

**HB-2429**

Submitted on: 2/5/2018 8:41:10 AM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Oppose	No

Comments:

How about felonies for corrupt politicians abusing the population including children, the poor, and elderly for the sake of corporate profits???? (MIC) This is a damn smoke screen shifting blame and vilifying trained professionals. Very sad.

And what happens when we report it to an uncaring bureaucracy and they do nothing??? More support for the prison industrial complex???

This is all too sick!



# **Hawai'i Psychological Association**

## ***For a Healthy Hawai'i***

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### **HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES**

#### **Representative John M. Mizuno, Chair**

#### **Representative Bertrand Kobayashi, Vice Chair**

#### **Testimony in Opposition to HB 2429**

February 7, 2018, 10:30 am, House Conference Room 329

The Hawai'i Psychological Association (HPA) is committed to protecting children from harm, and absolutely supports current mandatory child abuse and neglect reporting laws.

However, HPA opposes HB2429, which changes the penalty for nonreporting of child abuse or neglect from a petty misdemeanor to a class C felony.

HB2429 would impose penalties for failure to report child abuse or neglect that exceed the penalties for actually committing child abuse or neglect. This disproportionate imposition of criminal penalty is an inconsistency likely to lead to legal challenge should HB2429 become law.

HB2429 is based on the terrible events surrounding an ongoing lawsuit against the Kamehameha Schools by 34 former students referred by the school to a psychiatrist who abused them. Pertinent to HB2429, the school's administrator apparently failed to report child abuse of which he was aware.

Complicating the public's need for justice to be served, the perpetrator of the child abuse suicided in 1991.

While this tragic story highlights the need for increased awareness about mandatory reporting of suspected child abuse or neglect, HB2429's argument for increased penalties is largely emotional. Generating legislation specifically to punish a single individual for committing a spectacular and unusually egregious crime is reactive and does not reflect sound legislative policy created in the public's best interest.

HPA is committed to protecting children from harm, and absolutely supports extant mandatory child abuse and neglect reporting laws. In addition to criminal penalties imposed by current mandatory reporting legislation, allegations of failure to report child abuse or neglect are frequently the basis for civil suits and state licensing board investigations, bearing potential sanctions up to and including suspension of and/or removal of license. These are significant, potentially career-ending consequences. In addition to one's personal ethics and best clinical judgment, the consequences of failing to

report as mandated are more than adequate to induce any mandated reporter to perform his or her duty.

By paradoxically mandating that the state impose greater penalties on those failing to report abuse than on those actually committing abuse, HB2429 has potential to do enormous harm. HB2429 will not redress the injuries suffered by the plaintiffs in the Kamehameha Schools lawsuit. Based on its internal inconsistencies and imbalanced imposition of penalty proportional to wrongdoing, HPA strongly urges you to oppose HB2429.

Respectfully submitted,

Raymond A. Folen, Ph.D., ABPP  
Executive Director

**HB-2429**

Submitted on: 2/2/2018 10:47:04 PM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marilyn Yamamoto		Oppose	No

Comments:

I oppose penalties for failure to report suspected child abuse or neglect to the state hotline and particularly the felony offense that this bill proposes. First, the bill only applies to mandated reporters and those reporters are likely to be pressured to over-report due to fear of consequences provided by criminal charges. Second, the language of the previous bill is "knowingly fails to report". It makes sense to provide yearly training to mandated reporters and an explanation of the language of the previous law to clarify any risk of a decision not to report. The consequences of any hotline report are terrifying to both parents and children. There should not be a threat to reporters to submit a concern due to a criminal charge if that report is not made.

It would make more sense to propose a bill to join in other other states who have a felony offense for knowingly false and malicious reports of abuse or neglect.

**HB-2429**

Submitted on: 2/4/2018 4:09:53 AM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Whispering Wind	Patients Without Time	Support	No

Comments:

Please SUPPORT HB2429 to help protect the children.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

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**TESTIMONY FOR HOUSE BILL 2429, RELATING TO NONREPORTING ON CHILD ABUSE**

**House Committee on Health and Human Services  
Hon. John M. Mizuno, Chair  
Hon. Bertrand Kobayashi, Vice Chair**

**Wednesday, February 7, 2018, 10:30 AM  
State Capitol, Conference Room 329**

Honorable Chair Mizuno and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in support of House Bill 2429, relating to nonreporting on child abuse.

