



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Judiciary**

Representative Karl Rhoads, Chair

Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 31, 2016, 2:00 p.m.

State Capitol, Conference Room 325

By

Lori Okita

Chief Court Administrator

First Circuit

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**Bill No. and Title:** Senate Bill No. 2315, S.D. 2, H.D. 1, Relating to Jury Duty.

**Purpose:** Exempts from jury duty parents involved in the active care and custody of the parent’s natural born or adopted child while the child is six months old or younger.

**Judiciary's Position:**

The Judiciary recognizes the good intentions behind this bill. However, we respectfully offer these comments on the present system that appears to adequately accommodate parents of young children. Parents providing care for a young child may request an exemption from jury duty for one calendar year. The Judiciary provides for this to assure that there are ways to accommodate the change in status of families within the one calendar year for which they are eligible to be summoned for jury duty.

The Judiciary acknowledges that communication regarding this topic can be improved. The Senate also acknowledged the importance of the Judiciary assuring clear communication concerning these types of exemption issues in Senate Concurrent Resolution No. 126 and Senate Resolution No. 92. We are in the process of reviewing information on all exemptions on both the Judiciary’s websites and written information mailed to potential jurors. Both information and forms are being reviewed and modified, as appropriate, to more clearly communicate information for parents with young children.

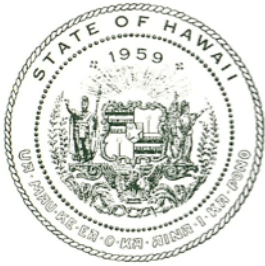


Senate Bill No. 2315, S.D. 2, H.D. 1, Relating to Jury Duty  
House Committee on Judiciary  
Wednesday, March 31, 2016, 2:00 p.m.  
Page 2

Legislation exempting parents of young children opens the door to future requests by other groups for automatic exemptions from jury duty. This could result in more requirements of proof of situation than are currently asked for. Further exemptions could also negatively impact our need to maintain a large, diverse pool of potential jurors.

Thank you for the opportunity to comment on this measure.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



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LESLIE WILKINS

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March 30, 2016

To: Representative Karl Rhoads, Chair  
Representative Joy 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, SB 2315, SD2, HD1 Relating to Jury Duty

Thank you for this opportunity to provide comments regarding the current language found in HD1. While the Commission supports the provision in HD1 allowing new parents an exemption from jury duty, the purpose of this bill was to support breastfeeding mothers. Only women can lactate yet they still find themselves up against numerous barriers within the workplace and elsewhere. Breastfeeding is not a childcare issue and should not be conflated with “care” of a newborn. Breastfeeding women face cultural and social stigma in all facets of life and many women call our office to understand their rights under the law.

The previous language of SD2 would have provided breastfeeding mothers the opportunity and choice to be exempted from jury duty. For many mothers, breastfeeding can be difficult to begin and hard to maintain. For working mothers, the difficulty is even more pronounced. The ability to find time and a location to use a breastpump is not easy during the work day. Multiple barriers exist for women who wish to continue breastfeeding a child. Studies reveal that supportive policies can help women continue breastfeeding.

Currently, women can call the judiciary and ask for their jury duty to be deferred under certain circumstances. It still remains unclear whether there are private and designated spaces for women to use a breastpump. Many breastfeeding advocates anecdotally note that when they visit courthouses, they are unable to find a place or location and have been referred to the restroom. It is unlikely that a female juror would feel comfortable requesting time to pump during a jury trial, potentially up to every 2 hours, and they surely should not be referred to a public restroom. The Commission supports the intent of this measure but prefers the language found in SD2.

Thank you for this opportunity to testify and provide comments.



