

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 15, 2020

TO: The Honorable Senator Russell E. Ruderman, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1942 HD2 – RELATING TO CHILD ABUSE REPORTING**

Hearing: March 16, 2020, 3:10 p.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) respectfully opposes the HD2, offers comments, and proposes major amendments.

As drafted, this measure does not consider how Chapter 350 is constructed and organized, and may cause confusion, thereby delaying a report of suspected child abuse and neglect. The proposed language is inconsistent with the Hawaii Rules of Evidence and may result in an extension of privileges in the context of child abuse and neglect cases that will not serve the stated purpose of the measure to update Hawaii's child abuse and neglect mandated reporting law. DHS respectfully attaches a proposed SD1 for the Committee's consideration and provides the following rationale.

1. **Communications to Clergy.** Hawaii Rule of Evidence (HRE) 506 already provides appropriate definition for "member of clergy" and what communication is "confidential," as follows:

"(a) Definitions. As used in this rule:

- (1) A "member of the clergy" is a minister, priest, rabbi, Christian Science practitioner, or other similar functionary of a religious organization, or an individual reasonably believed so to be by the communicant.

- (2) A communication is "confidential" if made privately and not intended for further disclosure except to other persons present in furtherance of the purpose of the communication.
- (b) General rule of privilege. A person has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication by the person to a member of the clergy in the latter's professional character as spiritual advisor.
- (c) Who may claim the privilege. The privilege may be claimed by the communicant or by the communicant's guardian, conservator, or personal representative. The member of the clergy may claim the privilege on behalf of the communicant. Authority so to do is presumed in the absence of evidence to the contrary."

The mandated reporting law should not expand or make unique definitions and rules for the child abuse and neglect context. DHS requests the proposed **(a)(10) be revised** as follows:

(10) Members of the clergy or custodians of records therefor; provided that a clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication shall not be subject to the requirements of this section; provided further that nothing in this section shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter;

Additional definitions in proposed (g) of "member of the clergy" and "penitential communication" are not consistent with HRE 503 and should be deleted.

2. The mandated reporting law should not become inconsistent with Hawaii Rule of Evidence 503 **Lawyer-client privilege**. Importantly, the lawyer-client privilege is not absolute and should not be made absolute in the mandated reporting law. Paragraph (d) of Hawaii Rule of Evidence 503, provides the following exceptions:

"(d) Exceptions. There is no privilege under this rule:

(1) Furtherance of crime or fraud. If the services of the lawyer were sought, obtained, or used to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud;

(2) Prevention of crime or fraud. As to a communication reflecting the client's intent to commit a criminal or fraudulent act that the lawyer reasonably believes is

likely to result in death or substantial bodily harm, or in substantial injury to the financial interests or property of another;

(3) Claimants through same deceased client. As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction;

(4) Breach of duty by lawyer or client. As to a communication relevant to an issue of breach of duty by the lawyer to the client or by the client to the lawyer;

(5) Document attested by lawyer. As to a communication relevant to an issue concerning an attested document to which the lawyer is an attesting witness;

(6) Joint clients. As to a communication relevant to a matter of common interest between two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between any of the clients; or

(7) Lawyer's professional responsibility. As to a communication the disclosure of which is required or authorized by the Hawaii rules of professional conduct for attorneys."

DHS requests the proposed **(a)(11) be revised** as follows:

(11) Administrators and employees of any public or private organization whose duties require direct contact with or supervision of children; provided that this subsection shall not apply to an attorney that has an attorney-client relationship.

3. The proposed (c)(4) should be removed from (c) and included in a different bill section to become a session law instead of a statute. The time limited nature would make the proposed section (c)(4) extraneous to the statute after January 1, 2021. Also, the way the time period is described is confusing as it goes backward in time.

4. The proposed (d)(1) and (d)(2) set up different procedures and time frames for commercial film and photographic print or image processors to provide information upon demand of the department or the police department. This will cause additional confusion and delay in reporting. Also, as the nature of electronic media is rapidly changing, the description of the electronic media should be broad to allow for broad interpretation required with future development. DHS continues to defer to law enforcement and the Department of the Attorney General regarding existing procedures to produce required

evidence. For the purposes this measure, DHS proposes the following amendment of (d) as follows:

"(d) Any person subject to subsection (a) shall, upon demand of the department or any police department, provide all information related to the alleged incident of child abuse or neglect, including[7] but not limited to[7] medical records and medical reports, image, film, video or other electronic medium, which was not included in the written report submitted pursuant to subsection (c)."

5. DHS requests the proposed (f) be deleted. While DHS appreciates the intent of this proposal, in the child welfare context, without training, the notice provision may not have the desired effect. The Legislature may want to require that the notice language be added to a labor or human resources section regarding required employment postings. Currently, DHS is investigating the cost of an on-line child abuse and neglect training website for mandated reporters and the public, like the website available for California's mandated reporters.

