



Office of the Public Defender State of Hawai'i



Testimony of the Office of the Public Defender, State of Hawai'i to the House Committee on Human Services & Homelessness

January 29, 2020

H.B. No. 1798: RELATING TO SAFE AND EFFECTIVE DISCIPLINE

Chair San Buenaventura, Vice Chair Nakamura, and Members of the Committee:

The Office of the Public Defender strongly opposes H.B. No. 1798.

Currently, HRS section 703-309 covers the use of force by parents and guardians when disciplining children in their care. It is a comprehensive statute that provides clear guidance on the use of physical discipline and corporal punishment by a parent or guardian. It provides guidance on the type of force that is justifiable and when it is not justifiable. The current statute anticipates the need for a balancing test when force is used, including consideration of the age and size of a child, whether the discipline is reasonably related to the purpose of safeguarding a child, or reasonably related to promoting the welfare of a child (i.e. preventing dangerous or harmful behaviors). The current statute also contemplates the balancing that any parent compelled to discipline a child must consider – is the punishment needed to prevent misconduct or punish misconduct.

The ability of a parent or guardian to use a limited amount of force for the purposes of discipline has been a fundamental tenant of our penal code. Many restrictions on appropriate use have been instituted and recognized by the Legislature and the Courts. We believe the statute that currently governs parental discipline is adequate and effective. It provides guidelines that the Courts have relied upon when reviewing allegations of abuse on children and has provided effective guidance to trial jurors who are tasked with reviewing a parent's decision to use physical discipline on a child.

We understand that there is a segment of the population who firmly believe that it is never appropriate to use physical force on a child. However, the limited use of force was anticipated and codified in HRS Section 703-309. This statute has been well litigated by our Courts, providing numerous cases upholding the balancing test and acknowledging the difficulties of modern parenting and the need for parents to have the ability to use force when disciplining a child who may be behaviorally out-of-control. More importantly, the current statute anticipates the use of appropriate force as a form of prevention – i.e. preventing a child from engaging in dangerous or unlawful behavior. The use of appropriate force may be necessary to reign in a wayward or disrespectful teenager. The use of appropriate force may be necessary to emphasize to a child that running away from home, skipping school, or staying out past curfew are not acceptable. The use of appropriate force may be necessary to correct unacceptable behavior such as being deceitful or expressing verbal abuse toward a parent or guardian or other family member.

HRS section 703-309 was designed and works effectively to provide enough room for parents and the Courts to evaluate individual cases and review all of the circumstances that led a parent or guardian to use physical discipline. We are concerned that H.B. No. 1798 will make it impossible for a parent who chooses to use appropriate and justifiable force to make this decision without being arrested and charged for a criminal offense.

Specifically, we anticipate unintended consequences and issues with subsection (b) as follows:

1. If a parent chooses to spank a child on their buttocks – under subsection (b)(1) that parent could be guilty of abuse.
2. If a parent is trying to reign in an unruly child who may be physically resistant, throwing a tantrum, kicking and screaming, and/or trying to run away from a parent – and this parent chooses to grab their child's arm hard enough to cause a bruise – under subsection (b)(2) that parent would be guilty of abuse.
3. If a parent opts to use a rubber slipper or a rolled-up newspaper or folded magazine to strike a child – under subsection (b)(3) that parent would be guilty of abuse.
4. If a parent threatens a wayward child with corporal punishment while holding a rubber slipper and uses colorful or colloquial

language (i.e. “stop that now or I am going to wring your neck) as a means to get their attention or to reign in negative behaviors – under subsection (b)(4) that parent would be guilty of abuse.

5. If a parent who chooses to punish a teenage daughter for lying about going out at night without permission and who may be dealing with a rebellious and verbally disrespectful child and that parent slaps the face of her child as a means of discipline – under subsection (b)(5) that parent would be guilty of abuse.

Additionally, we have specific concerns regarding the phrase “lead to the functional impairment of the child” [page 2, line 21] and the overbroad definition of this phrase as defined in subsection (f) [page 5, lines 3-14]. A child who has been disciplined who then has “fear” of the parent or guardian, even for a short term, essentially renders every parent who uses corporeal punishment as an abuser – even if the punishment was for a legitimate purpose and reasonable in nature. Even the term “duress” is concerning. If a parent expresses a verbal threat to coerce a teenager to stay home and do their homework or to prevent the teenager from “hanging out” with juvenile delinquents – then this could be interpreted as abuse. A child who experiences “misbehavior” after being disciplined (because the discipline was ineffective) and continues to rebel or resist parental rules or guidance could be considered abuse because the child is in a state of “misbehavior.” This can place a parent in an impossible situation in deciding whether or not to intervene when a child is misbehaving.

We respectfully submit that H.B. No. 1798 is unnecessary. There is no need to eliminate HRS section 703-309 from the penal code. HRS section 703-309 works to both prevent harm while providing limited room for the use of reasonable physical discipline based on the age and size of the child and reasonably related to the purpose of safeguarding or promoting the welfare of a child, including the prevention or punishments of the minor’s misconduct.

Thank you for the opportunity to comment on this measure.

HB-1798

Submitted on: 1/27/2020 7:17:37 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn R Yamamoto	Hawaii Family Advocacy Team	Support	No

Comments:

January 27, 2020

HUMAN SERVICES COMMITTEE

Representative Joy San Buenaventura, Chair

PUBLIC HEARING

January 31, 2020

Capitol Bldg, Room 329

8:30 am

I strongly SUPPORT HB1798.

As an advocate for families in the child welfare system, I support the clarification of corporal punishment in the context of child welfare investigations. Front line investigators and caseworkers are not qualified licensed social workers who can be held accountable to the state licensing requirements of standards of practice and ethics. HRS587A gives the state too much latitude in making a decision to remove a child to out-of-home care. The clarification in this bill provides needed guidelines to prevent a needless removal and court intervention for abuse referrals to CWS.

Thank you,

Marilyn Yamamoto

Hawaii team member of the National Family Advocacy Team.

January 28, 2020

COMMITTEE ON HUMAN SERVICES &
HOMELESSNESS

Rep. Joy A. San Buenaventura, Chair
Rep. Nadine K. Nakamura, Vice Chair
Rep. Della Au Belatti
Rep. Calvin K.Y. Say

Rep. Bertrand Kobayashi
Rep. James Kunane Tokioka
Rep. John M. Mizuno
Rep. Gene Ward

NOTICE OF HEARING

DATE: January 31, 2020
TIME: 8:30 a.m.
PLACE: Conference Room 329
State Capitol
415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF **HB1798 WITH AMENDMENTS**
Relating to Safe and Effective Discipline

Dear Committee on Human Services and Homelessness:

This is Kathryn Xian, co-founder of the Pacific Alliance to Stop Slavery, currently an expert consultant with the U.S. federal government on anti human trafficking programs. I am in support of this legislation but recommend the following non-substantive amendments:

- On page 3, line 12: delete the word “and”
- On page 4, line 20: delete the word “and” and replace with the word “or”
- On page 5, line 13: delete the word “and” and replace with the word “or”

In 2012, the Hawaii State Supreme Court strongly implied that the purview of defining when parental discipline may turn into child abuse remains the responsibility of the legislature, not the courts (Hamilton v. Lethem, p.16).

Since Hawai'i law does not yet clearly define when parental discipline turns into child abuse, CWS in practice may often run afoul of child-protective ideals, returning keiki back to their abusers. Currently, CWS investigators are in their legal right to define child abuse by overly high standards when the abuser is a family member.

This gap in law creates significant long-term problems not only with the survivors of abuse but also with our justice system, in handling what then becomes a morally and financially costly cycle of harm with respect to an abused child who literally grows up in the courts.

There is no justifiable reason to define the harm of a child of an abusive family member any different than if the child and abuser were unrelated by blood or guardianship.

Furthermore, medical studies now prove that corporal punishment is not effective discipline for children and has more adverse effects on child development than it's worth.

However, since some form of reasonable physical discipline has been argued to be a parent's right, this measure seeks to retain that parental right while still protecting abused children with more legitimate identifiers of abuse not previously recognized in the evolution of our laws.

I kindly and respectfully urge the committee to support and pass HB1798 with amendments.

Sincerely,

Kathryn Xian

Expert Consultant and Trainer on Anti Human Trafficking Issues, U.S. Federal Government
Co-Founder Pacific Alliance to Stop Slavery (PASS)

HB-1798

Submitted on: 1/28/2020 11:31:58 AM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Milianta-Laffin	Individual	Support	No

Comments:

Aloha Representatives,

My name is Sarah Milianta-Laffin and I teach at 'Ilima Intermediate in Ewa Beach. I've taught for 14 years in high need, under-resourced public schools and had multiple interactions with foster care students, foster care parents, CWS reporting, and CWS officers. I'm also a survivor of child abuse.

