

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

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

Prepared for the Senate Committee on Ways and Means

In Support of HB437 HD1, SD1
Wednesday, April 3, 2019, at 10:25 a.m. in Room 211

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Honorable Members,

The Hawai‘i State Commission on the Status of Women **supports** HB437 HD1, SD1, which would authorize crime victim compensation for mental health services for survivors in cases involving a death and for children who witness domestic violence. As a member of the state’s JRI Victim Services Workgroup and Victims of Crime Assistance Advisory Committee, the Commission supports the effort to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Every jurisdiction in the United States provides money to compensate victims and witnesses of crime, including family members of victims. Research by the Hawai‘i State Department of the Attorney General *Domestic Violence in Hawaii: Impact on Mothers and Their Children*, suggests that half of the children who witnessed domestic violence against their mothers exhibit symptoms of PTSD. This proposal would assist children affected by domestic violence to recover psychologically and emotionally. Accordingly, the Commission asks that the Committee pass HB437 HD1, SD1.

Mahalo,

Khara

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Commissioner

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Commissioner

PAMELA FERGUSON-BREY
Executive Director

STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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TESTIMONY ON HB 437 HD1 SD1
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S. C. Keith-Agaran, Vice Chair

Wednesday, April 3, 2019; 10:25 AM
State Capitol, Conference Room 211

Good morning Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of House Bill 437 HD1 SD1. House Bill 437 HD1 SD1 amends section 351-31 and 351-33, Hawai'i Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence. In addition, House Bill 437 HD1 SD1 provides that compensation for victims has priority over compensation for witnesses.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. No State general funds have been appropriated for victim compensation since FY 2003, and the Commission is now funded solely from non-tax revenue and matching federal funds.

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

health services will help them heal, and, in the case of children who witness domestic violence, help to reduce the cycle of violence.

Mental Health Counseling for Surviving Family Members

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

Mental Health Counseling for Children who Witness Domestic Violence

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

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 437 HD1 SD1.

Department of the Prosecuting Attorney

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**THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR
THE HONORABLE GILBERT S. C. KEITH-AGARAN, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii**

April 3, 2019

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

HEARING: Wednesday, April 3, 2019, 10:25 A.M., Conference Room 211

Good morning Chair Dela Cruz, Vice Chair Keith and members of the Senate Ways and Means Committee, the Department of Prosecuting Attorney provides the following testimony **in support of H.B. 437, HD 1, SD 1**, which proposes to amend H.R.S. Section 351-31 (a) to permit payment of crime victims compensation for the purpose of providing mental health services for the surviving relatives of deceased crime victims, as well as children who are direct and immediate witnesses of Abuse of a Family or Household Member under H.R.S. 709-906.

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

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

The provisions of H.B. 437, HD 1, SD 1 are narrowly drawn so that only the surviving relatives of victims of cases involving a death, or those who are children who witness Abuse of a Family or Household Member, would be eligible for counseling benefits. While expanding the existing coverage of H.R.S. Chapter 351, the proposed limitations of the bill are practically drawn to insure a fiscal impact that is not unreasonable.

For all of the above reasons we strongly urge your support for H.B. 437, HD 1, SD 1 . Thank you for your time and consideration.



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SENATE COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Testimony in SUPPORT of HB437 HD1 SD1

Wednesday, April 3, 2019, 10:25 AM, Room 211

The Hawai'i Psychological Association (HPA) supports HB437 HD1 SD1, which is intended to amend the existing statute to provide compensation funding (including for mental health services) for (1) surviving relatives of a deceased victim, and (2) child witnesses of abuse of family/household member, in cases of crimes of commission or omission, or acts of terrorism, involving injuries and/or fatalities.

We respectfully urge you to support HB437 HD1 SD1.

Respectfully submitted,

Julie Takishima-Lacasa, PhD
Chair, HPA Legislative Action Committee

Executive Director
Adriana Ramelli

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Date: April 3, 2019

To: The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

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

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

Good morning Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means:

The Sex Abuse Treatment Center (SATC) strongly supports H.B. 437 H.D. 1 S.D. 1.

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

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

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

Mental and behavioral health interventions, such as supportive counseling and therapy, are helpful in managing the overwhelming emotions encountered by secondary victims of crime. Unfortunately, Hawai'i's victim compensation statute

does not currently authorize the use of Crime Victim Compensation Commission (CVCC) program funds for mental health counseling services for survivors of homicide victims or children who witness domestic violence in their families. This fails to recognize these people, whose lives have been indelibly affected by violent crimes, as legitimate victims despite the very real suffering they experience, and creates a barrier to accessing necessary mental health services.

H.B. 437 H.D. 1 S.D. 1 corrects this issue by authorizing the use of CVCC program funds for the coverage of mental health services that these victims of violent crimes need and deserve.

Helping Hawai'i Live Well

To: Senator Donovan Dela Cruz, Chair, Senator Gilbert Keith-Agaran, Vice Chair, Members, Senate Committee on Ways and Means

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF HB 437 HD1 SD1 Relating to Crime Victim Compensation for Mental Health Services

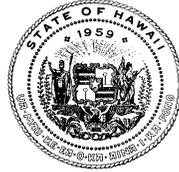
Hearing: April 3, 2019, 10:25 am, CR 211

Thank you for allowing us to provide testimony in support of HB 437 HD1 SD1 which amends section 351-31 and 351-33, Hawaii Revised Statutes, to allow the Crime Victim Compensation Commission to provide compensation for mental health counseling services for surviving family members of murder, manslaughter, and negligent homicide, and for children who witness domestic violence.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 77 years ago, that serves the community by promoting mental health through advocacy, education and service. This bill supports mental health by allowing access to mental health treatment after a significant trauma.

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

Thank you for the opportunity to testify in support of HB 437 HD1 SD1. We ask that you help pass this bill to help the Commission best serve their constituents. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of HB0437 HD1 SD1
RELATING TO CRIME VICTIM COMPENSATION FOR MENTAL HEALTH SERVICES**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date and Time: Wednesday, April 3, 2019 at 10:25 a.m.

Room: 211

1 **Fiscal Implications:** Undetermined.

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

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

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

14 Thank you for the opportunity to testify.

15 **Offered Amendments:** None.