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DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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February 5, 2009

LATE
Testimony

MEMORANDUM

TO: Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: H. B. 873, RELATING TO DOMESTIC VIOLENCE

Hearing: February 5, 2009, Thursday, 8:15 a.m.
Conference Room 329, State Capitol

PURPOSE: The purposes of H.B. 873 are to require law officers to report to the Department of Human Services (DHS) when a child witnesses an incident of domestic violence. This bill also requires DHS to collaborate with other agencies and organizations to establish procedures and protocols and report to the Legislature.

DEPARTMENT'S POSITION: The Department cannot support this bill for the following reasons:

(1) Chapter 350, HRS, the child abuse and neglect reporting statute already mandates police officers to report known or suspected child abuse to DHS. This responsibility would encompass the requirements of the proposed amendments.

(2) The bill requires the reporting of any child witnessing any domestic violence. This is not consistent with chapter 350-

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1.1, which requires the person reporting child abuse or neglect must have reason to believe child abuse or neglect has occurred or there exists a substantial risk that child abuse or neglect will occur in the reasonably foreseeable future. There is no such determination required by this bill which assumes a child has been harmed by being exposed to domestic violence alone without any other evidence that the child has been harmed or threatened with harm.

(3) This bill requires coordination and the development of procedures and protocols which are already in place. The Department coordinates and collaborates on an on-going basis with the police and other agencies that service abused and neglected children and has in place protocols related to all of the different types of child abuse and neglect.

Additionally, this bill, while greatly expanding the number of potential referrals to the Department, does not provide any funding or resources to the Department to accomplish the requirements of the bill, which also includes a report to the Legislature.

We respect the concern for children and their exposure to domestic violence reflected in this bill. But the provisions of this bill are not necessary. We have a system that encourages reports of abuse or neglect, professionals who report abuse and neglect and a proven ability to respond effectively to those reports.

Thank you for the opportunity to testify.

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: February 3, 2009

To: Representative John M. Mizuno, Chair and Representative Tom Brower, Vice Chair
Committee on Human Services

From: Carol Lee, Executive Director

Re: HB 873

**LATE
Testimony**

Hearing Date and Time: Thursday, February 5th 8:15 a.m.

Good morning Chair Representative Mizuno, Vice Chair Representative Brower, and Committee members. The Hawaii State Coalition Against Domestic Violence appreciates the opportunity to submit testimony relating to child witnesses to domestic violence.

Hawaii State Coalition Against Domestic Violence favors having discussion with the Department of Human Services, statewide police departments and other associated agencies about how to best address the issues of child witnesses to domestic violence.

Frequently when violence is perpetrated by a batterer children are exposed to the violence and/or become the target of the violence. All too often police and agencies are at a loss as to how to appropriately address the needs of the children and families.

Domestic violence is a very complex issue that requires coordination amongst agencies as they work toward obtaining safety and freedom from abuse.

We appreciate your consideration of our testimony.

~ Together we can do amazing things ~

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: February 4, 2009

To: Representative John M. Mizuno, Chair and Representative Tom Brower, Vice Chair
Committee on Human Services

From: Carol Lee, Executive Director

Re: HB 873 Relating to Domestic Violence

Hearing Date and Time: Thursday, February 5, 2009

**LATE
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Good morning Representative Mizuno, Representative Brower, and Committee members. The Hawaii State Coalition Against Domestic Violence (the Coalition, HSCADV) appreciates the opportunity to submit testimony relating to children who witness domestic violence, although we are unable to support this particular measure.

HSCADV is an alliance of programs responding to the problem of domestic violence. Our mission is to ensure the safety and protection of women in intimate relationships by coordinating domestic violence prevention and intervention services, affecting public policy, and establishing coordinated and consistent procedures and actions by the civil and criminal justice systems in Hawaii.

HSCADV, Family Court, and Child Welfare Services, with facilitation from Alternative Dispute Resolution, have been working together for a number of years to coordinate the response when both domestic violence and child abuse are present—or when a child witnesses domestic violence. The group calls itself DV/CWS. Via this mechanism, cross-training for domestic violence service providers and Child Welfare Workers has been conducted and protocols have been developed and are in use. A recent proposal by the HSCADV Public Policy Advisory Committee, to have a domestic violence advocate placed in each Child Welfare office, has been amended to make a domestic violence advocate available to each Child Welfare office, due to the economic reality we are all facing.

This piece of legislation recognizes that domestic violence can have devastating effects on children who witness it and that coordination among the various entities who work with these families is critical. We need to ensure that no child “falls through the cracks” in the systems. The approaches that DV/CWS is currently using and the proposals that are being considered will serve to help these children while not necessarily overwhelming Child Welfare Services with a referral on every case—only those in which the child is endangered.

We appreciate your consideration of our testimony.

~ Together we can do amazing things ~

Cynthia Nyross

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, February 04, 2009 10:15 PM
To: HUS testimony
Subject: HB873 to be heard on 02/05/09 at 8:15am by the House Committee on Human Services

TO: Representative Mizuno, Chair
Representative Brower, Vice Chair
Members of the Committee on Human Services

FROM: Dara Carlin, M.A.
881 Akiu Place
Kailua, HI 96734
(808) 218-3457

DATE: February 5, 2009

RE: Support for HB873

As an independent Domestic Violence Survivor Advocate, I stand in support of this measure. Thank you for your consideration and attention.

Respectfully,

Dara Carlin, M.A.

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