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DEPARTMENT OF HUMAN SERVICES  
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March 28, 2019

TO: The Honorable Representative Chris Lee, Chair  
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 1232 SD1 - RELATING TO CHILD SAFETY**

Hearing: March 29, 2019, 2:05 p.m.  
Conference Room 325, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this administrative bill that clarifies the disclosure requirements for exempt child care facilities. The Department requests the two highlighted amendments:

SECTION 1. Section 350-2, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) For a confirmed case of child abuse or neglect that occurred [~~where a child is provided care,~~] at a child care facility as defined in section 346-151, that is operating in accordance with an exclusion or exemption pursuant to section 346-152 [~~and~~], upon receipt of [the] consent [~~of the child care provider~~], the department is authorized to disclose that the report of child

abuse or neglect was confirmed to any parent or guardian of a child who was enrolled at the [~~licensed or registered~~] child care facility [~~as defined in section 346-151~~]."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on **July 1, 2019**.

**PURPOSE:** This bill proposes to amend and correct section 350-2(f), Hawaii Revised Statutes (HRS), and to clarify that upon proper consent, the department is authorized to disclose that a confirmed report of child abuse or neglect has occurred at a child care facility excluded or exempt from part VIII, Child Care, Chapter 346, HRS, to any parent or guardian of a child enrolled at that child care facility. The Committees on Human Services and Judiciary made technical amendments and clarified that DHS may disclose certain information upon receipt of consent.

Act 176, Session Laws of Hawaii (SLH) 2018, amended section 350-2, HRS, but subsection (f) had an incorrect reference to licensed or registered child care facility (page 1, lines 10 and 11). Since subsection (e) of section 350-2, HRS, as amended by Act 176, SLH 2018, refers to the process for disclosure for a licensed or registered child care facility, then subsection (f) should refer to the process for disclosure for a child care facility operating in accordance with an exclusion or exemption pursuant to section 346-152, HRS, to cover all child care situations.

Thank you for the opportunity to provide testimony on this bill.

**LATE**



## **O`ahu County Democrats Legislative Priorities Committee**

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Friday, March 29, 2019

TIME: 2:05 p.m.

PLACE: Conference Room 325 State Capitol

### **RE: TESTIMONY IN SUPPORT OF SB 1232, SD1, HD1, Relating to Child Safety**

To the Honorable Chris Lee, Chair; the Honorable Joy A. San Buenaventura, Vice Chair; and Members of the Committee on Judiciary:

My name is Melodie Aduja and I serve as Chair of the O`ahu County Democrats Legislative Priorities Committee of the Democratic Party of Hawai`i (“DPH”). Mahalo for this opportunity to submit testimony on SB 1232, SD1, HD1. The O`ahu County Democrats Legislative Priorities Committee (“OCDLPC”) hereby submits its testimony in **SUPPORT of SB 1232, SD1, HD1, Relating to Families.**

SB 1232, SD1, HD1 authorizes the Department of Human Services to disclose, upon consent, confirmed reports of child abuse or neglect to any parent or guardian of a child enrolled in an exempt or excluded child care facility. (SB1232 HD1).

The Democratic Party of Hawai`i (“DPH”) is committed to ending the scourge of violence against [children and] women - wherever it occurs – whether in our homes, streets, schools, military, workplace, or elsewhere. DPH will support comprehensive services for survivors and increase prevention efforts in our communities and on our school campuses. DPH will fight to bring an end to [child abuse and neglect, and] sexual assault – wherever it occurs, including on campuses – because everyone deserves a safe environment where they can learn and thrive, not live in fear. We will provide comprehensive support to survivors and ensure a fair process for all . . . in the criminal justice system. We will increase violence prevention education programs that cover issues like consent and bystander intervention . . . . *Democratic Party of Hawai`i Platform (2018), p. 15, ln. 21-28.*

For the foregoing reasons, i.e., to provide comprehensive support to survivors and to ensure a fair process for all because everyone deserves to live in a safe environment where they can learn and thrive, not live in fear, OCDCLP supports SB 1232, SD1, HD1, and urges its passage out of the Committee on Judiciary.

Mahalo nui loa  
Me ka `oia`i`o

/s/ Melodie Aduja

Melodie Aduja  
Chair, O`ahu County Democrats Committee on Legislative Priorities  
Ph. (808) 258-8889  
Email: legislativepriorities@gmail.com

Testimony of Shanelle Acain  
Rep. Chris Lee, Chair  
Rep. Joy A. San Buenaventura, Vice Chair  
Committee on Judiciary

Senate Bill 1232 S.D.1 H.D.1  
Relating to Child Safety  
Friday, March 29, 2019 at 2:05 p.m.  
Conference Room 325  
State Capitol  
415 South Beretania Street

My name is Shanelle Acain and I am in support of SB 1232.

Aloha, my name is Shanelle Acain. I am writing testifying to encourage Representative Chair Chris Lee to pass Senate Bill 1232. This is a bill that will help to ensure the safety of our keiki when being provided with care. It will help to keep them safe, parents informed, the family empowered and thriving. Parents of Hawai'i need to work and have peace of mind while working that all of their 'Ohana, especially the keiki, are being cared for with the upmost protection and care. It is a parent's right to perform their work and know that their keiki are safe and if not to know when and how to protect their child/ren. Thank you for considering this request and thank you for supporting Hawaii's children and youth.

Again, my name is Shanelle and I am in strong support of SB 1232.

Shanelle [Acain/sacain@hawaii.edu](mailto:Acain/sacain@hawaii.edu)

**SB-1232-HD-1**

Submitted on: 3/28/2019 1:26:50 PM

Testimony for JUD on 3/29/2019 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emma Ishihara	Individual	Support	Yes

Comments:

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Friday, March 29, 2019

TIME: 2:05pm

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

Supporting Senate Bill No. 1232; Relating to Child Safety

Dear Representative Lee, Representative Buenaventura, and members of the committee,

My name is Emma Ishihara and I am a student at the University of Hawaii at Manoa. I am also resident of the Windward side of Oahu, in Kaneohe where I was raised surrounded by friends and family who have been impacted by child abuse and neglect.

I am writing today in support of SB 1232 because I believe it is important for families and caregivers to be given access to information about their child. The facilities that would be given part in this bill have information that would be helpful or detrimental to a

child's mental health, and being able to request access to any information about their child is an important part of being a parent or guardian.

Knowing what your child has gone through helps a parent or guardian to better understand and talk to their child and this topic is especially impactful. Please take these comments in mind while you are discussing this bill.

Thank you for the chance to testify in support of this bill,

Emma Ishihara.

**LATE**

**SB-1232-HD-1**

Submitted on: 3/29/2019 11:38:50 AM

Testimony for JUD on 3/29/2019 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ernest Murphy	Individual	Support	No

Comments:

I support this bill as I believe it is important for parents to be fully aware of the environment in which they intend to place their children for care. Informed consent cannot be given if information such as this is withheld from the parents. In the absence of the passing of this bill, a parent could be unknowingly placing their child into an environment which they would not be comfortable, or feel safe, with.

Thank you for the opportunity to provide testimony for this bill.