



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 28, 2018

TO: The Honorable Senator Brian T. Taniguchi, Chair
Senate Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1650 HD2 SD1 – RELATING TO CHILD SAFETY**

Hearing: Thursday, March 29, 2018, 9:30 a.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the bill, and provides comments. DHS appreciates amendments made by prior committees; DHS respectfully requests additional amendments agreed upon by DHS and community advocates. Throughout this legislative session, DHS has worked with the bill's proponent and community advocates to find solutions to balance the confidentiality of protected information and the disclosure of important information relevant to child safety and parents' ability to make informed choices about their child's care.

DHS is looking at ways to better collaborate with community partners and other stakeholders that may have a vested interest in protecting children from child abuse and neglect, including participation in a working group as reflected in the SD1.

DHS agrees that parents may need additional information about the caregivers they choose to provide care for their children. Currently, parents are able to request that caregivers, whether regulated by DHS or exempt from regulation, provide signed consent authorizing DHS to release information from the DHS child abuse and neglect registry about confirmed reports. The consent form is available on the DHS website, and the information

released indicates any history of abuse or neglect in which the caregiver was identified as a perpetrator, the date of confirmed incidents, and the type of abuse for each incident.

During previous hearings, issues arose regarding departmental compliance with the Child Abuse Prevention and Treatment Act (CAPTA), as amended by the CAPTA Reauthorization Act of 2010 (P.L. 111-320). DHS is and has been compliant with CAPTA and those relevant provisions can be found in Hawaii Administrative Rules 16-1-1706(d). DHS respectfully requests that our CAPTA provision be included, as reflected below in the requested amendments.

PURPOSE: The purpose of the bill is to authorize disclosure of the disposition of an assessment from an investigation into an allegation or report of child abuse and neglect that was confirmed by DHS and occurred within a group child care home or a group child care center to parents or guardians of a child enrolled in the home or center at the time of the alleged abuse or neglect or to parents or guardians who have submitted an application or request to place their children in that home or center.

The House Committee on Health and Human Services amended the measure by:

- “(1) Clarifying the type and scope of information that the Department may release in order to protect confidentiality;
- (2) Removing the provision that specified that any investigation involving a finding of a felony or misdemeanor may be disclosed;
- (3) Clarifying that names and identifying information of all individuals are protected from disclosure; and
- (4) Changing the effective date to July 1, 3000, to encourage further discussion.”

See House Standing Committee Report Number 531-18.

The House Committee on Judiciary made additional technical amendments.

The Senate Committee on Human Services made additional amendments, per Senate Standing Committee Report Number 3126, by:

- “(1) Inserting language to establish a temporary working group to review laws, rules, and procedures relating to the coordination of investigations and enforcement efforts of the Child Welfare Services Branch and Child Care Licensing Program to improve safety in child care settings; and

- (2) Making technical, non substantive amendments for the purposes of clarity and consistency.

DHS requests the following language replace subsections (e), (f), and (g) on page 2 line 18 through page 3 line 16:

(e) For a confirmed child abuse or neglect case that occurred at a licensed or registered child care facility as defined in section 346-151, the department is authorized to disclose that the report of child abuse or neglect was confirmed.

(f) For a confirmed child abuse or neglect case that occurred where care of a child as defined in section 346-151, is provided in accordance with an exclusion or exemption as provided in section 346-152, the department is authorized to disclose that the report of child abuse or neglect was confirmed upon receipt of the consent of the child care provider.

(g) For a confirmed child abuse or neglect case that results in a child's death or near fatality, the department is authorized to disclose: the cause of and circumstances regarding the fatality or near fatality; the age and gender of the child; information describing any previous reports and results of child abuse or neglect investigations that are pertinent to the child abuse or neglect that led to the fatality or near fatality; and the action taken by the department on behalf of the child that is pertinent to the child abuse or neglect that led to the fatality or near fatality.

This language adequately captures situations of confirmed child abuse or neglect cases that may have occurred in licensed care homes, group child care homes and/or facilities, and in licensed exempt care facilities, thereby closing gaps and ensuring a stronger safety net.

