

**SB 224**

**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Human Services**

Hrg: Thursday, February 5, 2009, 1:15 pm  
1 copy required

**S.B. NO. 224: RELATING TO CHILD ABANDONMENT**

Chair Chun Oakland and Members of the Committee:

We oppose S.B. No. 224 which proposes to amend the offense of Abandonment of a Child to include leaving a child with a person whose identity cannot be proven. The current offenses of Abandonment of a Child (HRS § 709-902) and Endangering the Welfare of a Minor<sup>2</sup> currently cover the situation which this bill seeks to address.

The proposed offense of Abandonment of a Child is vague in both its scope and definition. A person would violate this section if he/she leaves a child with another person knowing that the other person's existence cannot be confirmed or validated through certain specified records. How will someone really be aware that such a situation exists when he/she leaves a child with a caretaker or other person? It is not uncommon for persons to be deceptive about their true identities, their occupations and their places of residence. Moreover, parents routinely leave their children in the hands of coaches, teachers and daycare workers. To require a parent to conduct a background check of these persons would be onerous and impractical.

Often parents must rely on the representations of others to secure daycare or educational opportunities for their children. It is not beyond the realm of possibility that a daycare providers may not have a birth certificate, diploma, or court document which can be readily shown to a parent. This bill makes it very unclear how far a parent must go in investigating such persons to avoid being held criminally liable.

Thank you for the opportunity to comment on this bill.



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**OAHU PROGRAMS**

COMMUNITY TEEN CENTER  
CPS VISITATION CENTERS  
EARLY HEAD START/  
HEAD START  
ECONOMIC DEVELOPMENT  
CENTER  
FAMILY PEACE CENTER  
FAMILY VISITATION CENTER  
HANA LIKE HOME  
VISITOR PROGRAM  
INTENSIVE SUPPORT SERVICES  
KANEHOE COMMUNITY  
FAMILY CENTER  
KPT FAMILY CENTER  
OHIA - DOMESTIC VIOLENCE  
SHELTER  
RESPITE CARE

**MAUI COUNTY PROGRAMS**

FAMILY PEACE CENTER  
INTENSIVE SUPPORT SERVICES  
LANAI INTEGRATED SERVICES

**KAUAI COUNTY PROGRAMS**

INTENSIVE SUPPORT SERVICES

**MEMBER:**

CWLA  
ALOHA UNITED WAY  
COA

Haaheo Mansfield  
Vice President of Programs

Testimony addressed to Senate Committee on Human Services  
For hearing on February 5, Thursday, 2009 at 1:15 p.m.

**SB 224 RELATING TO CHILD ABANDONMENT**

Aloha kakou -- Chair Chun-Oakland, Vice-Chair Ihara, and esteemed members of the Senate Committee on Human Services!

Parents And Children Together, a family services agency, supports Senate Bill 224 Relating to Child Abandonment, which defines as a misdemeanor the abandonment of a child by leaving the child with a person whose identify cannot be proven or who cannot be late located.

PACT has served families and children, focusing on public housing low-income communities for 40 years. Our prevention and treatment services help families address issues of child abuse and neglect, development of parenting skills, optimizing child development, family violence, educational and vocational education and training, and economic self-reliance. In the past year, PACT served more than 18,000 individuals in communities on Kauai, Oahu, Molokai, Lanai, and Maui.

Please call upon us if we can be of service in providing information on evidence-based, prevention or intervention strategies that address the issues surrounding child abandonment, or can assist you in identifying community resources that address this serious child welfare issue. My direct line is: 792-9716 or reception: 847-3285. My email address is: [adminhmansfield@pacthawaii.org](mailto:adminhmansfield@pacthawaii.org).

We hope you will approve Senate Bill 224.

Mahalo nui.



February 5, 2009  
1:15 p.m.  
Conference Room 016

TESTIMONY TO  
THE SENATE COMMITTEE ON HUMAN SERVICES

RE: SB 224 – Relating to Child Abandonment

Dear Chair Chun Oakland, Vice Chair Ihara, and Members of the Committee:

My name is Robert Witt and I am executive director of the Hawaii Association of Independent Schools (HAIS), which represents approximately 97 private and independent schools across Hawaii and educates over 30,000 of the elementary and secondary school students in our state.

We support the intent of Senate Bill 224, which expands on the State's current child abandonment laws and makes it a misdemeanor to abandon a child by leaving the child with a person whose identity cannot be proven or who cannot be later located.

Our association places the utmost importance on child safety. While many students in Hawaii may not live with or be raised by their parents or relatives, we believe that, individual living arrangements notwithstanding, each child has the right to a safe and nurturing home environment. For this reason, HAIS supports this measure's goal of deterring child abandonment.

Thank you for this opportunity to testify.