



The Judiciary, State of Hawai'i

Testimony to the House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, February 7, 2019, 2:05 p.m.
State Capitol, Conference Room 325

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

Bill No. and Title: House Bill No. 512, 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 investigation process.

The Judiciary's Children's Justice Program administers the Children's Justice Centers of Hawaii (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.

Recently, CJC has been subpoenaed in several cases to produce the guidelines by attorneys representing alleged child abuse perpetrators. CJC has opposed the subpoenas on the



grounds that release of the guidelines would disclose techniques and procedures for law enforcement and child welfare services investigations, and potentially enable an individual to use that information to coach or confuse a child prior to the interview. As most sexual abuse/assault cases lack physical or medical evidence, and their outcomes depend on other evidence, including the child forensic interview, 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 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 those involved in the investigation and processing of a case, such as law enforcement officials, prosecutors, child welfare officials, and treatment providers. Other persons would be required to apply to the court for an order allowing access to the documents, under a process that requires the judge to conduct a private in-chamber review of the materials, (in camera), and the moving party to establish good cause.

The bill's confidentiality provisions are consistent with confidentiality requirements in other jurisdictions. For instance, in the District of Columbia, information and records in possession of the Children's Advocacy Center are not subject to discovery, inspection, or disclosure in any court proceeding, except by court order, and a subpoena may not be served on the Center. Under Kentucky law, the files, reports, notes, photographs, records, electronic and other communications, and working papers used or developed by the Children's Advocacy Center are confidential and disclosure requires a court order.

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 review of the bill, the Judiciary requests the following amendments:

SECTION 1, HRS § 588- (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.
- In paragraph (2), add language to provide that a court order for disclosure of confidential information shall include a protective order. Protective provisions may, among other things, restrict re-disclosure, copying, or retention of confidential materials.
- Establish an additional exception to the disclosure prohibition for disclosures permitted under 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 House Draft 1 that incorporates the above-requested amendments is attached.

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

ATTACHMENT

Report Title:

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

Description:

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

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;
- 8 (2) Pursuant to a court order that includes a protective
9 order, after an in camera review of the documents or
10 materials by the court, and upon a showing of good
11 cause by the party seeking the release of the
12 documents or materials; or
- 13 (3) Pursuant to federal or state law that authorizes
14 disclosure of the confidential information."

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

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

- 18 (1) Develop, achieve, and maintain interagency and
19 interprofessional cooperation and coordination in the
20 investigation of and case management of [~~intrafamilial~~
21 ~~and extrafamilial child sex abuse and serious physical~~
22 ~~child abuse cases~~];

- 1 (A) Child abuse or neglect cases, with a priority for
2 cases involving:
- 3 (i) Sexual abuse/sexual exploitation of a child;
4 (ii) Serious physical child abuse; or
5 (iii) Human trafficking of children; and
- 6 (B) Cases involving child witnesses;
- 7 (2) Facilitate in an impartial manner the professional
8 gathering of information by public and private
9 agencies and their providers for court proceedings
10 involving child abuse or neglect victims and child
11 witnesses;
- 12 (3) [~~Reduce to the absolute minimum~~] Minimize the number
13 of interviews of child [~~sex~~] abuse or neglect victims
14 [~~so as~~] and child witnesses, to [~~minimize~~] avoid
15 revictimization of the child;
- 16 (4) Coordinate [~~the~~] therapeutic and treatment [~~program~~]
17 programs for child [~~sex~~] abuse or neglect victims and
18 child witnesses, and their families;
- 19 (5) Provide for a multidisciplinary team and case
20 management approach [~~which is focused~~] that focuses
21 first, on the alleged or suspected child [~~sex~~] abuse
22 or neglect victim's and child witness' needs and

1 conditions; second, on the family members who are
2 supportive of the child and whose interests are
3 consistent with the best interests of the child; and
4 third, on law enforcement and prosecutorial needs;
5 (6) Provide for the training and continuing education of
6 skilled professional interviewers of child ~~[sex]~~ abuse
7 or neglect victims[+] and child witnesses; and
8 (7) ~~[Serve as the focus of]~~ Provide information and
9 referral for child ~~[sex]~~ abuse or neglect and child
10 witness programs."

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

13 "[+]§588-1.5[+] **Coordination function.** (a) The program
14 shall promote the mutual sharing of information among the
15 program and agencies providing services to the child and family,
16 for purposes of implementing this chapter.