March 30, 2016

Representative Karl Rhoads, Chair  
Committee on Judiciary

**Re: S.B. 2315, S.D.2, H.D. 1 Relating to Jury Duty**

**Hearing: Thursday, March 31, 2016, 2:00 p.m.**

Dear Chair Rhoads and Members of the Committee on Judiciary:

Hawaii Women Lawyers submits testimony **supporting the intent** of S.B.2315, S.D.2, H.D. 1, which exempts from jury duty parents for the active care and custody of natural born or adopted children while the children are six months old and younger.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

The original purpose of this measure was aimed at supporting breastfeeding women from jury duty due to the special needs associated with breastfeeding. While we appreciate that this measure has been amended to exempt parents with children six months old and younger, we prefer the measure in its original form.

At least twelve states have already passed laws that exempt breastfeeding women from jury duty. The burden on breastfeeding mothers is significant when it comes to serving on a jury. For women who are pumping, there is a need to take breaks and have a clean space with electrical outlets to pump. And for those who cannot afford or otherwise do not have a pump and supplies, this is not an option.

While there is a state benefit to having people fulfill their civic duty to sit on a jury, it should be balanced with the special needs of breastfeeding mothers. Breastfeeding is considered superior to pumping and bottle feeding by experts, and many studies have shown benefits to the mother and baby to breastfeeding for a minimum of 6 months, and ideally one year.

Granting an exemption for breastfeeding mothers would be an effective way to preserve the breastfeeding relationship between mother and child, and put breastfeeding mothers at ease in a very critical time in a child's development. This measure also preserves the

ability to serve by allowing a breastfeeding mother to serve at another time when she is no longer breastfeeding or expressing milk.

For the above reasons, we support the intent of S.B. 2315, S.D.2, H.D. 1, but would prefer the measure in its original form. Thank you for the opportunity to submit testimony on this measure.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 30, 2016 12:55 PM  
**To:** JUDtestimony  
**Cc:** breaking-the-silence@hotmail.com  
**Subject:** \*Submitted testimony for SB2315 on Mar 31, 2016 14:00PM\*

**SB2315**

Submitted on: 3/30/2016

Testimony for JUD on Mar 31, 2016 14:00PM in Conference Room 325

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

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# healthy mothers healthy babies

COALITION OF HAWAII

Thursday, March 31, 2016

2:00 PM

Conference Room 325

**To:** House Committee on Judiciary

**From:** Lisa Kimura, Executive Director, Healthy Mothers Healthy Babies Coalition of Hawaii

**Re:** Testimony in Support of S.B. 2315 SD2 HD1, Relating to Jury Duty Exemption for Breastfeeding Women, with Amendments

Dear Chair Rhoads, Vice Chair San Buenaventura, and Judiciary Committee Members,

Thank you for hearing **S.B. 2315 SD2 HD1**. Healthy Mothers Healthy Babies Coalition of Hawaii supports this bill, which would permit breastfeeding mothers to be exempted from jury duty, however, **we have a few important concerns** that have been raised by Coalition members.

First, although we support the intention for both parents to have time off with their newborn during the first year, by reducing the amount of time to only six months, it maintains the same complex problems that were raised previously with regard to a breastfeeding mother's need for an exemption. The need for child care is certainly an issue, as is the need to bond. However, this was not the focus of this bill. Babies should have nothing but breast milk for the first six months, and continue to nurse for at least a year or more. This does not help facilitate that nursing relationship for mothers and babies.

Also, although there is reportedly a judiciary policy in place to excuse mothers from jury duty, we are concerned because our preliminary research has determined that most people are unaware that this policy exists. Additionally, moms that may be serving jury duty still do not have a designated space in the courthouses to pump during breaks, nor staff that are able to point mothers to a location. This is above and beyond the fact that the physical need for break time to pump cannot necessarily be accommodated during a trial.

Upon discussion with our advocacy partners, we would request to maintain the original language in the bill, or, alternatively, to extend a one-year exemption to both parents so that we can support breastfeeding rates and relationships, as originally envisioned.

The health benefits of breast milk for both infants and mothers have long been established and it is imperative from a public health perspective to promote and sustain breastfeeding. Breastfeeding helps improve an infant's immune system, preventing illness such as ear infections, stomach viruses, asthma, obesity, types 1 and 2 diabetes, childhood leukemia, and some respiratory infections. Mothers also benefit from breastfeeding, as it lowers the risk of breast and ovarian cancer, type 2 diabetes, and reduces post-partum depression.

