



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 5, 2008

MEMORANDUM

TO: Honorable Maile S.L. Shimabukuro, Chair
House Committee on Human Services and Housing

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 3133 - RELATING TO MANDATORY REPORTING OF CHILD
ABUSE AND NEGLECT

Hearing: Tuesday, February 5, 2008, 9:00 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of this bill (aka "Indigo Law") is to require persons who are defined as "family" in section 587-2, Hawaii Revised Statutes (HRS), who have reached the age of majority, to be mandated reporters if they have knowledge that child abuse or neglect is occurring or has knowledge that the child has been harmed due to abuse or neglect.

DEPARTMENT'S POSITION: The Department strongly supports this Administration bill because it will help to ensure the safety of children.

Currently, the law does not require family members to immediately report any known or suspected child abuse or neglect to the department or the police. In many instances, the family has first-hand knowledge of abuse or neglect situations within their family not available to other persons who have no interactions within the family. However, because of the family's connection, the abuse

or neglect is not reported, sometimes resulting in serious health and safety consequences for the child.

One recent example is the Indigo Wright case. In this case, a member of the child's extended family told the media that family members knew of the child's neglectful circumstances for many years after the child was returned to her parents and had tried unsuccessfully to intervene, but they made no report to Child Welfare Services (CWS) or the police.

During the many years after the child was returned to her parents, the child was not otherwise reported to CWS nor the police, since the child was isolated by the parents and had no contact with mandated reporters such as the police, schools, medical personnel, or others who could have suspected and reported the child's situation to CWS or the police.

This amendment will help ensure that instances of known child abuse or neglect will be reported, as required by law, directly and without delay to CWS or the police by those who observe it including family members. This will also ensure that the best evidence of abuse or neglect is obtained because it is reported directly by those who observe it which will provide CWS and the police the opportunity to intervene to ensure the safety and well-being of children.

Thank you for this opportunity to testify.