Services to Priority 2 Women When Possible.

Currently there are fourteen (14) women participating in the BIDC program in Kona. These women are considered “Priority 1” clients, meaning they have been assessed as having a high risk for recidivism, high rates of substance abuse, and high mental health needs. These high-risk women nearly universally have histories of abuse, trauma, poverty, and other risk factors that intersect with their involvement in the criminal justice system. Women who have been incarcerated are more likely to report extensive histories of emotional, physical, and sexual abuse, with between 70% and 90% of incarcerated women reporting past abuse.⁶ To illustrate this reality, of the fourteen (14) women currently in Kona drug court, all have a history of trauma, and (13) thirteen have a mental health diagnosis. These mental health diagnoses include serious conditions, such as major depressive disorder, post-traumatic stress disorder (“PTSD”), bipolar disorder, and borderline personality disorder, which require extensive and careful treatment and management.

On Hawai‘i Island, women confronted with these challenges face unique barriers to treatment and recovery—and not only in the area of mental health services. Hawai‘i County is a large, rural county spanning over 4,000 square miles⁷; many areas of the island are remote and have poor or nonexistent access to critical services, such as public transportation and medical care. Hawai‘i County also has the highest poverty rate in the State at 13.8%, with an average household income of only \$68,399⁸—with the poorest areas of the County having a median household income of only \$50,313 per year.⁹

Hawai‘i Island also has high rates of domestic violence. Between 2021 and 2023, there was over a 60% increase in the number of participants in programs aimed at the prevention of domestic violence.¹⁰ Child and Family Services (“CFS”) has reported that between 2018 and 2020, one domestic violence shelter in Hawai‘i County served more survivors than any other CFS shelter in the State.¹¹

⁶ *Childhood Trauma and Women’s Health Outcomes in a California Prison Population*, PubMed Central (Oct. 2006). Retrieved Feb. 11, 2025 from <<https://pmc.ncbi.nlm.nih.gov/articles/PMC1586137/#:~:text=One%20key%20finding%20from%20this,wo men%20in%20the%20general%20population>>.

⁷ U.S. Census Bureau (2023). *American Community Survey 1-year estimates*. Retrieved Feb. 6, 2025 from Census Reporter Profile page for Hawaii County, HI <<http://censusreporter.org/profiles/05000US15001-hawaii-county-hi/>>.

⁸ Hawai‘i State Data Center, *Census Data Highlights* (Dec. 8, 2021), Retrieved Feb. 11, 2025 from <https://files.hawaii.gov/dbedt/census/acs/acs2021/5yr/ACS21_5yr_highlights.pdf>.

⁹ U.S. Census Bureau (2023). *American Community Survey 5-year estimates*. Retrieved from Census Reporter Profile page for Ka‘ū CCD, Hawai‘i County, HI <<https://censusreporter.org/profiles/06000US1500191170-kau-ccd-hawaii-county-hi/>>.

¹⁰ *Domestic violence program enrollments spike on Big Island*. West Hawai‘i Today (Oct. 10, 2023). Retrieved on Feb. 11, 2025 from <<https://www.westhawaiiitoday.com/2023/10/18/hawaii-news/domestic-violence-program-enrollments-spike-on-big-island/>>.

¹¹ *Id.*

The problems of domestic violence, poverty, and a lack of access to employment opportunities, transportation, and mental health care are issues that disproportionately impact women, who are more likely to be victims of violence and are more likely to have dependent children in their care. In consideration of these social realities, closing the service gap for the most at-risk women in West Hawai'i is imperative.

Due to their risk-factors, all Priority 1 women currently in Kona drug court would be assessed and considered for the expanded, gender-responsive and individualized services and programming to be offered through KWC. For the duration of the pilot project, any women referred to BIDC or Veteran's Treatment Court in Kona would also be assessed for the Women's Court program. However, due to the acute lack of community-based services on the Big Island, especially in the areas of mental health, the KWC staff would also seek to provide services to Priority 2 justice-involved women, who have lower risk factors, whenever possible.

