

1 **35th LEGISLATURE OF THE VIRGIN ISLANDS**

2 **COMMITTEE ON HOMELAND SECURITY, JUSTICE AND PUBLIC SAFETY**

3 **CHAIRPERSON – HONORABLE SENATOR KENNETH L. GITENS**

4 **Tuesday, September 10, 2024**



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8 **VIRGIN ISLANDS DEPARTMENT OF HUMAN SERVICES**

9 ***Testimony on Bill 35-0031 - An Act amending title 5, V.I.C., subtitle 3,***
10 ***part I, by adding a new chapter 301A, creating the Child Victims'***
11 ***and Child Witnesses' Rights Act and repealing chapter 301,***
12 ***subchapter IV, section 3510.***

13 ***Sponsored by Senator Angel L. Bolques, Jr.***

1 Morning greetings to Honorable Senator Kenneth L. Gittens, Chairman of the
2 Committee on Homeland Security, Justice and Public Safety, committee
3 members, other Senators present, and to those listening and viewing this hearing.
4 I am Carla Benjamin, Assistant Commissioner at the Virgin Islands Department of
5 Human Services, testifying on behalf of the Honorable Commissioner Averil E.
6 George.

7 Thank you for giving our department this opportunity to testify on Bill No. 35-0031
8 - An Act amending title 5, V.I.C., subtitle 3, part I, by adding a new chapter 301A,
9 creating the Child Victims' and Child Witnesses' Rights Act and repealing chapter
10 301, subchapter IV, section 3510. The department wholeheartedly supports the
11 intent of this legislation, which attempts to safeguard the psychological and
12 emotional well-being of children, who by virtue of their involvement in the
13 referenced court proceedings have likely already suffered life-altering trauma.
14 However, we must note some areas of concern.

15 While executing our statutory responsibility for child protective services as outlined
16 in Title 5 §§2536 – 2555 of the Virgin Islands Code, the Virgin Islands Department of
17 Human Services (VIDHS), regularly works collaboratively with other governmental
18 and nongovernmental agencies to provide crisis intervention services and longer-
19 term services to help children and families heal after victimization. Some of the
20 agencies that we work with often are testifying today as well.

21 When the Department of Human Services becomes involved in cases involving
22 child victims of crime, we make every attempt to protect, to insulate and to

1 provide necessary services utilizing a continuum of services from voluntary
2 advocacy and referral services to the involuntary intervention through the Family
3 Division of the Superior Court of the Virgin Islands. In the interest of child victims of
4 crimes and their families, the Department of Human Services works cooperatively
5 with the Virgin Islands Police Department, the Virgin Islands Department of Justice,
6 and our governmental and nongovernmental partner agencies to ensure that
7 justice is served on their behalf in the criminal courts of the Superior Court of the
8 Virgin Islands, as well.

9 We understand that children that are victims of crime and that are witnesses to
10 crimes are unfortunately revictimized by being made to repeatedly talk about
11 their experiences and by sometimes being blamed and vilified by the community
12 that should love and support them. Additionally, these same children are in some
13 instances required to sit in court, in the same room as the person that harmed
14 them, the same person who they might have witnessed harm a loved one or
15 someone else and these children must face that person in court, point to and
16 identify the person... the person who might have repeatedly threatened them
17 with harm or who may even have predicted that the family would be separated,
18 the person from whom they must be protected. These experiences are brutal for
19 adults, they are even more so for children, even with the level of support and
20 protection that the current laws allow. We believe that the updates proposed in
21 this Bill No. 35-0031 are definitely needed.

1 Despite our support for this proposed legislation, we have significant concerns
2 about the Definitions section. Providing definitions for new terms or for noteworthy
3 nuances of existing terms specific to this legislation is understandable. However,
4 being cognizant of the importance and impact of how terms are defined in
5 legislation, we believe that it is unnecessary and problematic to introduce new
6 definitions of terms that are already defined in several areas of the VI Code,
7 including in the current title, Title V. Specifically, the proposed §3512

- 8 • (b) “Child” - we believe that “child” is better served remaining as defined
9 in 14 V.I.C. 503 (c), legislation which specifically speaks to children’s
10 matters, while allowing the “crime” to be legally determined, rather than
11 an exclusive list of the three crimes outlined in this legislation;
- 12 • The definition of (d) “Exploitation” as “child pornography or child
13 prostitution” is excessively narrow. A quick search of the term “child
14 exploitation” yields a number of other ways that children can be exploited
15 for profit or sexual gratification, outside of the two referenced instances.
- 16 • As to , the proposed definition §3512 (e) “Mental injury” - 14 V.I.C. §503
17 (d) provides the exact same definition but more expansively cites this as the
18 definition of “Emotional injury” or “mental injury.” We believe that a citation
19 referencing the latter would be less restrictive in terms of diagnostic
20 terminology in this area of concern.
- 21 • (f) “Multidisciplinary child abuse team” - we recommend that you strike the
22 words “child abuse” as a Multidisciplinary Team (MDT) is a well-known term

1 that refers to a team of professionals from various key areas that would
2 respond to all cases of severe child maltreatment not just abuse, including
3 neglect, which is referenced in this legislation.

4 In the same fashion, we urge the bill's sponsors to adopt existing definitions
5 and/or reference the existing legislation where the definition in the proposed
6 legislation is exactly the same.

7 Finally, the proposed definition (k) "Sex crime" means an act of sexual abuse
8 that is criminal act, is perplexing as sexual abuse is a criminal act. Additionally,
9 sexual Abuse and sexual conduct are defined separately. So, are the actions
10 described in sexual conduct not sex crimes?

11 We do not take issue with other sections of the legislation, except to
12 recommend again the use of "multidisciplinary team" rather than
13 "multidisciplinary child abuse team" in section 3518 captioned "Use of
14 Multidisciplinary Child Abuse Teams."

15 This legislation is timely and very much needed. We fully support the efforts of
16 all agencies that work to keep children safe, that work to help children heal
17 after trauma and that work to ensure justice for child victims of crime and their
18 families. With a few modifications to the definitions section, we fully support
19 the legislation.

20 I would like to thank the dedicated staff of the Department of Human Services.

21 At this time, I would especially like to thank the workers who are involved in

1 child protective services as they see situations every day that most people
2 hope to never see in a lifetime. Though under-resourced and often
3 unappreciated, they continue to do the work that is so desperately needed. I
4 would like to thank the private and public community partner with whom the
5 department works and calls on regularly to provide invaluable service.

6 Thanks as always to Governor Albert Bryan and this administration for their
7 unwavering support. I remain available to answer questions at the
8 appropriate time.