The current safety net is balanced with the privacy protections as mandated by section 350-1.4, Hawaii Revised Statutes (HRS) that provides that, "all reports to the

department concerning child abuse or neglect made pursuant to this chapter, as well as records of such reports, are confidential.”

Given the provisions of sections 350-1, and 350-2, HRS, DHS Child Care Licensing (CCL) conducts background checks upon hires and annually thereafter. Any background check history, such as a confirmed finding as a perpetrator of child abuse or neglect that are in the central registry, is assessed by CCL to determine if the person is suitable to provide care for children. If the circumstances of the background checks indicates the person is not suitable, then CCL will notify the person and the child care facility that the person is not suitable to provide care.

The department’s CCL and registration standards require that persons providing care to children to be of reputable and responsible character. As authorized by section 346-154, HRS, the CCL conducts comprehensive background checks including state and federal fingerprint checks, state and national sex offender registry checks, child abuse and neglect registry check, and adult abuse perpetrator checks. The CCL staff review a person’s background checks to determine whether the person is suitable to provide care at a licensed or registered child care facility or home.

In the situation where CCL receives a new report of allegations of possible child abuse or neglect for a person already working in a licensed group child care home or registered family child care home, CCL will suspend the license of a group child care home or registration of a family child care home until the investigations by CWS and CCL are completed, and the determination whether the allegations of abuse or neglect are confirmed or not.

If the person is employed at a group child care center, CCL will request that the center suspend the person again until the CWS investigation for child abuse or neglect and the CCL investigation are completed. The concurrent CCL investigation is conducted to determine whether there were any violations of Part VIII of Chapter 346, HRS, or the licensing or registration requirements by the center or home.

The salient issue for parents to know is that pending the completion of the CWS and CCL investigations, and the determination by CCL that the person is suitable, the

person is not allowed to provide care to children at a group child care center, group child care home, or family child care.

If the allegations of child abuse or neglect are not confirmed by CWS, the CCL staff will still assess whether there were any violations of the Part VIII of Chapter 346, HRS, or licensing or registration requirements, including whether the person is suitable to provide care to children. If the person is not suitable to provide care to children, the CCL will request the group child care center terminate the employment of the person otherwise the center's license may be suspended or revoked. If the person operating the group child care home or family child care home is determined not suitable, the home's license or registration will be revoked.

The subject individual's right to due process is currently preserved in that CWS findings are confidential. The subject person has the right to appeal the CWS confirmation of abuse or neglect. The person also has the right to appeal adverse decisions made by CCL that result in suspension of the license or registration or the suspension or termination from employment at the center.

Thank you for the opportunity to provide comments on this measure and to provide amendments.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
MARILYN LEE
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AMY MONK
LISA ELLEN SMITH

Executive Director
Khara Jabola-Carolus

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Honolulu, HI 96813
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March 28, 2018

To: Sen. Taniguchi, Chair
Sen. Rhoads, Vice Chair
Honorable Members of the S. Committee on Judiciary

From: Khara Jabola-Carolus
Executive Director
Hawai`i State Commission on the Status of Women

Re: Testimony in Support, HB1650, HD1 With Amendments

Thank you for this opportunity to testify in support of HB1650 HD1, relating to child safety. If passed, this bill which would mandate the disclosure of the disposition of an assessment from an investigation into an allegation or report of child abuse and neglect that was confirmed by DHS and occurred within a group child care home or a group child care center to parents or guardians of a child enrolled in the home or center at the time of the alleged abuse or neglect or to parents or guardians who have submitted an application or request to place their children in that home or center.

The Commission notes that Hawai`i faces a critical shortage in child care.ⁱ Currently, 69,760 children under the age of six (6) in Hawai`i need care because their parents work.ⁱⁱ The state only has 25,560 DHS-regulated childcare seats, enough to serve only 24% of children needing care.ⁱⁱⁱ Most of the DHS-licensed child care centers have no plans to expand their operations to serve more children.^{iv}

Demand greatly exceeds supply, which creates a disempowered parent “consumer.” Unfortunately, there is no “consumer report” on the safest childcare available. Parents may request that caregivers, whether regulated by DHS or exempt from regulation, provide signed consent authorizing DHS to release information from the DHS child abuse and neglect registry about confirmed reports. Parents; however, need a more direct route to more information in order to make informed choices about safe childcare.

