



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

S.B. NO. 2539, RELATING TO CHILD CARE.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Monday, February 5, 2018 **TIME:** 3:45 p.m.

LOCATION: State Capitol, Room 16

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Michelle M.L. Puu, Deputy Attorney General

Chair Green and Members of the Committee:

The Department of the Attorney General supports the spirit of this bill while noting the following legal concerns.

This bill seeks to convict child care providers of a misdemeanor offense when they fail to properly care for a child and as a result, that child is injured or killed. First, this wording is vague as the range between injury and death is extremely broad—a minor scratch should not be treated to be as severe as a death. Second, it is unclear why a caretaker deemed responsible for an injury would receive the same misdemeanor consequence as another deemed culpable in a child's death. Third, this conviction may foreclose prosecutions of the same conduct for more serious offenses (e.g., felony assault or manslaughter). See State v. Modica, 58 Hawaii 249 (1977), and section 701-109(2), Hawaii Revised Statutes (HRS). More specifically, Modica requires the lesser offense to be charged when the same conduct amounts to both a lesser and a higher level offense. Also, Hawaii law bars the prosecution from subjecting an individual to separate trials for multiple offenses which arise from the same conduct. See section 701-109(2), HRS.

SB-2539

Submitted on: 2/4/2018 9:41:55 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Troy Wurtz | | Support | No |

Comments:

Hello. My name is Troy Wurtz. My daughter Zoë Wurtz died while under the care of her licensed babysitter on July 21, 2015. She was only only 6 months old. We could not seek justice through the criminal court because what happened to our daughter did not fit the definitions of any possible criminal charges pertaining to a person causing the death of another person. No laws exist for where and what happened to her. We could not persue her in the civil court because she claimed bankruptcy. Today, she is babysitting 4 children in her home. Our daughter died and there was no punishment. I strongly support SB 2539. This law is absolutely necessary to protect the lives and well being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/2/2018 10:35:55 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Clarice | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/2/2018 10:36:19 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kimberlee Pagan | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/2/2018 10:36:23 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kristen Yoshikane | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/2/2018 10:41:00 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Claire Nance | | Comments | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/2/2018 10:41:55 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Frank Nance | | Comments | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/2/2018 11:12:15 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Katie Flanagan | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 5:01:52 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kimberly Fujita | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 5:54:05 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| susan henness | private citizen | Support | No |

Comments:

"I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none. "

SB-2539

Submitted on: 2/3/2018 6:06:56 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| william muir | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 7:14:56 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|-------------------------------|-------------------------------|
| Jane Fujita | | Support | No |

Comments:

SB-2539

Submitted on: 2/3/2018 7:45:29 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jim Hayden | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 8:31:27 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Steve Montgomery | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect children's lives and well-being when in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability with those who accept responsibility for these children. Currently there is no accountability & so no pressure to take the time or trouble to do things safely & carefully.

SB-2539

Submitted on: 2/3/2018 8:38:52 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Fernando R Pizarro | | Comments | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day-care providers who violate day-care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 9:18:59 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Terumi Benson | | Support | No |

Comments:

I believe in this bill. I strongly support SB2539. This law is necessary to protect the lives and

well being of our children. The bill wuld establish a misdemeanor charge as an option for

State licensed day care providers who violate day care laws and endanger, injure or cause

the death of children. We must instill accountability where there is currently none.

Terumi Benson

SB-2539

Submitted on: 2/3/2018 9:23:49 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Hedda Balch | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 10:18:39 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Marilyn King | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 10:26:14 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rosemary Malvey | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 11:22:57 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Marigold Zoll | | Support | No |

Comments:

I strongly support SB2539 as it would ensure accountability for daycare providers where there currently is none.

SB-2539

Submitted on: 2/3/2018 11:45:49 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kenneth King | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 12:17:43 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Adam Dorr | | Support | No |

Comments:

I strongly support SB2539. It is shameful that legislation of this kind is not already in place. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 12:23:36 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kristen Teranishi | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 12:49:34 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jennifer K Camp | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 1:41:54 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| William Haines | | Support | No |

Comments:

I was born and raised in Hawaii, and I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

Mahalo,
Will Haines

SB-2539

Submitted on: 2/3/2018 2:26:28 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| John Vetter | Individual | Support | No |

Comments:

SB-2539

Submitted on: 2/3/2018 4:28:14 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael Richardson | Climb Aloha | Support | No |

Comments:

Dear Committee Members,

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

Thank you,

Michael Richardson

SB-2539

Submitted on: 2/3/2018 4:34:36 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| afsheen siddiqi | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 7:33:24 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lisa Nicchitta | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 7:34:18 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| emily king | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 8:12:09 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|---------------------|---------------------------|---------------------------|
| Margaret J.S. Koehler | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/3/2018 10:20:24 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Emma Yuen | | Support | No |

Comments:

Aloha Committee Members,

Please pass this bill. This will provide real consequences for those who put the lives of our children in danger by violating day care laws. Mahalo.