I fully support HB 1798 because presently Hawai'i law does not clearly define when parental discipline crosses the line into child abuse. This lack of definition can have critical consequences. Presently, the well-meaning CWS system may mistakenly return children back to their abusers.

Additionally, the brain research on corporal punishment is conclusive. Not only is it not effective discipline, but it directly and adversely harms development. Please support HB 1798.

Mahalo,

Sarah "Mili" Milianta-Laffin

971 Ku'ou Street #207

Kapolei, HI 96707

HB-1798

Submitted on: 1/28/2020 1:23:36 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vickie Parker Kam	Individual	Support	No

Comments:

As adults, it is our responsibility to ensure the safety of all children in Hawai'i. When a parent has lost the ability to control or define acceptable discipline for their child, then we need our agency's better prepared and trained to make that determination. Bill HB1798 would allow for the defining of family discipline that exceeds accepted standards to be classified as **abuse**, thereby protecting the child so they are not returned to their abusers.

This also means that when other adults within a child's life, whether parents, step, grand or any other adult, loses sight of what is appropriate and safe discipline measures, then we as a civilized society must recognize that the child needs to be protected. When causing harm to a child, there should be NO justifiable reason regardless of the relationship. ANY adult that abuses a child should be dealt with the same, related or not.

Mahalo for doing this important work... please support HB1798 for the welfare and safety of the children of Hawai'i.

HB-1798

Submitted on: 1/28/2020 2:36:31 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

I support HB1798. I am glad the legislature is taking steps to further define what might be acceptable parental discipline. There is too much child abuse occurring where parents or guardians state that they were just trying to correct the child's behavior. This bill is a step in the right direction to help prevent further child abuse, which in some cases leads to death.

Please pass HB1798.

Mike Golojuch, Sr., Lt Col, USAF (Ret)

Secretary/Board Member, Rainbow Family 808

HB-1798

Submitted on: 1/28/2020 10:36:15 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Alu Campagna	Individual	Support	No

Comments:

I'm both a mom, adoptive mother, and a former foster parent. My children and I are personally impacted by the fact that Hawaii law does not yet define when parental discipline crosses the line into child abuse and nor does it identify the many ways in which a parent or guardian can hurt a child for life. Because there are no set definitions of abuse, Department of Human Services' Child Welfare Investigators are routinely put in charge of cases in which they must recommend returning a child to an abusive parent or guardian. There is currently an unreasonably high bar that distinguishes parental discipline from abuse. If no previous testimony has stated it, please ask for the case law on this threshold. I believe the bar separating parental abuse from parental discipline was set by a case in which a mother beat her teenage daughter with a wrench.

Studies prove that corporal punishment and emotional abuse are not only ineffective modes of discipline, these abuses have life long adverse effects on children and contribute to the cycle of generational trauma. Abuse of a child should be the same as domestic abuse of a spouse, should carry the same penalties, and victims should receive the same supports. I am not appealing for the termination of any parental rights, but I am advocating for reasonable definitions of abuse that would allow law enforcement officers, first responders, child welfare workers, and judges to make determinations that are truly in the best interest of the children.

For example, my child recently alleged sexual contact by a parent as part of a punishment. As soon as my child disclosed this allegation to me, I tried to secure a TRO on my children's behalf. A single, biased social worker stated that the video taped, forensic interview of my child at the Children's Justice Center contained no allegations of sexual contact by my child and therefore had no concerns for my children's safety in the allegedly abusive parent's home. Based on this worker's recommendation and despite the fact that the allegedly abusive parent perjured themselves on the stand, the judge denied my children a TRO and required me to return my children to their allegedly abusive parent that very evening. Weeks later I was allowed to view the videos of interviews of my child and my child clearly alleges repeated punitive sexual contact by the parent I returned them to. I filed a complaint with DHS and received a letter of apology for the case worker's actions and recommendation to the court. The letter also stated that the case worker was disciplined but did not provide additional details. In any case, because the family court judge in our case (with all her education and years of experience on the bench) felt she had no choice but to follow the recommendation of a

single case worker with much less education, we were denied a restraining order and my children were returned to 50% custody with their allegedly abusive parent. I am now forced to continue my fight to gain full custody of my children and help them heal from their ongoing traumas as visitation continues against their wishes. Clear and reasonable definitions of abuse and shared power in the investigation of allegations will help prevent children from having to return to their alleged abusers. I strongly support this bill and urge the committee to ignore those who claim to have a right to use and hurt a child. As a Native Hawaiian, I urge the committee to ignore those who believe that child abuse is a cultural practice in Polynesia (this is simply untrue). I also urge the committee to balance the power in our system so that a single case worker with a BA and a cursory report no longer has the power to tell a family court judge how to rule in a case of alleged child abuse. Thank you for the opportunity to advocate for my children.