Amendments

Thus, the Commission recommends that the bill’s coverage extend to include not just licensed child care centers or homes, but to also any individuals, programs, or agencies that receives state or federal funding to render child care services. The Commission supports HB1650 and urges the Committee to pass this measure.

Sincerely,

Khara Jabola-Carolus

ⁱ University of Hawaii Center on the Family, *Hawaii Early Learning Needs Assessment*, 2017, http://uhfamily.hawaii.edu/publications/brochures/31491_EarlyLearnSum_FINAL.pdf

ⁱⁱ *Id.* at 2.


ⁱⁱⁱ *Id.*

^{iv} *Id.*



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Brian T. Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Members, Committee on Judiciary

From:  Paula Yoshioka, Vice President of Government Relations and External Affairs, The Queen's Health Systems

Date: March 27, 2018

Hrg: Senate Committee on Judiciary Decision Making; Thursday, March 29, 2018 at 9:30AM in Room 016

Re: **Support on HB 1650 HD2, SD1, Relating to Child Safety**

My name is Paula Yoshioka and I am the Vice President of Government Relations and External Affairs at The Queen's Health Systems (Queen's). We would like to express our **support** for HB 1650 HD2, SD1, Relating to Child Safety. This bill authorizes disclosure of the disposition of an assessment from an investigation into an allegation or report of child abuse and neglect that was confirmed by the Department of Human Services (DHS) and occurred within a group child care home or a group child care center to parents or guardians of a child enrolled in the home or center at the time of the alleged abuse or neglect or to parents or guardians who have submitted an application or request to place their children in that home or center. It also establishes a working group to review laws, rules, and procedures relating to the coordination of investigations and enforcement efforts of the child welfare services branch and child care licensing program. The working group is required to report to the legislature prior to the regular sessions of 2019 and 2020.

Queen's is committed to providing care for all the people of Hawaii including our most vulnerable. As the only Level I Trauma Center in the state, Queen's sees patients who are victims of trauma, abuse, and other serious incidents that require emergency department intervention. We hope with the passage of this bill that awareness and action towards preventing child abuse and neglect cases will be increased.

Thank you for your time and attention to this important issue.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

HB-1650-SD-1

Submitted on: 3/28/2018 12:02:42 AM

Testimony for JDC on 3/29/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Brian T. Taniguchi, Chair; the Honorable Karl Rhoads, Vice-Chair, and Members of the Committee on Judiciary:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HB1650 HD2 SD1** relating to Child Abuse; Child Neglect; Reports; Group Child Care Home; Group Child Care Center; Working Group; and Report Description.

The OCC Legislative Priorities Committee is in favor of **HB1650 HD2 SD1** and support its passage.

HB1650 HD2 SD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it Authorizes disclosure of the disposition of an assessment from an investigation into an allegation or report of child abuse and neglect that was confirmed by DHS and occurred within a group child care home or a group child care center to parents or guardians of a child enrolled in the home or center at the time of the alleged abuse or neglect or to parents or guardians who have submitted an application or request to place their children in that home or center. Establishes a working group to review laws, rules, and procedures relating to the coordination of investigations and enforcement efforts of the child welfare services branch and child care licensing program. Requires the working group to report to the legislature prior to the regular sessions of 2019 and 2020. Effective 7/1/3000.

The DPH Platform states that "We believe that all families should have an equal opportunity to build their assets and become self-sufficient; and we support a strong safety net of programs that will afford them the opportunity to do so. We must protect our children, our future, from violence and neglect and provide them with a safe and healthy environment in which to grow and thrive.

We support legislation and best practice policies that prioritize the safety, security and well-being of our foster children, who are our most vulnerable keiki in our community. This is the paramount consideration when making decisions regarding the time frame, criteria and justification for reunification and family placement. We will always respect family and familial bonds, but reunification with every biological family is not always the safest, most secure or in the best interests of every child. This is especially true in aggravated circumstances cases involving drug use history, physical abuse, sexual abuse and unstable housing. We strongly support the efforts of parents and all people to recover and reorganize their lives for the better, but our ultimate concern must also be for the short and long term safety and wellbeing of our foster children. (Platform of the DPH, P. 4, Lines 184-187, 193-201 (2016)).

Given that **HB1650 HD2 SD1** authorizes disclosure of the disposition of an assessment from an investigation into an allegation or report of child abuse and neglect that was confirmed by DHS and occurred within a group child care home or a group child care center to parents or guardians of a child enrolled in the home or center at the time of the alleged abuse or neglect or to parents or guardians who have submitted an application or request to place their children in that home or center; establishes a working group to review laws, rules, and procedures relating to the coordination of investigations and enforcement efforts of the child welfare services branch and child care licensing program; and requires the working group to report to the legislature prior to the regular sessions of 2019 and 2020, effective 7/1/3000, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja
Melodie Aduja, Chair, OCC on Legislative Priorities

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30am, Room 16

To: Chair Senator Brian Taniguchi, Vice Chair Senator Karl Rhoads & Members of the Committee:

RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Chelsea Valiente and I am in **strong Support of HB1650** because I am a mother of a child that had been severely abused while in the care of his babysitter, Manuela Ramos. This particular bill is extremely important to my family and most especially my son, Peyton. He sustained such serious injuries that he was near death at the time emergency medical responders arrived at the Ramos' home. To date, his abuser has never been brought to justice due to the botched initial HPD investigation. Throughout our ordeal, the babysitter had been deemed the perpetrator by the family court judge along with DHS/CWS yet they did not place her on a Child Abuse & Neglect Registry. The fact that she was never placed on this registry, poses a continued risk to the entire public. We are graciously asking the committee to expand the language on the bill from the way it is currently written to include not just licensed child care centers or homes, but to also include: **License Exempt Child Care Providers that receive state or federal subsidies to provide child care.** By allowing this change in language of the current bill, **it broadens the scope of providers in which this bill would pertain to, which in turns holds more people accountable and deters them from any harmful acts against children.** With no bill currently in place such as HB1650, the babysitter, Manuela Ramos and her household members may very well be able to seek employment at places such as preschools, day cares, or even hospitals, which have the most vulnerable population in our community. This bill will help to increase public awareness and allow parents to become better consumers when it comes to choosing the best care providers for their most precious gift, their children. Just as anything else, many people look to reviews or research on products and services. Why wouldn't we as parents be able to do such a thing for our children especially

when it involves their safety and well-being. If pedophiles or sexual predators are registered and made available for public disclosure, then **shame on Hawaii for keeping known persons who harm children confidential.**

During a time when transparency is an issue at the forefront of government, it is my dire hope that this bill gets passed to allow for more transparency. Why should we have laws in place to protect the abusers when we really should be advocating for and protecting our keiki. Majority of the time, they have no voice or are afraid to speak up against their abuser, so when it is confirmed, let us be transparent to protect any further abuse and neglect from happening. If we continue to ignore it and make them less of a priority, the results may very well end in a tragic fatality or near fatality. Prevention and awareness is key, which is why this bill is so extremely important. I would also like to point out that the bill emphasizes that parents of children enrolled at a child care home/facility during the time of a confirmed abuse or neglect incident, should have the right to know about that incident. How is that not something already in place? I pose this question to all members in the committee and to the public.....Would you not want to be informed of an abuse/neglect case in a place that your loved ones are cared for and make a decision for yourselves whether to continue to allow your loved one to remain there? It was appalling to find out from other parents that they were never notified of the incident, especially because their children were present on the day of my son's incident. For that very reason it is imperative that additional language be expanded on in HB1650 to disclose certain information to the public, especially parents that request the information, to include at minimum the following when abuse or neglect results in a fatality or near fatality **to be in compliance with the Child Abuse & Treatment Act (CAPTA):**

- (a) **The child's age and gender;**
- (b) **The cause of the fatality or near fatality, if it has been determined;**
- (c) **The alleged offender's relationship with the child;**
- (d) **A summary of any previous child maltreatment reports and investigations;**
- (e) **A description of any services offered or provided by the Department currently and in the past**

We as parents should have a right to know about our child's caregiver, especially because we make a very difficult decision to entrust them with their well-being while we work to earn a living in a state that has a very expensive cost of living.