Mandatory reporting of suspected cases of human trafficking involving children became effective in 2013 under Act 246, when sex and labor trafficking were added to the scope of the state's child abuse protection statutes pursuant to HRS §350-1. Child trafficking victims often require immediate care, both medical and psychological. The first 48 hours can be critical in preserving evidence of trafficking-related offenses and, given children's unique vulnerabilities, protecting innocent minors from being ensnared within the state's prolific slave trade.

We are one of the state's largest victim service providers for survivors of sex trafficking, for which childhood sexual abuse is frequently a precursor. Over the past 10 years, we have provided comprehensive direct intervention services to 130 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims in total. We are also a leading provider of anti-sexual-exploitation education, teaching over 10,000 students each year about the perils of sex trafficking and the commercial sex trade. When we provide anti-trafficking instruction in the Department of Education schools, students report that themselves or someone they know are being or at risk of being trafficking at a 2:1 ratio—two victims for every class we teach. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can

lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily bonded to her pimp that while under his grasp, she couldn't remember her own name.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation is 13-years-old, with 60 percent of sex trafficked children being under the age of 16. Approximately 150 high-risk sex trafficking establishments are operational in Hawai'i. An estimated 1,500-2,500 women and children are victimized by sex traffickers in our state annually. Over 110,000 advertisements for Hawai'i-based prostitution are posted online each year, a number that has *not* decreased with the recent shuttering of Backpage.com's "adult services" section. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home.

With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent of report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence as such. As one underage victim—now a survivor—told IMUAlliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

To stop slavery in Hawai'i, we must prevent victimization before it begins by increasing compliance with our state's mandatory reporting laws. Too often, the failure to report potential victimization results in irreparable harm and, in some cases, the loss of life. Our children deserve better.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance

**HB-2429**

Submitted on: 2/4/2018 8:43:18 AM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph		Support	No

Comments:

Support



**HB-2429**

Submitted on: 2/4/2018 2:37:47 PM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry		Support	No

Comments:

Aloha,

I strongly support HB 2429 and hope you do too,

Mahalo,

Ms. Barbara Barry

Ha'iku, HI

**HB-2429**

Submitted on: 2/4/2018 8:12:03 PM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William Evans		Support	No

Comments:

Children are the most vulnerable members of our society. We all own the responsibility to them to protect them and to provide them the opportunity to grow into well adjusted adults. Abuse of a child is a horrific abrogation of this responsibility, and knowledge of abuse without taking action, is being party to the crime.

Please support this measure.

**HB-2429**

Submitted on: 2/5/2018 12:55:05 PM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall		Support	No

Comments:

**HB-2429**

Submitted on: 2/3/2018 10:10:38 PM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kat Culina		Support	No

Comments:

Yes, please protect the keikis! They depend on us.

**HB-2429**

Submitted on: 2/5/2018 7:43:30 PM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nakoo Warrington		Support	No

Comments:

**I am in STRONG SUPPORT of HB 2429.**

**Please pass this important bill!**

**HB-2429**

Submitted on: 2/5/2018 11:44:36 PM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica Prestler Chang		Support	No

Comments:

It is our obligation as adults to care for the safety and health of children. A harsher penalty for failing to protect a child from abuse is appropriate & will help to bring light to a cause. There are many professionals that do not understand what mandated reporting is. A class C felony could be the spark or awareness to enlighten entire professions.

**HB-2429**

Submitted on: 2/6/2018 6:15:03 AM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bridgit Bales		Support	No

Comments:

I STRONGLY support HB2429.

**HB-2429**

Submitted on: 2/6/2018 11:03:14 AM

Testimony for HHS on 2/7/2018 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tulsi Greenlee		Support	No

Comments:

Please support this bill. Thank you Tulsi