HB-1798

Submitted on: 1/29/2020 12:21:34 AM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Speedracer	Individual	Support	Yes

Comments:

I do not believe that hitting, hurting, abusing a child is any type of way to teach a child, in my opinion it demonstrates a lack of control of emotion by the adult in the situation. You can not teach a child not to hit by hitting them, you demonstrate HYPOCRISY. CWS should make more stringent guidelines to determine ABUSE. My child was struck in the face by her x step father, he told CWS he hit her bottom but admitted to HPD in a written signed statement he struck her FACE. CWS was given this and did nothing. I had forbidden him from using corporal punishment with all my children so this was not acceptable in any way shape or form. We need help in this area, lets move away from violence and teach children by action how to handle conflict and communicate.

HB-1798

Submitted on: 1/29/2020 6:08:51 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Robinson-Onderko	Individual	Support	No

Comments:

HB-1798

Submitted on: 1/29/2020 10:04:55 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Shimei	Individual	Support	No

Comments:

In SUPPORT

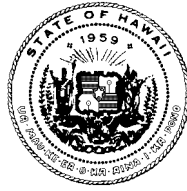
It is imperative that we define indices of child abuse as broadly as reasonably possible to equip those charged with protecting children with the necessary basis to accurately and comprehensively assess damage, and intervene to provide treatment and protection.

Assessment of damage (physical, mental, emotional) should be independent of the relationship between the adult and the child.

Thank you for your consideration.

Barbara Shimei

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96808

January 29, 2020

LATE

TO: The Honorable Joy A. San Buenaventura, Chair
House Committee on Human Services and Homelessness

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1798 - RELATING TO SAFE AND EFFECTIVE DISCIPLINE**

Hearing: Friday, January 31, 2020, 8:30 a.m.
Conference Room 329, State Capitol

POSITION: The Department of Human Services (DHS) appreciates the intent of the measure and offers comments.

PURPOSE: The purposes of this bill are to clarify the use of reasonable corporal punishment, repeal the justification of use of force by parents, guardians, teachers, and persons otherwise entrusted with the care or supervision of a minor.

DHS supports policies and programs that support positive parenting and encourage safe and effective methods of parental discipline. An out-right ban of corporal punishment or a reduction of the use of corporal punishment should in fact be major societal and policy goals and DHS supports the Legislature's efforts; however, these changes in social norms are very difficult to legislate by criminalizing the behaviors.

DHS Child Welfare Services Branch (CWS) encourages families involved in child welfare services to use non-physical discipline through in-home and group parent-child education. Other efforts to improve parent – child relationships and support child development include home-visiting, quality child care, and other family strengthening programs that promote protective factors that when robust in a family reduce incidences of child abuse and neglect.

With due respect to the proponents of the measure, it appears this measure attempts to capture into law concepts discussed in the article "Where and How To Draw The Line Between

Reasonable Corporal Punishment And Abuse," D. Coleman, K. Dodge, S. Campbell, [Law Contemp Probl.](#) Author manuscript; available in PMC 2013 Oct 22, published in final edited form as: Law Contemp Probl. 2010 Spring; 73(2): 107–166, found at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3805039/>, as drafted the measure is confusing and may mislead both parents and system responders as it still allows physical discipline and tries to draw a bright line when reasonable corporal punishment is not justified.

As drafted, it is also difficult to reconcile "reasonable corporal punishment" to section 2, (c) that basically creates religious and cultural exemptions, and (d) negates any prohibition listed in the entire chapter by stating that "nothing in this chapter shall prohibit a parent or guardian from using reasonable punishment, including corporal punishment, in light of the age and condition of the child."

