



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521-8995

HUMAN SERVICES COMMITTEE

Senator Josh Green, Chair

Senator Stanley Chang, Vice Chair

Testimony in Opposition to SB2477

February 5, 2018, 3:45 pm, Room 016

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 SB2477, which changes the penalty for nonreporting of child abuse or neglect from a petty misdemeanor to a class C felony.

SB2477 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 SB2477 become law.

SB2477 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 SB2477, 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, SB2477'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, SB2477 has potential to do enormous harm. SB2477 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 SB2477.

Respectfully submitted,

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



92-954 Makakilo Dr. #71, Kapolei, HI 96707 Email: RainbowFamily808@gmail.com Ph: (808) 779-9078 Fax: (808) 672-6347

February 4, 2018

The Honorable Josh Green, Chair
and Members on the Committee on Human Services
Hawaii State Capitol
[514 Beretania Street](#)
[Honolulu, Hawaii 96813](#)

RE: Strong Support for SB 2477

Rainbow Family 808 strongly supports SB 2477, to ensure that Nonreporting Penalty or neglect of a child be amended from a Misdemeanor to a class C felony. It's time that children are treated as the precious people society claims to respect, honor and love. Child Abuse continues to harm and kill innocent children of all ages. This amendment to the law would bring clarity, justice, accountability and transparency to the crimes against minors.

Evidence offered: Peter Boy, Talia Williams and the list goes on. It's time that our laws reflect the justice that these children need and that adults need to be responsible for.

Please pass this bill in a speedy manner for the protection of the children in harm's way. It's the Pono thing to do.

Sincerely,

Carolyn Martinez Golojuch, MSW
President and Co-Founder
Rainbow Family 808

SB-2477

Submitted on: 2/4/2018 8:10:05 PM

Testimony for HMS on 2/5/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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.

SB-2477

Submitted on: 2/5/2018 8:40:02 AM

Testimony for HMS on 2/5/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
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!

SB-2477

Submitted on: 2/5/2018 12:24:42 PM

Testimony for HMS on 2/5/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Rainbow Family 808	Support	No

Comments: