



COMMENTS

LATE TESTIMONY

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2533, H.D. 2, RELATING TO THE DEFINITION OF AGGRAVATED CIRCUMSTANCES IN THE CHILD PROTECTIVE ACT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, March 27, 2012

TIME: 10:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Jay K. Goss, Deputy Attorney General

Chair Hee and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to ensure that Hawaii's Child Protective Act, chapter 587A, Hawaii Revised Statutes, complies with recent changes in the federal Child Abuse Prevention and Treatment Act (CAPTA). This bill amends the definition of "aggravated circumstances" to include the situation where a parent has committed sexual abuse of a parent's other child or children, and the situation where a parent is required to register with a sex offender registry.

This bill is necessary to ensure that Hawaii's Child Protective Act remains in compliance with the provisions in CAPTA. Compliance with CAPTA is necessary to ensure continued funding through CAPTA and to ensure that Hawaii remains eligible for approximately \$40,000,000 in annual federal Title IV-E funding.

We respectfully ask the Committee to pass this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 26, 2012 11:51 AM
To: JDLTestimony
Cc: breaking-the-silence@hotmail.com
Subject: Testimony for HB2533 on 3/27/2012 10:30:00 AM

Testimony for JDL 3/27/2012 10:30:00 AM HB2533

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Dara Carlin, M.A.
Organization: Individual
E-mail: breaking-the-silence@hotmail.com Submitted on: 3/26/2012

Comments:
Good Morning Senators ~

Please support this very important piece of legislation to expand the categories of "aggravated circumstances" in 587A.

Domestic violence and child sexual abuse (or incest) frequently overlap as cited in Lundy Bancroft's book "The Batterer As Parent" that reports:

"Children (particularly girls) exposed to batterers are at significantly increased risk of incest victimization, although the risk of physical abuse happens to be much higher. The published studies indicate that a batterer is at least 4X more likely than is a non-batterer to perpetrate incest, with some studies finding a risk increased by 9X or more. Batterers and incest perpetrators reveal numerous similarities in their behavioral and attitudinal profiles. Both groups show low rates of psychological or sexual dysfunction and high tendencies to the formation of exploitative relationships."

Because there is such heavy systemic emphasis on the value of supporting and maintaining parent-child relationships post domestic violence separation, children are inadvertently placed at-risk for ongoing acts of abuse during visitation with the batterer or if placed in the custody if or in shared custody with the batterer (that happens more frequently than not despite our state statute 571-46(9)).

According to The Leadership Council 58,000 children across the United States are placed in unsupervised visitations or in the custody of batterers PER YEAR and when allegations of ongoing abuse between the batterer and child arise, it's too frequently shrugged off as the result of a "high conflict litigation" tactic. The passage of this measure would greatly assist domestic violence survivors and their children post-separation so I sincerely hope you all will support this enhancement to statute.

Thank you for this opportunity to provide testimony.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate