

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH
MARILYN LEE
JUDY KERN

Executive Director
Catherine Betts, JD

Email:
Catherine.a.betts@hawaii.gov
Visit us at:
humanservices.hawaii.gov
/hscsw/

235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

February 24, 2015

To: Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

From: Cathy Betts
Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 538, HD 2, Relating to Domestic Violence

The Commission supports the intent of HB 538, HD 2, but prefers the language of HD 1. The language of HD 2 is problematic for several reasons.

Being forced to share a continued mobile contract with an abuser makes it even more difficult for a victim to leave. Abusers will often manipulate their partners through cell phones in a number of ways: abusive and harassing text messages, racking up charges on cell phones, and stalking through cell phone location are just a few. These not only have safety implications for victims but also financial implications, potentially increasing a victim's financial dependence on an abuser. HD 2 provides that a victim can obtain a court order via HRS 586. This means that victims would have to file a petition for a restraining order in Family Court, wait for that restraining order to be served upon the abuser-respondent, attend a court hearing (that could potentially be continued for several reasons) and additionally request a separate court order to be released from a cell phone contract or to change the account holder. Not all victims apply for restraining orders. The court system can trigger an unwanted child welfare investigation, it can be too costly to navigate, and it can be a scary process for a victim. Some victims feel that the abuse will escalate once a petition is filed. At any rate, predicating the release from contract on a successful court order is not realistic.

HD 1 provided that sufficient documentation could include: a written police report detailing the abuse, a protective order from the courts, or a signed affidavit from a licensed health care provider. This provides more options to a victim. HD 2, if passed, would be incapable of effecting the type of change first envisioned by the bill. The Commission respectfully urges this Committee to adopt the previous language found in HD 1. Thank you for this opportunity to provide testimony.



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

Board of Directors

Howard Garval, Chair
Joanne Lundstrom, Vice Chair
Jerry Rauckhorst, Treasurer
Liz Chun, Secretary
Susan Chandler
Victor Geminiani
Marya Grambs
Kim Harman
Katherine Keir
Jeeyun Lee
John McComas
Robert Naniolo
Darcie Scharfenstein
Alan Shinn

TO: Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Chair
Members, House Committee on Judiciary

FROM: Scott Morishige, MSW
Executive Director, PHOCUSED

HEARING: **Tuesday, February 24, 2015 at 2:00 p.m. in Conf. Rm. 325**

Testimony Supporting the Intent of HB538 HD2, Relating to Domestic Violence

Thank you for the opportunity to provide testimony **supporting the intent** of HB538 HD2, which would require telecommunications carriers to release victims of domestic violence from shared or family wireless plans upon written request. PHOCUSED is a nonprofit membership and advocacy organization that works together with community stakeholders to impact program and policy change for the most vulnerable in our community, including victims of domestic violence.

Our membership includes organizations, such as Child & Family Service, Parents & Children Together, and Domestic Violence Action Center, which serve victims of domestic violence and their families. Through the work these organizations do every day, they see firsthand that financial and contractual obligations associated with wireless phone plans may sometimes serve as a barrier that prevents a victim from leaving an abusive relationship. Under the current system, the burden of financial responsibility for paying for phone service, or cancellation fees, often remains with the victim who – in many cases – has endured long standing economic abuse from their perpetrator.

While we support the intent of HB538 HD2, our concern is that not all victims of domestic violence are willing to apply for, or are in fact awarded a court order of protection (TRO/PO) even when violence has occurred, or the victim is living in fear. We prefer the language in the original version of this bill, which provides for other ways to verify that a situation of domestic violence has occurred – specifically (1) A valid police report documenting an instance or series of instances of domestic violence; (2) Order for protection; or (3) Signed affidavit from a licensed medical or mental health care provider, employee of a court acting within their scope of employment, or a social worker.

The original language in HB538 would enable victims of domestic violence to opt out of wireless contractual obligations without undue financial burden, and would protect the victim's safety by more easily enabling them to obtain a new phone number. While some wireless providers have adopted policies to allow victims to opt out of contracts, this practice is not consistent among all wireless plan providers. This legislation is needed to implement a uniform policy to ensure the safety of victims of domestic violence throughout our state.

Once again, PHOCUSED supports the intent of HB538 HD2, but prefers the language in the original version of this bill. If you have any questions, please do not hesitate to contact PHOCUSED at 521-7462 or by e-mail at admin@phocused-hawaii.org.



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

Board of Directors

Howard Garval, Chair
Joanne Lundstrom, Vice Chair
Jerry Rauckhorst, Treasurer
Liz Chun, Secretary
Susan Chandler
Victor Geminiani
Marya Grambs
Kim Harman
Katherine Keir
Jeeyun Lee
John McComas
Robert Naniolo
Darcie Scharfenstein
Alan Shinn

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

Comments:

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments:

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	Yes

Comments: Aloha Chair Rhoads and committee members, As testified in previous the previous committee, we are in STRONG SUPPORT of HB 538. According the Domestic Violence Action Center, perpetrators often use the shared cell phone contract to further abuse their victims, by racking up charges on the phone. This can result in her inability to pay and thus be shut out of her lifeline, a primary source of communication. A survivor's access to a mobile phone is not a luxury. It can be an imperative tool to keeping her safe. Cell phones are used to call domestic violence shelters, legal services, helplines, and the police. They keep a survivor in touch with domestic violence advocates, attorneys, and social workers. Without a cell phone, a survivor of domestic violence is isolated from a network of services, organizations, and individuals who are able to help. Many cases at the Domestic Violence Center are closed because advocates and attorneys are unable to maintain contact with survivors. This bill gives survivors a chance to maintain a cell phone, without the oppressive debt left for them by their abusers. Requiring wireless communication providers to release survivors from their contracts, without a termination fee, can mean the difference between staying and leaving. Please pass the important bill out of committee. Mahalo for the opportunity to testify, Ann S. Freed Co-Chair, Hawai'i Women 's Coalition

LATE



To: Chair Karl Rhoads
Vice Chair Joy San Buenaventura
Members of the Committee

Fr: Nanci Kreidman, MA

RE: HB 538 HD 1 Oppose

Aloha. This amended bill does not, in any way, address or resolve the current challenges faced by survivors of abuse.

The reality and experiences of those who suffer the harm of abuse (threats, isolation, financial exploitation) that the original bill was intended to redress or resolve has been eliminated in HB 538 HD 1. A DVAC client's experience illustrates the issue. She and her partner shared a cell phone family plan under her name and in just one month, he racked up over \$800 in charges; an unfathomable sum for a newly single mother. She tried to negotiate with her carrier and explained her predicament. Yes, she works, but she was also trying to survive on just one small income. The manager she spoke with was sympathetic, but told her nothing could be done about the charges and she'd have to pay an additional \$200 to terminate her contract. Defeated, she felt like there was no other choice but to go back to her abusive partner.

As a tactic to maintain power over someone, abusive partners will often create debts in their victim's name. Credit cards, loans, and cell phone plans are opened either out of trust or through coercion. Then later, usually when a survivor tries to leave the relationship, she discovers a multitude of debts that she cannot possibly pay back. With an obliterated credit history, it's nearly impossible for her to find housing, obtain a student loan, or find a different cell phone carrier. This insidious form of financial abuse has lasting effects on a survivor's ability to truly be free of her partner's control and violence.

A survivor's access to a mobile phone is not a luxury. It can be an imperative tool to keeping her safe. Cell phones are used to call domestic violence shelters, legal services, helplines, and the police. They keep a survivor in touch with domestic violence advocates, attorneys, and social workers. Without a cell phone, a survivor of domestic violence is isolated from a network of services, organizations, and individuals who are able to help. Many cases at the Domestic Violence Center are closed because advocates and attorneys are unable to maintain contact with survivors. This bill gives survivors a chance to maintain a cell phone, without the oppressive debt left for them by their abusers.

The current bill is not helpful. Perhaps the barriers it creates is in the interests of the telecommunications industry, but certainly tramples on the interests and needs of survivors as they endeavor to escape, become sufficient and achieve financial stability. What help is it to have a cell



phone bill or an internet bill in your name if your partner has incurred enormous costs on the contract you share.

Please do not pass this bill.

Thank you very much for your willingness to consider this testimony, a voice for survivors, who need us and your responsive legislative action.