Priority 2 women who would be considered for assistance would be women on supervision with Hawai'i Intake Service Center ("HISC") and women on regular probation in Kona who are not high enough risk or otherwise do not meet the eligibility criteria for referral to a treatment court program. These women also experience barriers to treatment and lack access to mental health services, including crisis stabilization, which can interfere with successful completion of probation. Currently, there are forty-five (45) women on supervision with HISC and thirty-seven (37) who are on regular probation supervision in Kona, for a total of eighty-two (82) Priority 2 women who could be assessed for mental health needs. The actual number of Priority 2 women who would be provided with treatment, services, or other interventions, such as trauma treatment, psychiatric medication, housing stabilization, case management, and linkages with other community-based services would be based on the results of individual assessments.

While the focus of the pilot project is to help the most at-risk women in West Hawai'i, it is anticipated that KWC staff will be able to provide critical services to many of these Priority 2 women, and possibly even to some men, on a case-by-case basis. This will ensure that the program's investments in direct services are utilized to their maximum potential and contribute to positive outcomes for the largest number of women.

D. The Program

a. *Eligibility Criteria & Disqualifications*

The Third Circuit's vision for Women's Court aims to utilize best practice standards from the treatment court model to address the needs of Priority 1 women in a gender-responsive format. Because KWC would be built on the foundation of BIDC, there is substantial overlap between the proposed eligibility criteria and exclusion factors for KWC and those of the drug court program.

The current, proposed eligibility criteria and disqualification factors for the KWC pilot project are as follows:

1. Proposed Eligibility Criteria:

- Must be at least eighteen (18) years old;

- Must reside in area supervised by Kona probation;
- Must have a history of or evidence of current substance abuse and/or mental health issues;
- Must be convicted of or on status for a felony offense;
- Must voluntarily agree to participate in Kona Women’s Court; and
- Must fully participate in the Kona Women’s Court screening process, including the LSI-R and be assessed as high risk for recidivism and as having high treatment needs.

2. Proposed Disqualifications:

- Convicted of any sex offense that requires or may trigger registration;
- Convicted of an offense that carries a mandatory prison sentence;
- Pending charges that would interfere with treatment court participation;
- Convicted of any previous or pending Class A felony;
- Convicted of a drug trafficking offense within the last ten (10) years;
- Is working as a confidential informant;
- Has been determined by the Kona Women’s Court team to suffer from a mental illness or developmental disability that will not allow the defendant to complete the program requirements, but only when it is also determined that the defendant cannot be stabilized with the resources and services available; or
- Is presently on status for any violent offense, defined as:
 - i. Offenses that involve the discharge of a firearm or threat of harm with firearm;
 - ii. Any offense that involves death or that results in great bodily harm to the victim;
 - iii. Class B felony violent offenses (other than sexual offenses covered above).

Consistent with treatment court best practices, the eligibility criteria of BIDC is revised periodically to ensure that criteria are in line with current evidence and best practices. The eligibility criteria for KWC will also be subject to this periodic revision, to ensure that the program is meeting the needs of the target population. As such, the foregoing proposed eligibility criteria and exclusion factors are likely to change over time, especially if the pilot project is extended beyond the current 3-year proposal.

b. *Referral & Screening Process*

The KWC will accept referrals of women to the program in the same way that referrals are currently made to Kona's BIDD and Veteran's Treatment Court programs. These referrals are made by judges after defendants have been convicted of a crime, and while they are pending sentencing. The screening process will utilize best practices, including the Level of Service Inventory-Revised ("LSI-R") assessment tool, which is a standardized, evidence-based assessment tool widely used to identify an offender's risk of reoffending and to inform treatment and supervision plans. Because the Third Circuit's Women's Court structure would situate KWC under the supervision of BIDD, all women referred to Kona BIDD or Veteran's Treatment Court would also be automatically screened for eligibility for the KWC program. This allows for maximum flexibility and treatment options for high-risk women.