Mothers must pump milk consistently to maintain their supply and need a clean and safe space to express milk to avoid compromising their ability to breastfeed. Additionally, the importance of consistent, regular breaks to pump cannot be understated. Mothers who do not own, cannot afford to purchase, or whose insurance does not provide a breast pump will be unable to empty their breasts at the regular intervals required to sustain their milk supply. Additionally, new mothers require frequent breaks every couple of hours to pump, and a trial simply cannot be postponed to accommodate a mother's needs.

A jury duty exemption does not permanently exempt a woman from serving her civic duty, but instead, simply enables her to continue providing the very best for her child during a very critical point of its health and emotional development. It is a temporary pause, with every intention to allow her to continue to serve after this critical breastfeeding period.

Currently, fewer than 20% of mothers make it to the AAP and WHO-recommended exclusive six months of breastfeeding. Anything that we can do as a state to support our mothers, in turn, supports the healthy development of our children.

Healthy Mothers Healthy Babies Coalition of Hawaii believes in providing all women with the information and resources they need to raise healthy and strong families. Accordingly, **we support S.B. 2315 SD2 HD1 with the proposed amendments** and ask this Committee to pass it.

Thank you for the opportunity to testify.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 30, 2016 3:01 PM  
**To:** JUDtestimony  
**Cc:** susan.wurtzburg@gmail.com  
**Subject:** Submitted testimony for SB2315 on Mar 31, 2016 14:00PM

**SB2315**

Submitted on: 3/30/2016

Testimony for JUD on Mar 31, 2016 14:00PM in Conference Room 325

| Submitted By       | Organization                                     | Testifier Position | Present at Hearing |
|--------------------|--|--------------------|--------------------|
| Susan J. Wurtzburg | American Association of University Women, Hawaii | Comments Only      | No                 |

Comments: Please return to the purpose of the original bill -- exempting breastfeeding women.

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 30, 2016 4:09 PM  
**To:** JUDtestimony  
**Cc:** annsfreed@gmail.com  
**Subject:** Submitted testimony for SB2315 on Mar 31, 2016 14:00PM

**SB2315**

Submitted on: 3/30/2016

Testimony for JUD on Mar 31, 2016 14:00PM in Conference Room 325

| Submitted By | Organization             | Testifier Position | Present at Hearing |
|--------------|--------------------------|--------------------|--------------------|
| Ann S Freed  | Hawaii Women's Coalition | Support            | No                 |

Comments: Aloha Chair Rhoads, Vice Chair San Buenaventura and members, As in past testimony we are in strong support of this measure. Our judicial system has placed an undue burden on nursing mothers by requiring them to participate in jury duty. Though there are some provisions for exemption, they are not well publicized or consistently applied. The consequences of inconsistent breastfeeding are well documented by medical providers and advocates in their testimony. Suffice it to say that this an issue that has short term and long term health consequences for mother and infant. Although we would prefer a two year exemption, we believe that passing this bill is important in this session. We would like some acknowledgement that many mothers breast feed for longer than six months and request that the courts be actively involved in making provision for them. Ann S. Freed Co-Chair, Hawaii Women's Coalition

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BREASTFEEDING HAWAII  
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**LATE**

March 31, 2016

**TESTIMONY IN SUPPORT OF SB2315 SD2 HD1, RELATING TO JURY DUTY**

To: House Committee on Judiciary  
Representative Karl Rhoads, Chair  
Representative Joy A. San Buenaventura, Vice Chair  
Hawaii State Capitol, Conference Room 325  
415 South Beretania Street  
Honolulu, HI 96813

From: Breastfeeding Hawaii  
Le'a Minton, CNM, President  
Sally Greene, IBCLC, Vice President  
Jane Gallagher-Felix, WHNP, IBCLC, Secretary  
Laura Morihara, RD, IBCLC, Treasurer

Time: Twenty-Eighth Legislature Regular Session of 2016  
Thursday, March 31, 2016 at 2:00pm