I kindly ask Chair Senator Taniguchi, Vice Chair Senator Rhoads, & the Senate committee members to **pass HB1650 with amended language**. Our experience has been extremely painful, traumatic, and frustrating to say the least. No family should be put through the sorrow and anguish that we went through, but we believe that from this horrible experience, something positive can come from it. The only good that stems from the incident is identifying some gaps we have in Hawaii laws to protect children and to come up with ways to make the necessary changes. I believe this bill will help keep parents more aware and informed and hopefully prevent any further tragedies from occurring and to also have a more accurate database of those that harm children. We hope & pray that with the passage of HB1650 we can work on making Hawaii a safe place to raise our children; for they are our future. Thank you for allowing me to submit testimony.

Mahalo,

Chelsea Valiente

Senate Committee on Judiciary
Thursday, March 29, 2018
9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of the Committee:

RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Lauren Ono and I support HB1650 because I feel that individuals (parents/family/friends) deserve to have access to information that affect their loved ones, especially children. We need to be able to inform/share with others if there are child care facilities that are unsafe or have been known to cause harm to children.

When parents drop their children off to a day care facility, there is an expectation that their children will be cared for and ensured safe. However, when this isn't the case and the child care provider is inadequate to properly care for children, parents deserve a right to know.

I am asking that the bill be passed into law to ensure that information is available to families moving forward.

Sincerely,

Lauren Ono

Senate Committee on Judiciary
Thursday, March 29, 2018
9:30 am, Room 16

To: Chair Senator Brian Taniguchi, Vice Chair Senator Karl Rhoads, & Members of the
Committee:

**RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase
Disclosure of Child Abuse & Neglect Records**

My name is Leslie Sing and I support HB1650 because access to truthful and transparent information is important in making decisions regarding the safety of children. As an educator and school counselor, I hold in high regard the responsibility of adults, especially child care providers, to ensure a safe environment for children to learn and grow. I believe that parents have a right to truthful and transparent information regarding alleged abuse or neglect that occurs within a child care facility.

While dropping off a child at a school or child care facility is commonplace in today's society, it is important to acknowledge that this everyday action is based on a foundation of trust between the parent, child, and care providers. Parents trust that their child will be cared for in a safe environment and protected from threat and harm. Child care providers have a responsibility to the parents of the children in their care. Parents have a responsibility to select a child care program that ensures their child's safety. The State of Hawaii has a responsibility to provide the information necessary to allow parents to make decisions regarding the care of their children.

I kindly ask that HB1650 be passed into law to ensure that parents and families have access to this information.

Sincerely,
Leslie Sing

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of the Committee:

RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Jessica Lynn R. Daquioag and I support HB1650 because I am a mother of two beautiful girls – Zoey, 7, and Ava, 3. Peyton James Valiente is the son of one of my longest and dearest friends, Chelsea, and her husband, Rey. When Peyton was in the hospital, I had just given birth to Ava at the same hospital, and my husband and I were able to see him during his stay. I was devastated. To hear Chelsea and Rey’s experience and to see Peyton bandaged in his recovery crib was heart-breaking and infuriating. This ordeal was one of our biggest reasons as to why this type of childcare was not an option for our daughter. We are supposed to trust the people that are taking care of our children, and we were not going to take that risk.

The outcome of Peyton’s case was very upsetting and concerning for my family and I. To know that his former babysitter will not face any consequences, nor was she added to the Child Abuse and Neglect Registry (CAN), is unacceptable, especially since she is still allowed to babysit other people’s children! We, as parents, have a right to be fully informed in regards to who is taking care of, or will be taking care of our children, and we should have the CAN Registry as a regularly updated resource when researching all forms of childcare.

It is difficult enough trying to make a sustainable life in Hawaii for our growing family. We should not have to worry about the well-being of our children while they are in the hands of their caregivers; for this reason, it is imperative that HB1650 is passed.

Peyton's former babysitter, HPD, the state, and the judicial system have already failed Peyton and his family, please protect the rest of our keiki and pass HB1650.

Thank you,

Jessica Lynn R. Daquioag

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of
the Committee:

**RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase
Disclosure of Child Abuse & Neglect Records**

My name is Charisa Sumner and I support HB1650 because I am an aunt related to Peyton Valiente. My heart was broken when I heard the news about Peyton in 2015; but more broken when I found out that the state of Hawaii did nothing to arrest the people who put Peyton in the hospital. This state needs a bill like this enforced to protect our keiki, the future. If the state can inform its people about sex offenders; parents should have the right to know the childcare/ babysitter has no record of harming innocent children. This bill could bring so much more peace to our minds.

Thank you,

Charisa Sumner

Senate Committee on Human Services

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of the
Committee:

**RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase
Disclosure of Child Abuse & Neglect Records**

Dear Senators,

My name is Loida Legapsi and I **strongly support HB1650**. As the aunt of Peyton Valiente I am deeply concerned about the possibility of this bill not being passed. I have witnessed firsthand accounts of the frustration, pain and sorrow my family, especially my brother and sister in law have experienced over these many years. A sense of trust, normalcy and joy have been forever shattered by the lack of justice, compassion, and acknowledgement that my family seeks. I am hoping and praying that no other family had to endure the same problems, pain and frustration.

Therefore, I am hoping that HB1650 be passed so that people will have better access to the CAN registry so updated information will be accurate and more up to date. Hopefully with more accurate information there will be more assurances that people taking care of the children/grandchildren do not have a history of harming children.

If you need any clarification or have further questions please call me. I am sincerely praying that you will do the right thing and pass HB1650 to ensure

the safety of the children and offer some piece of mind for my loved ones and myself.

Sincerely yours,

Loida Legaspi

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of
the Committee:

**RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase
Disclosure of Child Abuse & Neglect Records**

My name is Wesley Armacost and I support HB1650. I don't have children, but if I did, I'd like to know there's a bill that allows us to see the background of the people taking care of my kids.

Thank you,

Wesley Armacost

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of
the Committee:

**RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase
Disclosure of Child Abuse & Neglect Records**

My name is Tricia Bolosan Buchanan and I support HB1650. HB1650 will allow parents & guardians to make informed decisions when searching for child care. It is ludicrous to imagine a parent/ guardian to knowingly allow their child to be cared for by an alleged abuser. HB1650 gives transparency of a caregiver's background (ie alleged abuse/neglect). I humbly ask your support to pass HB1650 to law, so we can protect the children of Hawaii.

Aloha,

Tricia B. Buchanan

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of the Committee:

RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Imelda de Jesus and I strongly support HB1650. Peyton Valiente is my grand nephew. No innocent child should suffer like he did nor should the family have to go through this. The cause of his injuries was due to severe abuse at the babysitter's home. I am saddened with the way the legal system has handled the case. It has caused a lot of grief and stress for everyone especially the parents. No other family should have to feel this way. We as parents and guardians will do the right things to protect our children and grandchildren.

Today Peyton is continuing to heal and overcome his injuries. I happy at how well he is doing. He is such a strong, bright, and talented boy. I hope he continues to stay healthy always.

I feel the committee should pass HB1650. Parents should have the right to know firsthand if there was any abuse or harm done to their own child especially when their child is not old enough to know what is right from wrong and don't understand the importance of such things. Parents should have right to review such records and documents in such case.

Due to poor handling in the case, the system has failed Peyton and his parents in trying to get justice. I am in favor of this bill for no child or family should have to go through this. By passing this bill, it may prevent unfortunate events from happening in the future.

In cases like this, I hope that you all will do what's best to prevent this from happening to the innocent children and people of Hawaii.

Thank you for allowing me to submit testimony.

Sincerely,
Imelda B. de Jesus

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of the Committee:

RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Kristen Yamamoto and I support HB1650. I feel the disclosure of Child Abuse and Neglect of Childcare Providers is an extremely valuable component when selecting who will care for your child. This bill would help protect the wellbeing of our children and enlighten Parents with pertinent information about who watches their child. The mishandling case of my Nephew, Peyton Valiente is the most disappointing thing we've gone through. To see how disturbing this entire situation has been for Peyton, his Parents, as well as all his loved ones is just sickening. I hope that this bill will help prevent situations like these from happening to other families.

Sincerely,

Kristen Yamamoto

Senate Committee on Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of the Committee:

RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

Dear Senators,

My name is Rey Valiente and I **strongly support HB1650**. I am the father of Peyton Valiente, a child that was severely abused at his babysitter's home. I am completely frustrated with how the outcome has been in obtaining justice for the heinous crime that was committed. No one has been held responsible for his nearly fatal injuries. What is more concerning is that the perpetrator, the babysitter, deemed by CWS was not placed on a Child abuse & neglect registry. This places more children at risk of harm because the perpetrator is still at-large and the public currently does not have access to the information of the abuse.

In today's society, it is common that both parents need to work full time jobs to sustain a living. More so, here in Hawaii where the cost of living is one of the most expensive places to live. With that said, many of your fellow constituents probably utilizes some type of child care services. Some are not as fortunate as others to have family members that are able or capable to stay home to provide that care for their loved ones. Choosing a provider for child care is extremely difficult. We as parents do our own due diligence to research the provider, but the most important thing is, are they known to harm children? That's where we need more reassurance. HB1650 provides that for parents by allowing parents access to information pertinent in making one of the most crucial decisions as a parent. The bill could, however, be strengthened if additional language

be added concerning which providers it would pertain to. The way the bill is currently written, it would only include licensed child group homes/centers, but I am hoping that this committee could keep in mind the many children that this bill would impact if it also included: **License-Exempt Providers**. The fore mentioned change is significant because it would include many other providers not just a handful, such as Peyton's former babysitter, Manuela Ramos.

It was difficult to hear that parents continued to utilize the same babysitter where the abuse occurred because they had no knowledge of an investigation nor were they ever alerted to the incident. I can't blame them for being upset, because I would be too. Hopefully with the passing of HB1650 and the amendments recommended, parents can be a little more at ease knowing that there is a bill out there to receive information in regards to a child abuse/neglect incident that may affect their own child's well-being and safety. **Another pertinent aspect that we feel the bill needs strengthening is the type of information disclosed. According to the Child Abuse Prevention & Treatment Act (CAPTA), it is at a minimum to disclose the following when abuse/neglect results in a fatality or near fatality:**

(a) The child's age and gender;

(b) The cause of the fatality or near fatality, if it has been determined;

(c) The alleged offender's relationship with the child;

(d) A summary of any previous child maltreatment reports and investigations;

(e) A description of any services offered or provided by the Department currently and in the past;

The above changes would make the bill and **Hawaii laws in compliance with CAPTA.**

The traumatic events that my family and most especially my son has gone through over the past years has been daunting. So many entities have failed my son, Peyton, to obtain justice. We pray that no other family ever endures the pain and suffering we have gone through and continue to go through, which is why HB1650 is so important to us. My son's incident has brought to light many inadequacies in Hawaii's laws to protect our children. So, if something is broken, let's fix it. With that being said, let's not continue to protect the perpetrator. It's time we protect the children.

I pray that this committee do what is in the best interest of the public and most especially the children of Hawaii by **passing HB1650 with amendments**. Thank you for allowing me to submit testimony.