For example, if a woman is a veteran who would benefit from Veteran's Court programming, upon referral to Kona Veteran's Court, she would also be assessed for KWC eligibility automatically, without the need for an additional referral. If her risk-needs assessment shows she would also benefit from the services and programming of KWC, the proposed structure of KWC would allow such a woman to take full advantage of both programs simultaneously and seamlessly, without needing to choose one or the other.

c. Court Sessions & Program Activities

As with other treatment courts, and consistent with treatment court best practices, KWC would hold court sessions with the judge and other members of the Women's Court team, where all women admitted to the program would participate approximately twice per month. Along with group court hearings, KWC would provide group activities, including group therapy, cultural activities, and peer mentorship and support on a regular basis. Group sessions with the judge, as well as group programming, are essential to building trust in the program and in the justice system. Group programming also builds camaraderie and prosocial bonds between participants. These activities are also integral to fostering a safe, women-only environment where women can feel secure and comfortable sharing openly with their peers and program staff.

d. Cultural Component

Best practices dictate that culturally responsive evaluation and treatment planning are essential to successful treatment and recovery.¹² It is vital that the programming offered by KWC is culturally sensitive and relevant to the needs of the women in the program. Over 44% of incarcerated women in Hawai'i are Native Hawaiian, despite making up only 19.8% of the state's total female population.¹³ Therefore, the KWC

¹² See *Improving Cultural Competence*. Treatment Improvement Protocol (TIP) Series, No. 59. Center for Substance Abuse Treatment (US). Rockville (MD): Substance Abuse and Mental Health Services Administration (US); 2014. Retrieved from National Library of Medicine – National Center for Biotechnology Information on Feb. 13, 2025 at <<https://www.ncbi.nlm.nih.gov/books/NBK248423/#:~:text=Just%20as%20culture%20shapes%20an%20individual's%20sense,be%20aware%20of%20how%20the%20client's%20culture>>.

¹³ *Impact of the Criminal Justice System on Native Hawaiians*. OHA Fact Sheet. Retrieved on Feb. 11, 2025 from <https://www.oha.org/wp-content/uploads/2014/11/factsheets_final_web_0.pdf>.

envisions working with Cultural Advisors to make sure that goals and program content are culturally relevant to maximize the benefit of the program to Native Hawaiian women and women from other marginalized groups.

The Cultural Advisors selected will be well versed in dealing with multicultural groups of women who come from a variety of backgrounds. They will employ values universal to most (if not all) cultures, presented in a Hawaiian way. No particular religion will be forced, and the Cultural Advisors and KWC team will be as sensitive to as possible to all cultural groups.

E. Program Evaluation

Besides Hawai'i, there are only a few other jurisdictions in the country that have begun Women's Court programs. As such, there are no established best practices for Women's Court programs. The KWC team will therefore need to thoughtfully implement current treatment court best practices in the development of the program, such as the use of treatment interventions specific to women's issues, including treatment for PTSD and trauma. Because of the relatively novel nature of this trailblazing project, the program evaluation component will be extremely important and will involve careful study.

It is anticipated that an outside researcher may be invited to do a study on the KWC and assist with program evaluation, due to the impacts this program may have on national best practice standards. As such, the proposed budget included herein includes an amount for program evaluation.

F. Other Services

While the focus of the KWC pilot project will be on developing a comprehensive Women's Court Program for Priority 1 women in West Hawai'i, the hope is that the injection of funding and development of community-based resources through this program will benefit other justice-involved individuals, such as Priority 2 women—especially those needing critical mental health services. These “extracurricular” services would be offered on a case-by-case basis when determined appropriate by the KWC team, and only when doing so would not detract from the services needed for Priority 1 women in the KWC program.

Allowing the flexibility of providing services to individuals outside the KWC program will ensure that the resources furnished through this pilot project are being utilized to their maximum potential and can be adapted for a variety of individual cases and circumstances.

III. The Court's Structure & Proposed Budget

A. The Team

Because the KWC pilot project will use the pre-existing staff and structures of the BDC program to address the needs of women already participating in drug court, the KWC team will consist of the dedicated team of BDC probation officers and staff, as well as specially trained professionals in direct service provider positions. Due to the lack of

community-based service providers on the Big Island, discussed in detail above, funding sufficient to recruit and retain full-time mental health professionals, as well as funding for adequate training of program staff, are absolutely imperative to the success of the pilot project. Only through the development of new services will the KWC be able to guarantee that women in the program will have both access to necessary services and consistency of treatment.