Dear Representative Rhoads, Representative San Buenaventura and committee members:

Breastfeeding Hawaii supports SB2315 SD2 HD1, exempting parents caring for a child under the age of 6 months from jury duty. However, we strongly urge the Judiciary committee to revise this bill to reflect its prior version of SB2315 SD2, to exempt women from jury duty who are currently breastfeeding or expressing milk for their child. Exempting parents caring for a child under the age of 6 months and exempting women who are breastfeeding or expressing milk for their child are two different issues. This bill's intent and strong support from numerous organizations has been due to its focus on exempting breastfeeding women. The benefits to society of breastfed infants has been documented and demonstrated, and the accommodations to women who breastfeed or express milk for their infants has not been clearly demonstrated by our Hawai'i State Judiciary. A constituent and breastfeeding mother who was recently summoned for jury duty described in her testimony to the Human Services committee the stress her summons placed upon her and the barriers she feared she would face.

Breastfeeding Hawaii is the state coalition of the United States Breastfeeding Committee. We are committed to protecting, promoting and supporting breastfeeding through legislative efforts, policy change, education, and community events.

The American Academy of Pediatrics and World Health Organization stress the importance of exclusive breastfeeding through 6 months of age, and continued breastfeeding for one year or longer as mutually agreed upon between mother and infant. SB2315 SD2 protects the mother-infant breastfeeding dyad from disruption by jury duty, thereby providing numerous documented health protections for breastfeeding mothers and children while ensuring our infants are receiving optimal nutrition for development.

Exempting mothers who breastfeed or express milk comes at no cost to the state and allows women to serve on a jury at a more appropriate time in the future. SB2315 SD2 eliminates the stress for the mother of finding a pump (she may not have one if she is exclusively breastfeeding at the breast); gaining access to an electric outlet; having breaks during jury duty to pump, which is needed to continue her milk supply; finding an appropriate private space to pump (not a bathroom); and the cost of supplies to store the pumped milk. Women who chose to raise their children at home often exclusively breastfeed at the breast to eliminate cost and the time consuming task of pumping, feeding with a bottle, and washing all of the parts required for pumping. These women would not necessarily have ready access to the supplies they need to pump. If their child has been exclusively breastfed at the breast it may not have learned to take a bottle;

their child may not get adequate nutrition while their mother is away from home serving on jury duty, thereby increasing stress for the mother and causing physical and emotional harm to the infant.

Working women who continue to express breast milk are protected by law with access to breaks as needed for expressing breast milk. We are concerned that the courts may find this specific accommodation difficult to consistently provide to a breastfeeding mother while keeping within the structure of court cases/proceedings. Further, on the current Hawai'i State Judiciary webpage, under "Jury Service Frequently Asked Questions: Can women who are currently breast-feeding their children be excused from jury service?" it states: **No, unless the individual submits a request to be excused from jury service and the Court grants the request. Female jurors who need to express milk while serving on a jury can ask the Court for accommodations (click here for contact information).** This answer is clear to breastfeeding women that they cannot be excused from jury duty unless they a) go through the additional step of requesting to be excused from jury duty in writing at least two weeks prior to the appearance date (per the Hawai'i State Judiciary website) AND b) the Court grants the request; the Court is not required to grant the request. Further, the answer puts the onus on the breastfeeding woman who is not excused from jury duty to ask for accommodations to express her milk but it does not state that the Courts will grant her the accommodation; "can ask" implies the Court is under no obligation to agree to her request. It does not state "Female jurors who need to express milk while serving on a jury will be accommodated to express breast milk."

When clicking on the link for contact information, it states, **"If you need special accommodations, contact a clerk at the number below at least ten (10) working days before your court reporting date."** This adds another responsibility and barrier to the breastfeeding woman in order to be considered for an accommodation to express breast milk. The time restriction difference between her request to be excused and for an accommodation is only four days. This implies she should call the clerk to request an accommodation in case she is not excused, as she may not hear back from the Court regarding her request to be excused by the time the accommodation request must be made. In taking the information provided by the Hawai'i State Judiciary website into full consideration, the current law requires three steps by the breastfeeding woman: obtain a doctor's note, submit a written document and call a clerk. This is an unnecessary burden on our breastfeeding mothers. Therefore, we strongly urge the Judiciary committee to revise SB2315 SD2 HD1 back to the SB2315 SD2 version and pass this bill.

Thank you for this opportunity to testify.

**LATE**

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

From: Christine S. K. West, Individual

Date: March 31, 2016

Re: Comments to SB2315 SD2 HD1

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Thank you for the opportunity to testify regarding SB2315 SD2 HD1, a bill to exempt from jury duty natural and adoptive parents of children six months old and younger.

Before I begin the substance of my comments to the bill, I want to make the committee aware of the fact that although I am testifying in my individual capacity, I am a Legislative Aide to Senator Maile Shimabukuro. I am testifying with Senator Shimabukuro's knowledge and consent. Additionally, I consulted with the Hawai'i State Ethics Commission and the Senate Majority Research Office and was advised that testifying in my individual capacity, without receiving compensation or using government resources to prepare my testimony, does not pose a conflict with State ethics or Senate rules.

I was motivated to testify because I am a breastfeeding mother of a seven month old infant who would not be exempt from jury duty should the bill pass the House in its current form.

When the House Committee on Human Services amended SB2315 SD2, it conflated two distinct issues: challenges faced by lactating women summoned for jury duty and parenting an infant.

As originally drafted, the legislation was a narrowly tailored legislative solution for biological and logistical challenges faced by a relatively small group of potential jurors. Biologically, men do not lactate breastmilk needed to feed children. Women, however, are capable of lactation and as such, are also capable of becoming engorged if regular breastfeeding or breastmilk expression does not occur. Inconsistent hydration, food consumption, and breastfeeding or breastmilk expression can also have negative impacts on breastmilk production.

Logistically, men and non-lactating women do not need to maintain consistent levels of hydration and calories to produce breastmilk, nor would they pose a potential distraction during judicial proceedings by eating and drinking in the courtroom to meet breastmilk production needs. Further, men and non-lactating women do not need to interrupt court proceedings every two to three hours to find a private, sanitary place to express milk and clean breast pump parts.

These biological and logistical challenges can, and according to the American Academy of Pediatrics (AAP) should, last longer than six months. The AAP recommends that breastmilk be the sole source of infant nutrition for roughly the first six months of life. After that, solid foods are introduced, but the AAP recommends that infants continue to receive breastmilk for at least the first 12 months of life. Mothers should then continue to breastfeed as long as is mutually desired by the child and mother. The six month jury duty exemption in SB2315 SD2 HD1 would

exclude women who choose to follow the AAP's recommendations and continue breastfeeding after solid food is introduced.

Legislation to specifically address challenges posed by lactation is needed to address the issues discussed above. Exempting lactating women from jury duty is necessary in order to promote breastfeeding and ensure that a long-term solution is in place – one that does not depend on the existence of administrative policies that are subject to change or could potentially vary by court.

As the mother of a seven month old and a two year old, I can empathize with the desire to spend time with your baby and the challenges of caring for, and finding care for, young children, but I believe that changing the purpose of the bill from a breastfeeding bill to a parenting bill does breastfeeding women like me a disservice. It does us a disservice by shifting the focus away from breastfeeding and implementing legislation that fosters a culture supportive of its unique benefits and challenges, and refocuses attention instead on general parenting of an infant.

In summary, I believe that SB2315 SD2 HD1 should be a bill about breastfeeding, not parenting an infant, and respectfully request that the House Committee on Judiciary make the following changes:

1. Strike the language inserted by HD1, and reinsert the bill language creating a jury duty exemption for lactating women; and
2. Insert language in Section 1 to make clear that the legislature's intent in creating the exemption is to benefit breastfeeding women by accommodating the unique biological and logistical needs presented by lactation.

I appreciate your consideration of my comments, and thank you again for the opportunity to testify.