Mahalo,

Rey Valiente

Senate Committee of Judiciary

Thursday, March 29, 2018

9:30 am, Room 16

Chair: Senator Brian Taniguchi, Vice Chair: Senator Karl Rhoads, & Members of the Committee:

RE: Testimony IN SUPPORT of HB1650, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Prescila de Jesus and I strongly support HB1650. Peyton Valiente is my precious grandson. It was heartbreaking to have seen him in the ICU bed fighting for his life after he was severely abused at his babysitter's home. My grandson is my world and I am sure that all other parents and grandparents feel the same way that I feel, which is why I am so deeply sadden at the injustice Peyton has received to this very day. I just can not come to terms on how our legal system allowed a perpetrator "off the hook" so to speak. I worry every night and day that another child will be harmed so brutally as Peyton was or even worse because of the inadequacies in our governments system. I have witnessed first hand at how devastating this entire experience has been for my daughter Chelsea, my son in law Rey, and most especially my precious grandson Peyton. HB1650 means so much to our family and we are graciously asking that this committee please pass HB1650 to allow for more transparency. Parents should have the right to know about anyone who has harmed children, especially if their own children are in their care or are possibly considering placing them in their care.

The system has unfortunately failed Peyton and his parents, and I beg you all to help prevent the same thing from happening to others. Let's allow parents to be able to make better informed decisions on child care providers so they can be assured that they are leaving their precious children in the hands of someone capable, honest, and most

importantly safe. May you do what is in the best interest of the children of Hawaii.
Thank you for allowing me to submit testimony.

Sincerely,

Prescila de Jesus

HB-1650-SD-1

Submitted on: 3/27/2018 10:24:46 AM

Testimony for JDC on 3/29/2018 9:30:00 AM

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

Comments:

Senate Committee on Judiciary

Thursday March 29, 2018

9:30 am, Room 016

State Capitol

Chair Sen. Brian Taniguchi, Vice Chair Sen. Karl Rhoads,
& Members of the Senate Judiciary Committee:

RE: Testimony IN SUPORT of HB1650, SD1, Relating to Child Safety to Increase Disclosure of Child Abuse & Neglect Records

My name is Laurie Hirohata, and I Support HB1650, SD1. I am also in support of the amended language the Department of Human Services (DHS) is requesting to include in HB 1650, SD1. The amended language was proposed for HB1650, HD2, by the DHS at the Senate HMS Hearing held on 3/19/18. However, it was inadvertently left out of the HB1650, SD1 draft.

I refer to this bill as Peyton Valiente's legacy to all of the other children in Hawaii. Peyton was severely injured and nearly died while at his babysitter's (Manuela Ramos) house in January 2015. The 'bottom line' is that the babysitter, Manuela Ramos, and her family are free to continue to care for, or work with children, because when a background check is done on Manuela or her (now adult children) there are NO RECORDs of Peyton's abuse on file with the DHS, Child Welfare Services (CWS) or in the Criminal Justice database or with the Honolulu Police Dept. (HPD) because of the botched investigations.

Since the current child abuse investigation & treatment agencies keep all of the information (almost too) 'confidential' it is really protecting the perpetrators instead of protecting and preventing children from abuse and neglect!

The intent of HB1650, SD1 is to increase public disclosure on child abuse & neglect cases so the families will have a better opportunity to protect their most 'precious asset,' their child(ren). If the public is given more opportunity to review background information on the people who care for their child(ren) it will force the agencies to be more careful and diligent in their investigation and treatment of child abuse cases.

The Valiente's and I really believe that although there will never be 'justice' for

Peyton; his "legacy" of surviving a horrific experience will live on if we use his story to help change the policies and procedures on the investigation and treatment of child abuse and neglect cases so other children will be made a little safer while in the care of others.

HB1650, SD1 focuses on providing the families who use child care services, the right to access information that will provide more depth and detail on who is taking care of their children.

To accomplish this very important goal, I am appealing to the members of the Senate Judiciary Committee to please adopt the amended language the DHS is proposing for HB1650, SD1, which was inadvertently omitted in earlier, and pass the amended HB1650, SD1 out of the Senate Judiciary Committee.

If HB1650, SD1 is passed as amended (to become HB1650, SD2), it will allow for more "eyes" to protect our children. The vigilance by the families to "weed out" persons with nefarious reasons for wanting to care for or work with children will help both the families and the agencies better protect the children from abuse and exploitation.

Thank you very much for your time and consideration to this important matter.

Respectfully Submitted by:



Laurie Hirohata, MSW, MEd