Therefore, this proposal seeks funding for the following service provider positions and services:

- 1. Women’s Mental Health Professional (1FTE) (POS Contractor(s)):** KWC would seek to hire a Women’s Mental Health Professional. This mental health professional would have a full-time equivalent (“FTE”) position and would be assigned to the Keahuolū courthouse, to enable them to provide consistent and timely mental and behavioral health services. This mental health professional would ensure timely screening of at-risk women, including at the jail, at the courthouse, or in the community, and they would be able to provide treatment directly, including treatment for trauma, substance use disorder, and mental health issues specific to women. They would also be available to help stabilize justice-involved women, so that the legal process can take place and community-based treatments can begin. Additionally, this professional would be able to offer medication assisted treatment and a variety of therapies, including behavioral therapies, group therapy, and more. Having a dedicated, full-time Women’s Mental Health Professional to provide direct services and assist clients with referrals and connections with longer-term treatment, crisis stabilization, case management, Department of Health services, and other community mental health resources is critical to ensuring continuity of care for women in the program.
- 2. Women’s Behavioral Health Beds (POS Contractor(s)):** To facilitate effective treatment, recovery, and case management, it is essential to have beds available in facilities that will provide support staff to address substance use issues and facilitate mental health treatment, including crisis stabilization and medication compliance. Currently there are no dual-diagnosis beds available to probationers in the Third Circuit. Funding for behavioral health beds would ensure that the highest-risk women have access to secure, women-only housing where they can receive support for all of their needs. With the funds requested in the proposed budget outlined below, it is anticipated that one of the service providers already contracted to provide bedspaces to Kona drug court clients will be able to dedicate a house specifically for women in KWC—with anywhere from three (3) to six (6) bedspaces being reserved for KWC’s exclusive use at any given time.
- 3. Cultural Practitioner(s) & Advisor(s) (POS Contractor(s)):** Best practices have long dictated that culturally responsive and culturally relevant evaluation, objectives, and treatment result in better outcomes for individuals receiving substance abuse and mental health treatment. KWC would utilize Cultural

Advisors to run cultural activities and group sessions. Cultural Advisors would also assist the KWC team to ensure treatment goals and methods are culturally relevant, and that individual treatment plans and the services provided by the program are sensitive to participants' backgrounds, beliefs, and practices, to the extent possible.

- 4. Drug Court Peer Specialist(s) (1FTE) (POS Contractor(s)):** Mentorship plays a vital role in substance abuse treatment, because it provides a crucial layer of support, accountability, and shared experience for individuals in addiction recovery. While mentorship is considered a best practice in substance abuse treatment, it is particularly critical for women to have access to effective mentorship, as studies have shown that women are less comfortable talking about substance use than their male counterparts, and less likely to seek help or treatment.¹⁴ KWC would hire former female drug court graduates in peer support roles to ensure that participants in the program receive mentorship that is responsive to the unique needs of women.

In addition to these essential positions, KWC will also seek funding for a Probation Supervisor position, as well as for funding for training of KWC staff.

- 5. Kona Probation Supervisor (1FTE) (Judiciary Staff):** Additional staffing within the probation division will be necessary to manage and implement KWC deliverables for program participants. There is already an existing gap in Kona probation, where the BDC probation officers currently lack a supervisor. In all other probation divisions there is supervisor position for every 3-4 probation officers. The added supervision and administrative burdens of an additional treatment court program will necessitate that this gap in staffing be addressed.
- 6. KWC Staff Training:** Within the first year of the pilot project, KWC would seek to have its team members participate in available local and online trainings. In year two (2) of the program, the Kona team, consisting of up to fifteen (15) team members¹⁵, would travel to the national *All Rise* conference. *All Rise* is the national organization for training in the treatment court model¹⁶, and it is the author of the Adult Treatment Court Best Practice Standards—considered the gold standard for treatment courts nationally. Training and conference

¹⁴ See *Women's barriers to specialty substance abuse treatment: A qualitative exploration of racial/ethnic differences*. PubMed Central (Aug. 2021). Retrieved on Feb. 13, 2025 from <<https://pmc.ncbi.nlm.nih.gov/articles/PMC7075735/>>.

¹⁵ Teams would include the KWC probation officers, probation supervisor, assigned judge, service providers, and, funding permitted, the assigned Deputy Public Defender, Deputy Prosecuting Attorney, and Hawai'i Police Department Officer.

¹⁶ *All Rise* began 30 years ago as the National Association of Drug Court Professionals. In 2023, the organization rebranded as "All Rise" to reflect the organization's focus on all treatment courts, including Family Treatment Court, DUI Court, Juvenile Treatment Court, and others.

attendance is essential to ensure that the KWC program is implementing treatment court best practices, based on the most current evidence available. Additionally, as Hawai'i is one of the first states in the nation to implement a Women's Court program, conference attendance will provide significant opportunities to spread the Women's Court model to other jurisdictions.

Finally, the KWC program would seek to contract with vendors and providers to provide access to Moral Reconciliation Therapy ("MRT") and increased drug testing and greater laboratory confirmation capacities. KWC is also seeking funding for technology to support program operations, including computer workstations, so that program participants can have reliable internet access.

7. Moral Reconciliation Therapy & Training (Contracted): KWC will seek to contract with therapists who can provide MRT group sessions to program participants and train KWC staff in the MRT methodology. MRT is a cognitive behavioral therapy designed to address severe criminal thinking. It is effective in treating substance abuse, trauma, patterns of domestic violence, and other issues that intersect with women's involvement in criminal behavior. Studies have shown that offenders who receive MRT are far less likely to be re-arrested or re-incarcerated. One study that tracked nearly 1,400 participants over 20 years found that the use of MRT reduced the likelihood of an offender being re-incarcerated by nearly 30%.¹⁷ By training the KWC staff in MRT, the program can build the capacity to sustainably provide justice-involved women with the tools needed to change their thought processes, make better decisions, and ultimately reduce recidivism.

8. Increased Drug Testing & Greater Laboratory Confirmation Capabilities (Vendors): Funding for increased capacity and effectiveness of drug testing and laboratory confirmation will be essential to monitoring the compliance of women in the KWC program and ensuring effectiveness of treatment. With the integration of critical mental health services and treatment through the pilot project, program staff will need the ability to confirm compliance with psychiatric and other prescribed medication through laboratory testing. The use of sweat patches and Smartstart technology for KWC will also ensure that participants can be adequately monitored for compliance with drug and alcohol conditions while in the community, when standard urine testing is not practical. For example, if a client needs to travel the mainland for medical treatment, currently

¹⁷ *20-year study finds MRT Cognitive-Behavioral Therapy reduces re-arrests and re-incarceration.* GEO Reentry Services (Sept. 30, 2011). Retrieved Feb. 13, 2025 from <<https://www.georeentry.com/20-year-study-finds-mrt-cognitive-behavioral-therapy-reduces-re-arrests-and-re-incarceration/#:~:text=After%2020%20years%2C%2094%25%20of,rate%20dropped%20significantly%20to%2061%25>>.

there is no way to monitor her compliance during the travel period. With a sweat patch, the client’s probation officer would be able to verify compliance.

- 9. Technology:** As set forth in the proposed program budget below, funding is being sought for technology to support program operations, including computers for additional staff, as well as a computer workstation in the Kona probation waiting area. This workstation would be available for clients to use for job applications and searches, applications to educational and training programs, housing applications, and similar, essential administrative tasks. Many justice-involved women in our rural community lack reliable access to the internet at home. Internet access is required to do the most basic of tasks in our modern, digital world. Having computers available so that program participants have guaranteed access to the internet every time they come to court would be a significant step to closing this digital divide.

B. 3-Year Pilot Program Budget

Three-Year Pilot Program Budget:

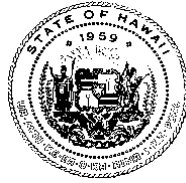
	Year 1	Year 2	Year 3	
Services	Annual Cost	Annual Cost	Annual Cost	Total Cost
Women's Mental Health Professional (1FTE)	\$ 175,000.00	\$ 175,000.00	\$ 175,000.00	\$ 525,000.00
Womens Behavioral Health Beds	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 300,000.00
Kona Drug Court Probation Supervisor (1FTE)	\$ 85,000.00	\$ 85,000.00	\$ 85,000.00	\$ 255,000.00
Cultural Practitioner and Advisor	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 90,000.00
Peer Specialist (1FTE)	\$ 80,000.00	\$ 80,000.00	\$ 80,000.00	\$ 240,000.00
Moral Reconciliation Therapy	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 75,000.00
Increased Drug Testing/Lab confirmation	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00
Training	\$ 5,000.00	\$ 42,000.00	\$ -	\$ 47,000.00
Technology	\$ 4,900.00	\$ -	\$ -	\$ 4,900.00
Program Evaluation	\$ -	\$ -	\$ 10,000.00	\$ 10,000.00
Total	\$ 514,900.00	\$ 547,000.00	\$ 515,000.00	\$ 1,576,900.00

Breakdown of Estimated Training Costs:

Training:	Cost
Year 1: Local and Other Trainings	\$5,000
Year 2: Kona Team : All Rise National Conference (Washington DC)	\$ 42,000.00
Total Training Cost:	\$47,000

Breakdown of Estimated Technology Costs:

Technology:	Kona Cost
Computer Workstation (in Probation Waiting A	\$ 1,200.00
Computer for Kona Probation Supervisor	\$ 1,000.00
Printer for Kona Probation Supervisor	\$ 1,000.00
Cellphone for Field Work Kona Prob . Sup	\$ 500.00
Kona Laptop for Work in Rural Communities	\$ 1,200.00
Total:	\$ 4,900.00



STATE OF HAWAII
DEPARTMENT OF HEALTH
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doh.testimony@doh.hawaii.gov

LATE

**Testimony in SUPPORT of HB727 HD1 SD1
RELATING TO THE WOMEN'S COURT**

SENATOR DONOVAN DELA CRUZ, CHAIR
SENATOR SHARON MORIWAKI, VICE CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date and Time: March 31, 2025, 10:02 a.m. Location: Room 211& Video

1 **Fiscal Implications:** The Department of Health ("Department") requests funding for this
2 measure be considered as a vehicle to expand services, including staff support, provided it does
3 not supplant the requests outlined in the Governor's executive budget request.

4 **Department Position:** The Department supports this measure and offers comments.

5 **Department Testimony:** The Adult Mental Health Division provides the following testimony on
6 behalf of the Department.

7 The Department supports this measure which proposes to make the women's court
8 pilot program in the first circuit permanent, establish a three-year Women's Court pilot
9 program in the circuit court of the Kona division of the third circuit, and require the judiciary to
10 submit a report to the legislature regarding the need for and the associated costs of a pilot
11 program for women's court in the second and fifth circuits and Hilo division of the third circuit.
12 The intent of the measure is to implement trauma informed and evidence-based practices,
13 employ gender-responsive programming, collaborate with stakeholders, and provide services to
14 women in the court system with the goal of diverting participants from incarceration,
15 supporting their success in the community, and reducing recidivism.

1 Mohala Wahine, which was established in the first circuit by Act 243, SLH 2022, has
2 been operational since January 2023. In 2024, through our collaborative partnership with the
3 Judiciary, the Department conducted 33 mental health screenings and 24 psychological
4 assessments of participants for the program. The services offered by the program are
5 comprehensive and provide an opportunity for participants to achieve meaningful and lasting
6 recovery. The Department defers to the Judiciary on the feasibility of a pilot project and study
7 implementation.

8 **Offered Amendments:** The Department requests a budget of \$221,788 to support the Kona
9 division pilot project, which is based on the Department's staffing requirements for the
10 operation of the existing Women's Court pilot project of the First Circuit. The Department's role
11 has been to provide screening and assessments of possible eligible participants for the
12 program, including forensic mental health consultation and coordination. The specific positions
13 required to provide support for the Kona division pilot project include the following:

14 1.0 FTE Clinical Psychologist [\$145,000] to provide forensic psychological consultation
15 on program eligibility and assessments.

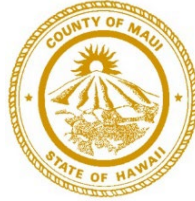
16 1.0 FTE Social Worker/Human Services Professional IV [\$76,788] to conduct screenings
17 and provide forensic coordination for interim time-sensitive case management
18 services.

19 Thank you for the opportunity to testify on this measure.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
H.B. 727 HD1 SD1
RELATING TO THE WOMEN'S COURT

March 29, 2025

The Honorable Donovan Dela Cruz
Chair
The Honorable Sharon Y. Moriwaki
Vice Chair
and Members of the Committee on Ways and Means

Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of H.B. 727 HD1 SD1, Relating to the Women's Court**. This bill would, *inter alia*, make the Mohala Wahine program in the First Circuit permanent, establish a three-year women's court pilot program in the Third Circuit Kona division, and require the Judiciary to submit a report to the legislature regarding the need for and associated costs of a pilot program for women's court in the Second and Fifth Circuits as well as the Hilo division of the Third Circuit.

The Department of the Prosecuting Attorney, County of Maui supports this bill because in addition to making the Mohala Wahine program permanent, it would provide a needed alternative to incarceration for women within the Third Circuit, particularly women with a high risk of recidivism and in need of services in addition to existing substance abuse and mental health treatment programs. We also support the program's use of trauma-informed and evidence-based practices. Finally, we support exploring the possibility that a similar program to the Mohala Wahine program in the First Circuit could be established in the Second and Fifth Circuits, as well as the Hilo division of the Third Circuit.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports H.B. 727 HD1 SD1**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony.



Committee on Ways and Means
Chair Donovan M. Dela Cruz, Vice Chair Sharon Y. Moriwaki

March 31, 2025 at 10:02 am in CR 211 & Videoconference
HB 727 SD1 A Bill Relating to Women's Court

TESTIMONY

Stephen Munkelt, Legislative Committee, League of Women Voters of Hawaii

Chair Dela Cruz, Vice Chair Moriwaki, and Committee Members:

The League of Women Voters of Hawaii supports BILL NUMBER HB 727 SD1

The League of Women Voters **supports HB 727 SD1**. The League believes that evidence-based programs can reduce recidivism and provide a path to stable, successful reintegration in the community for women who have suffered a criminal conviction. Such programs are also fiscally responsible, as supportive services are far less costly than incarceration when a person reoffends.

When women get support dealing with addiction, abuse, and poverty through evidence-based programs, education, and training it benefits their children and families, neighbors, and the Hawai'i community at large. With this bill the lessons learned in the first district can be applied to bring successful outcomes to a larger number of women, for the good of all.

Thank you for the opportunity to submit testimony in **support** of HB 727 SD1



HB727 HD1 SD1 Women's Court

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Sharon Y. Moriwaki, Vice Chair

Wednesday, Mar 31, 2025: 10:02: Room 211 Videoconference

Hawaii Substance Abuse Coalition Supports HB727 HD1 SD1:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

HSAC supports a 3-year pilot program the Kona division of the Third under the Big Island Drug Court for a gender responsive approach to women who are justice-involved.

Recovery can be complex because recovery involves a multitude of issues such as trauma, substance use disorder, mental illness, unhealthy relationships, domestic violence, sexual assault, and family law disputes. **Courts can ensure a collaboration with multiple providers** to implement evidenced-based behavioral health practices to support their full recovery and not return to incarceration.

Formal substance abuse with mental illness treatment, such as residential and intensive outpatient, is still the most effective approach to achieve functionality and lasting recovery for justice-involved women.

Substance use disorder coupled with mental health treatment is essential for offenders because it addresses the underlying issues that often contribute to criminal behavior and helps break the cycle of addiction and recidivism. Gender-responsive women's courts are effective because they address the unique needs and challenges women face:

1. **Trauma-Informed Approach.** Women's courts often adopt trauma-informed practices, ensuring that the court process is sensitive to the

emotional, psychological, and physical impact of trauma on survivors. This fosters an environment where women feel safe, heard, and respected.

2. **High Rates of Substance Abuse Among Offenders:** Many offenders struggle with substance use disorders. Studies show that a significant proportion of crimes, including theft, assault, and drug-related offenses, are committed under the influence of drugs or alcohol.
3. **Addresses Root Causes of Criminal Behavior:** Substance abuse often coexists with mental health issues, trauma, or socioeconomic challenges. Treatment programs can provide a comprehensive approach to addressing these interconnected factors. Treating substance abuse can lower the likelihood of reoffending. Offenders who receive effective treatment are more likely to develop coping skills and lead crime-free lives after release.
4. **Specialized Training for Judges and Staff:** Judges, attorneys, and court staff in women's courts typically receive specialized training in gender dynamics, domestic violence, and trauma. This equips them to make informed, fair decisions and avoid perpetuating biases or re-traumatizing survivors.
5. **Integrated Social Services:** Women's courts often partner with social services, offering survivors access to counseling, housing assistance, legal aid, childcare, and job training. This holistic approach addresses the underlying issues that women face, helping them rebuild their lives.
6. **Empowering Women:** By creating a supportive and understanding environment, women's courts help survivors regain confidence, independence, and control over their lives, encouraging long-term recovery and stability while simultaneously holding perpetrators accountable while ensuring victim safety.

This focused approach ensures that justice-involved women are given an opportunity to rebuild their lives, contributing positively to society rather than being trapped in cycles of crime and incarceration.

We appreciate the opportunity to provide testimony and are available for questions.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair

Senator Sharon Moriwaki, Vice Chair

Monday, March 31, 2025

Room 211 & VIDEOCONFERENCE

10:02 AM

STRONG SUPPORT FOR HB 727 HD1, SD1 - WOMEN'S COURT

Aloha Chair Dela Cruz, Vice Chair Moriwaki and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,767 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation as of March 24, 2025. We are always mindful that 936 persons - 49.5% - of Hawai'i's male prison population (1,890) are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

In Hawai'i nei, women comprise 11% of the entire jail and prison population with 99 women in our 4 jails and 303 women at WCCC.

Mahalo for the opportunity to show our strong support for HB 727 HD1, SD1 that makes permanent, the Mohala Wahine Women's Court Project in the First Circuit and establishes a three-year Women's Court Pilot Program in the circuit court of the Kona division of the Third Circuit under the supervision of the Big Island Drug Court and requiring a report to the legislature.

The Women's Court in the First Circuit acknowledges that women's pathways to incarceration are different and need gender responsive programs to address the many issues they have experienced in their journeys thus far. We are, therefore, happy to see trauma-informed care and gender-responsivity being the focus for this court.

¹ DCR Weekly Population Report, March 24, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/03/Pop-Reports-Weekly-2025-03-24.pdf>

Judge Kim from Hawai`i Island has been at hearings helping O`ahu legislators understand the resource challenges of our neighbor islands. We know we don't have enough programs and services on O`ahu; this is magnified on our outer islands.

Community Alliance on Prisons commends Judge Kim for his belief that we can do more and his willingness to find ways to better serve the people on our outer islands! Imua, Judge Kim!

We hope that WAM funds this important effort and that Hawai`i will substantially reduce our current population of incarcerated women. This will help our communities and families. WE CAN DO THIS!

Mahalo nui!

LATE

HB-727-SD-1

Submitted on: 3/31/2025 7:37:09 AM

Testimony for WAM on 3/31/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Lydia Leanos	Individual	Support	Written Testimony Only

Comments:

I am strongly in support of HB 727, Women's Court Pilot Program. I feel that this type of court program is a strong step towards a trauma informed system that support members of our community that need supports towards reintegration into society and a court system that views people as people, not just criminals. The women's court program has the potential to see people as what has happened to them, not what is wrong with them, which is a framework that moves our entire judicial system towards restorative justice and not just further incarceration. Like the Juvenile Girls Court program, which is a successful model of treatment and intervention, I am in favor of HB 727 and a Women's court Program for the women of Hawaii.