Also, placing these proposals in Chapter 703, HRS, Hawaii's Penal Code, signals that the Legislature intends this to be used in a criminal context that demands different standards of proof and different case goals versus the civil process to address "child abuse and neglect" as described in sections 350-1, et seq., HRS, and the process described in Chapter 587A, HRS. In the criminal context, the goal is to punish; and in the civil context, the goals are to address the safety of the child and to assist the family as they address the safety concerns.

Attempting to change through legislation the social norm that supports parental-autonomy wrapped up in the right to privacy while trying to reduce incidences where parental discipline crosses the line and becomes child abuse is one step¹ toward reducing child abuse and neglect. Sufficient investment in prevention and intervention services for the community at large that promote protective factors that reduce incidences of child abuse and neglect, such as strengthening economic supports, providing quality care and education in early childhood, and enhancing parenting skills and knowledge of child development, needs to accompany a sweeping change in criminal laws as the impact of the proposal may have unintended impacts on the well-being of children and families.

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

¹ See Connecting the Dots: Evidence-Based Interventions to Address Child Abuse and Neglect, B. Reimels, https://www.ncsl.org/portals/1/documents/health/InjuryMtg2016_BReimels.pdf.

HB-1798

Submitted on: 1/30/2020 2:50:35 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
TRISTAN RENAE	Individual	Support	No

Comments:

January 30, 2020

COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Rep. Joy A. San Buenaventura, Chair Rep. Nadine K. Nakamura, Vice Chair Rep. Della Au Belatti Rep. Calvin K.Y. Say, Rep. Bertrand Kobayashi, Rep. James Kunane Tokioka, Rep. John M. Mizuno, and Rep. Gene Ward.

NOTICE OF HEARING

DATE: January 31, 2020 TIME: 8:30 a.m. PLACE: Conference Room 329 State Capitol 415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF HB1798 WITH AMENDMENTS Relating to Safe and Effective Discipline

Dear Committee on Human Services and Homelessness:

My name is Tristan Renae, MSW, former co-founder of Create One Ohana, preschool teacher, and a social work who has worked with agencies contracted with CWS. I have been working with Hawaii's high risk for all forms of abuse. I am in support of this bill, however, with a few non-substantive amendments:

On page 3, line 12: delete the word “and”

On page 4, line 20: delete the word “and” and replace with the word “or”

On page 5, line 13: delete the word “and” and replace with the word “or”

Working with CWS workers and the current system as it stands. It is left up to each individual worker, as well as HPD to individually determine what child abuse is. The choices are then based on an individual’s personal value and belief system; which in many cases has led to children’s continued abuse and in a few cases death here in Hawaii. To include one that happened about 5 years ago where the child was not removed when they should have been. Because of HPD and a CWS workers personal value system. The law is not supposed to be up to individuals’ interpretations or feelings in a moment. In this case the law is supposed to be in place to protect children. It baffles me that as an adult who can defend themselves. If I report and adult for hitting me just once they can be arrested and jailed at one complaint. Yet a child who cannot defend themselves, just because an adult gets mad, angry, scared, or frustrated. They have a legal right to hit that child as they see fit, and if there is proof then it is still up to the individual. That seems very ineffective in what nurturing and protecting children.

As a preschool teacher I have witnessed at the ages of 3-5 years of age the negative consequences on children’s the emotional and social development of so many children for the past 4 years. Children that put their trust in us adults to protect them and teach them how to move through this world in Love. Yet I go to classes and witness teachers and parents/guardians yelling, shaming, and hitting kids.

While watching one situation, where a child was being drug by his ankles, his grandmother hitting him, all while I am on the phone with HPD standing in their doorway. She did not stop nor care. When HPD showed up, the officer stated that everything was okay. The 11 or 12-year-old boy forgot to take his meds that day, according to the grandmother. I told him what I witnessed, and the officer did nothing to include calling CWS. When I called CWS, I was told that because the officer didn’t find anything wrong with the situation, they weren’t going to do anything. As a social worker and human being, this is not okay. Yet what the current law and this bill without the recommended amendments only continues to contribute to the flawed and broken system currently in place.

If there are laws that do not let me as an adult physically discipline another adult. Then why are there laws that allow adults to physically abuse children because they are unable to find other ways to parent or be an effective adult without taking out their emotions on a child. Leaving the discretion of what child abuse leaves room for discrimination and personal prejudices from CWS workers and HPD officers. As well as parents/guardians with LGBTQIA youth, kids with disabilities, or the adult’s ideals of perfection of how a child should be.

However, since some form of reasonable physical discipline has been argued to be a parent's right, this measure seeks to retain that parental right while still protecting abused children with more legitimate identifiers of abuse not previously recognized in the evolution of our laws.

I kindly and respectfully urge the committee to support and pass HB1798 with amendments. This would give the Hawaii legislators with the amendments to help protect the children of Hawaii in a way the Supreme Court failed them. Let Hawaii be Better, Help Hawaii's children gain some sense of safety and a chance to have an upbringing that does involve being abused by their parents/guardian. Let Us show the Children of Hawaii that They and Their Safety Matter!

Sincerely,

Tristan Renae, MSW, Preschool Teacher



LATE

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/31/2020
Time: 08:30 AM
Location: 329
Committee: House Human Services & Homelessness

Department: Education

Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education

Title of Bill: HB 1798 RELATING TO SAFE AND EFFECTIVE DISCIPLINE.

Purpose of Bill: Clarifies the use of reasonable corporal punishment. Repeals the justification of use of force by parents, guardians, teachers, and persons otherwise entrusted with the care or supervision of a minor.

Department's Position:

The Department of Education (Department) supports the intent of HB 1798 with comments.

As stated in HB 1798: "The legislature further finds that Hawaii became the third state to ban corporal punishment in schools in 1973 and adopted a concurrent resolution against corporal punishment in the 1990s." The Department wishes to recognize that corporal punishment is not allowed in schools and any necessary use of force does not involve corporal punishment.

The Department further asks that any such passage of HB 1798 does not replace nor adversely impact the currently approved Board of Education policy on Use of Force (BOE 305-4) in place for the Department to address situations where the use of force is necessary for the safety of students and others. The Restraints and Seclusion Law became effective in the 2016-2017 school year for all public schools and prohibits the use of seclusion, mechanical restraint, and chemical restraints as disciplinary actions for all students. It also establishes the conditions and procedures for the use of physical restraint should the need arise. The basic premise regarding the use of a physical restraint is that every effort shall be made to prevent its use so that all students can learn in a safe, healthy, and humane environment.

The Department further defers any discussion or reference to other roles groups outside of education to state agencies who oversee such role groups.

Thank you for the opportunity to provide testimony on HB 1798.

The Hawai'i State Department of Education is committed to delivering on our promises to

students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.

TO THE
HOUSE COMMITTEE ON
HUMAN SERVICES AND HOMELESSNESS

LATE

In **SUPPORT** of
H.B. 1798
Relating to safe and effective discipline

FRIDAY, JANUARY 31, 2020
8:30 A.M
CCONFERENCE ROOM 329

Chair Joy A. San Buenaventura, vice chair Nadine K. Nakamura, and members of the committee:

My name is Danisha Garrison, from Cleveland, Ohio and I am currently a student at the University of Hawai'i Manoa Myron B. Thompson School of Social Work, in the Master of Social Work program. I am testifying in favor of HB 1798 which relates to safe and effective discipline.

In my experience there is a fine line between abuse and discipline when using corporal punishment to discipline children. I have been employed in Child Protective Service agencies and have seen the effects of overuse and the lack of use of corporal punishment on children. I have also had the experience seeing parents give up hope when they feel they have no control over their children because their options of discipline are limited. There is overcrowding of children in the juvenile justice system because parents have no rights to discipline their children to deter them from growing up and feeling as if they have no consequences or accountability for their actions.

I was raised in a single parent household, raised by my father, and corporal punishment was the only form of discipline used in our household from probably the day I was able to walk and talk. I feel it was necessary and helped me learn respect for adults and my peers, as well as right and wrong, and that there were consequences for my actions. I was never scared of my father, but I was scared for my teachers, coaches, and other members of the community to inform my father if I was misbehaving, because I knew the consequences, in which deterred me from becoming that unruly, disrespectful child.

Again, I am in SUPPORT of H.B.1798, which relates to safe and effective discipline of minors. Corporal punishment should be an option of discipline for parents. Section 2 of the bill, "reasonable corporal punishment" gives parents the ability to take back authority and control of their households and the growth of their children. I really hope you consider giving parents their ability to parent their children instead of only having the responsibility to cloth and feed them. Corporal punishment is needed more now for this generation than it was ever needed before.

Respectfully,
Danisha Garrison
216-526-0962