Emma Yuen

1350 Ala Moana Blvd.

Honolulu HI 96814

SB-2539

Submitted on: 2/4/2018 6:00:19 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Angela Clement | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 6:01:43 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| David Itano | | Support | No |

Comments:

"I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none. "

SB-2539

Submitted on: 2/4/2018 6:39:01 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Carl Meyer | | Support | Yes |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for state-licensed child-care providers who violate child-care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 8:21:09 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Adam Vorsino | | Support | No |

Comments:

"I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none. "

SB-2539

Submitted on: 2/4/2018 9:26:29 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Leila Wheeler | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 9:36:58 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|---------------------|---------------------------|---------------------------|
| Christine Umipeg-Apilado | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 9:40:19 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Derrick Apilado | | Support | No |

Comments:

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SB-2539

Submitted on: 2/4/2018 9:50:00 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Craig Nelson | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 9:50:38 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| james faumuina | | Support | No |

Comments:

The care and safety of our keiki require and should automatically be prioritized by government. As this service member has dedicated her life and service to well being of our country and state so should of been the laws that protect her family. Unfortunately, thru negligence it failed her daughter, please make right what is wrong and ensure our children are protected.

Lt Col James E Faumuina

SB-2539

Submitted on: 2/4/2018 9:54:33 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbie Jane cabusao | | Support | No |

Comments:

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SB-2539

Submitted on: 2/4/2018 9:54:33 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Wendy Umipeg-Wurtz | | Support | Yes |

Comments:

SB-2539

Submitted on: 2/4/2018 10:21:48 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kim Gushikuma | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 11:08:04 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Cynthia King | | Support | Yes |

Comments:

My name is Cynthia King and I am an individual citizen in strong support of SB2539. The bill would establish the potential for misdemeanor charge for those State licensed day care providers who violate state laws pertaining to child safety, and as a result, cause the injury or death of a child.

My son Wiley Muir, was not quite four months old when he passed away under the care of a State licensed day care provider, Therese Manu-Lee in February 2014. Manu-Lee provided conflicting stories about the circumstances surrounding his death. We now know that she was caring more than two times the legal number of children at the time of Wiley's death. We also now know that she had two adult men living in the house who were not approved by DHS to be present with the children. They were her sons, but they had not undergone the standard background checks and approvals. Other parents have also since told us that she would at times leave her house to run errands, leaving the children with only an assistant and/or her sons.

Following Wiley's death, Manu-Lee's State license was suspended while DHS conducted an investigation regarding the circumstances of this death. Despite the license suspension, Manu-Lee opened up a day care at another location and continued watching children. Over this same period, Manu-Lee took deposits from new parents, and did not disclose that her license was suspended. She did not provide child care services to those parents, and many never received their money back. Despite complaints about this behavior being reported to DHS, her license was reinstated once the investigation regarding Wiley's death was closed.

In July of 2015, Manu-Lee was shut down once again. Based on a tip, DHS completed a surprise inspection of her home, and she was caught with 14 children in her care, 8 of which were infants. According to her records, a total of 18 children were receiving care, though they were not all present at the time of the inspection. Her license was again suspended, this time on the grounds of physical neglect of children.

But the reason my husband and I learned all of this, is not because DHS or the police informed us. We were never called and told that the woman under whose care my baby passed away was found to be warehousing children. The reason I found out, is that I saw her in a new job, at Wilson Home Care. This is a trusted assisted living home health care service for the elderly on Oahu. A company that runs criminal and abuse

background checks. But, after my baby died under suspicious circumstances in her care, after she committing fraud innumerable times (and eventually filed for bankruptcy), and after she was caught neglecting four times the legal number of infants, Therese Manu-Lee still has nothing to show for it on her record.

I believe it time to change this incredibly broken system, and instill real accountability. Our high quality day care providers want to see this policy gap filled as much as I do. They love children and care about the safety of our children above all else. Most day care providers are not like Therese Man-Lee. But if there are *any* other providers out there who make choices that put our children at risk, whether intentionally or out of sheer ignorance of safety standards that they should be versed in, there should be an option to charge them with a misdemeanor, in the hopes that such injury will not be repeated again in the future.

SB-2539

Submitted on: 2/4/2018 12:02:45 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jarrod Quon | | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 11:21:39 AM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------------|---------------------------|---------------------------|
| Melanie | Hawaii Air National Guard | Support | No |

Comments:

I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 12:02:46 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Stanley Sato | | Support | No |

Comments:

Aloha,

I strongly support SB2539. My close friend's 6 month old infant died in the hands of her baby sitter. Besides the loss of a perfectly healthy child, the emotional damaged it caused was immeasurable and will forever haunt my friend, her other children and her spouse. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

Thank you for your support.

SB-2539

Submitted on: 2/4/2018 12:58:52 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Elzadia Kaina | | Support | No |

Comments:

I strongly support SB2539.

This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none.

SB-2539

Submitted on: 2/4/2018 2:36:18 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| amy sullivan | | Support | No |

Comments:

"I strongly support SB2539. This law is absolutely necessary to protect the lives and well-being of our keiki in the care of others. The bill would establish a misdemeanor charge as an option for State licensed day care providers who violate day care laws and endanger, injure or cause the death of children. We must instill accountability where there is currently none. "

SB-2539

Submitted on: 2/4/2018 3:37:18 PM

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

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Karl Magnacca | | Support | No |

Comments:

I strongly support SB2539. We have had largely unregulated child care in the state, at the cost of many injuries and some deaths among our keiki. This is an important enforcement tool for accountability in the system.