17 (b) ~~[All]~~ The program and all agencies and [their]
18 providers that have information regarding the ~~[mental,]~~ physical
19 or mental health[7] of the child, or other information relating
20 to the best ~~[interest]~~ interests of the child, shall share ~~[the]~~
21 this information ~~[among the agencies working with the child]~~
22 with each other, unless otherwise prohibited by federal or state

1 statute or rule. [~~No agency shall further disclose any~~
2 ~~confidential information received unless written consent~~
3 ~~expressly authorizing further disclosure is obtained from the~~
4 ~~person who is the subject thereof, or disclosure is permitted by~~
5 ~~law.]"~~

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

8 1. By adding three new definitions to be appropriately
9 inserted and to read:

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

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

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

15 2. By amending the title to read:

16 **"§588-2 Definitions [~~of child abuse~~]."**

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

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

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

3 **"§588-4 Duties of the director.** The director shall:

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

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

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

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

20 (5) Coordinate the flow of information between the
21 agencies responsible for criminal prosecution and the agencies
22 responsible for protective action in civil proceedings,

1 including those professionals providing services to children and
2 their families;

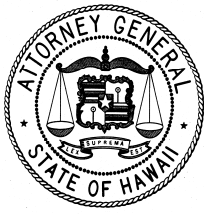
3 (6) Arrange for the exchange of information, to include
4 statistical data from public and private agencies involved in
5 child [~~sex~~] abuse or neglect and child witness programs and
6 issues;

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

11 (8) Prepare and maintain records and reports for the
12 program."

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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



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

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 512, RELATING TO THE CHILDREN'S JUSTICE PROGRAM.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 7, 2019 **TIME:** 2:05 p.m.

LOCATION: State Capitol, Room 325

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

Chair Lee 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.

House Bill No. 512 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 (see page 1, lines 4 -15) confidential. 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, line16).

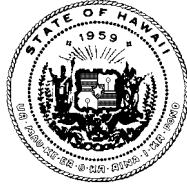
CJC uses its interview guidelines to train individuals to conduct forensic interviews of the children who are the alleged victims of abuse or neglect. The guidelines are just that – guidelines – they suggest techniques that can be used to make children comfortable and questions that can be posed in different ways so that children can understand them and answer completely. The guidelines are not required or mandated and interviews that do not follow the guidelines are not wrong or 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 is imperative; it will help to 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 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 House Bill No. 512.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

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



February 6, 2019

TO: The Honorable Representative Chris Lee, Chair
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 512 – RELATING TO THE CHILDREN’S JUSTICE PROGRAM**

Hearing: Thursday, February 7, 2019, 2:05 p.m.
Conference Room 325, State Capitol

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

PURPOSE: The purpose of this bill is to clarify the purpose of the Children’s Justice Program and limits 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 child(ren) by multiple individuals.

This collaboration is crucial to ensuring the department’s goals of ensuring a children’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 cases will ensure that the goals will be afforded to all children who are subject to harm or threatened harm with priority given to 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 Hawaii Administrative Rule section 17-1601.

Thank you for the opportunity to testify on this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE WO-KK

February 7, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 512, 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 House Bill No. 512, Relating to the Children's Justice Program.

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

If we are to maintain as 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 urges you to support House Bill No. 512, Relating to the Children's Justice Program.

Serving and Protecting With Aloha


The Honorable Chris Lee, Chair
and Members
February 7, 2019
Page 2

Thank you for the opportunity to testify.

Sincerely,


Walter Ozeki, Acting Major
Criminal Investigation Division

APPROVED:


Susan Ballard
Chief of Police

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy

Amul Esaki 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

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

**TESTIMONY IN STRONG SUPPORT OF
HB 512 - RELATING TO THE CHILDREN'S JUSTICE PROGRAM**

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

House Committee on Judiciary
February 7, 2019, 2:05 p.m., Conference Room 325

Chair Lee, Vice Chair San Buenaventura, 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.

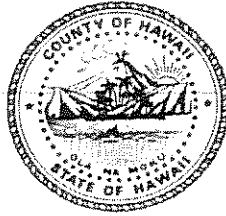
Participating in the criminal justice system can be extremely challenging and this is especially true of such a vulnerable population. We expect a great deal of these children. Their records should be confidential and protected with exception of discoverable and exculpatory information.

Accordingly, we are in STRONG SUPPORT OF HB 512. We request that your Committee PASS the Bill.

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

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKĪ'I ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HB 512

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

HOUSE COMMITTEE ON JUCICIARY

Rep. Chris Lee, Chair
Rep. Joy San Buenaventura, Vice Chair

Thursday, February 7, 2019, 2:05 p.m.
State Capitol, House Conference Room 325

Honorable Chair Lee, Honorable Vice Chair San Buenaventura, 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 House Bill No. 512.

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 House Bill No. 512. Thank you for the opportunity to testify on this matter.

Executive Director
Adriana Ramelli

ADVISORY BOARD

President
Mimi Beams

Joanne H. Arizumi

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, M.D.

Councilmember
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Lindsay Norcross Mist

Nadine Tenn Salle, M.D.

Joshua A. Wisch

Date: February 7, 2019

To: The Honorable Chris Lee, Chair
The Honorable Joy San Buenaventura, Vice Chair
House Committee on Judiciary

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

RE: Testimony in Strong Support of H.B. 512
Relating to the Children's Justice Program

Good afternoon Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 512, 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 disclosures of those materials be appropriately limited to in camera review and only in circumstances where a party can demonstrate good cause for their release.

We appreciate this opportunity to testify in strong support of H.B. 512, and ask that the Committee please pass this important measure.



hale'ōpio kaua'i INC.

Nurturing Our Youth
SINCE 1975

Board of Directors

February 6, 2019

Curtis E. Law
President

To: Rep. Chris Lee, Chair
Rep. Joy San Buenaventura, Vice Chair

Orianna Skomoroch
Vice President

Re: Support of HB #512 Relating to the Children's Justice Program
(also known as the Children's Justice Centers of Hawaii)

Randall Hee
Secretary

Thomas Lodico
Treasurer

Dear Chair Representative Lee,

—

My name is Vonn Ramos and I am the Executive Director of Hale Opio Kauai.
We are in favor of HB #512.

Addison Bulosan, DC

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

Judge William J.
Fernandez, Ret.

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

Carol Furtado

Randall Hee

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

Gregory Meyers

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.

Wanda Shibata

Geri Young, MD

—

Vonn Ramos
Executive Director

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

Sandra Cummings
Controller

Mahalo nui loa –

Vonn Ramos, MA, MS, CSAC
Executive Director

2959 Umi Street, Lihue, Kaua'i, Hawai'i 96766
(808) 245-2873 • Fax (808) 245-6957
www.haleopio.org • info.haleopio.org





02/06/2019

To: House Chair Chris Lee and Vice Chair Jay Buenaventura
House Judiciary Committee

Subject: HB512, Relating to the Children's Justice Program (also known as the Children's Justice Centers of Hawaii).

Hearing Date: Thursday 2/7 at 2:05 p.m. Conference room 325

My name is Jenna Tomas, Program Manager for Friends of the Children's Justice Center of Oahu. We are in strong support of HB512.

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

Board of Directors

Victor Corpuz
Kathy Muneno Thompson
Christopher Yeh
Guy Nishihira
Anne Hogan Ezer
Nicole Altman
Lisa Grant
Tammy Mori
Jasmine Mau-Mukai
Susan Pang Gochros
Charlene Takeno

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 HB512 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



YWCA of Kauai
3094 Elua Street
Lihue, HI 96766

T: 808-245-5959
F: 808-245-5961
ywcakauai@ywcakauai.org
www.ywcakauai.org

January 9, 2019

To: Rep. Chris Lee, Chair
Rep. Joy San Buenaventura, Vice Chair

Subject: HB #512 Relating to the Children's Justice Program (also known as the Children's Justice Centers of Hawaii)
Hearing Date: February 7, 2019
Hearing Time: 2:00 pm

My name is Stefani Lowe from YWCA of Kaua'i. This agency provides a multitude of services to advocate for, support and treat families who are affected by interpersonal violence; this includes acts of physical and sexual violence. We are in favor of HB #512.

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 of Confidentiality of Records/Documents

The YWCA of Kaua'i is a partner agency of the Children's Justice Center. We take a multidisciplinary approach to support alleged victims of child abuse and those exposed to a crime. The clarification of 'child abuse' to include the sexual exploitation of and/or trafficking of a child as abusive acts, and to include witnesses of crime in the population to be served is imperative. This increases our ability to meet the needs of children who experience and/or are exposed to the variety of traumatizing acts of child abuse and other crimes. As a trauma-informed agency, we have found that secondary victims, or witnesses to crime, are sometimes equally and/or more traumatized than the primary victim. It is also essential for the documents and records of the Children's Justice Centers to be confidential and limited in disclosure as this protects the children and their families, in addition to alleged offenders of child abuse. Ensuring confidentiality and limited disclosure allows children to feel safer in disclosing the alleged abuse, and maintains a neutral process for alleged offenders. In closing, the YWCA of Kaua'i is strongly in favor of HB #512 and asks for your assistance in passing this bill.

Stefani Lowe, LMFT, CSAC, NCC
Clinical Director of Sexual Assault Services
YWCA of Kaua'i
3094 Elua Street
Lihue, HI 96766
(808) 245-5959, ext. 243