6. For clarity, new definitions should be aligned and added into the Chapter's definition section, section 350.1, **Definitions**. Further definitions of "commercial computer technician" or "commercial film and photographic print or image processor" are not required.

DHS proposes a new definition for "electronic media" should be added to section 350.1, as follows:

"Electronic medium" includes any recording, synthetic media, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumb drive, or any other computer hardware or media.

It is not necessary to add definitions for "members of the clergy," or "penitential communication," as these are already defined by Hawaii Rule of Evidence 506.

It is not necessary to add definition for "sexual conduct" as "sexual contact or conduct" are included in the definition of "child abuse or neglect" found in section 350-1, HRS.

PURPOSE: This bill adds members of the clergy, commercial computer technicians, and commercial film, and photographic print or image processors to the categories of persons who are required to report child abuse and neglect to DHS or police. Provides a "safe harbor" through December 31, 2020, for reporting by clergy of known or suspected child abuse that was previously unreported and that did not arise during a penitential communication. Effective 12/31/2059. (HD2)

The purpose of mandated reporting laws in Chapter 350, Hawaii Revised Statutes (HRS),

"to protect minors whose health and welfare are adversely affected by abuse or neglect by providing for the mandatory reporting of such cases to the appropriate public agency. It is intended that as a result of such reports, the protective services of the State shall be brought to bear on the situation in an effort to prevent further abuses, safeguard and enhance the welfare of such minors, and preserve family life wherever possible." Act 261, Session Laws of Hawaii 1967.

The State and the Department rely upon employees of public and private organizations who, in the professional or official capacity suspect that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future to report their concern.

DHS defers to the Department of the Attorney General regarding existing protocols and or law that clarifies or describes the collection and sharing of electronic or photographic evidence described in this measure.

Thank you for the opportunity to testify on this bill.

A BILL FOR AN ACT

RELATING TO CHILD ABUSE REPORTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that in 2017, the child
2 welfare services branch of the State's department of human
3 services received 3,702 reports of child abuse. More than half
4 of these reports were made by mandated reporters working in
5 fields such as medicine, law enforcement, and social services.
6 Unfortunately, despite the extent of reporting that does occur,
7 many other instances of child abuse go unreported.

8 The legislature further finds that Hawaii is one of only a
9 handful of states that do not include members of the clergy as
10 mandatory reporters of child abuse and neglect. Additionally,
11 sexual exploitation of children occurs online, making it easier
12 for some predators to avoid detection and arrest. By requiring
13 commercial computer technicians and commercial film and
14 photographic print or image processors to report computer files
15 containing child pornography to law enforcement, the State can
16 protect more children from exploitation and abuse.

1 The purpose of this Act is to update Hawaii's child abuse
2 and neglect mandated reporting law by adding members of the
3 clergy, commercial computer technicians, commercial film and
4 photographic print or image processors, and administrators and
5 employees of any public or private organization whose duties
6 require direct contact with or supervision of children, to the
7 categories of persons who are required to report, based on
8 California's Child Abuse and Neglect Reporting Act.

9 **SECTION 2. Section 350-1, Hawaii Revised Statutes is**
10 **amended to read as follows:**

11 **"§350-1 Definitions.** For the purposes of this chapter,
12 unless the context specifically indicates otherwise:

13 "Child" means a person who is born alive and is less than
14 eighteen years of age.

15 "Child abuse or neglect" means:

16 (1) The acts or omissions of any person who, or legal
17 entity which, is in any manner or degree related to the child,
18 is residing with the child, or is otherwise responsible for the
19 child's care, that have resulted in the physical or
20 psychological health or welfare of the child, who is under the
21 age of eighteen, to be harmed, or to be subject to any
22 reasonably foreseeable, substantial risk of being harmed. The
23 acts or omissions are indicated for the purposes of reports by
24 circumstances that include but are not limited to:

- 1 (A) When the child exhibits evidence of:
- 2 (i) Substantial or multiple skin bruising or any
- 3 other internal bleeding;
- 4 (ii) Any injury to skin causing substantial
- 5 bleeding;
- 6 (iii) Malnutrition;
- 7 (iv) Failure to thrive;
- 8 (v) Burn or burns;
- 9 (vi) Poisoning;
- 10 (vii) Fracture of any bone;
- 11 (viii) Subdural hematoma;
- 12 (ix) Soft tissue swelling;
- 13 (x) Extreme pain;
- 14 (xi) Extreme mental distress;
- 15 (xii) Gross degradation; or
- 16 (xiii) Death; and
- 17 such injury is not justifiably explained, or when
- 18 the history given concerning such condition or
- 19 death is at variance with the degree or type of
- 20 such condition or death, or circumstances
- 21 indicate that such condition or death may not be
- 22 the product of an accidental occurrence;
- 23 (B) When the child has been the victim of sexual
- 24 contact or conduct, including but not limited to

1 sexual assault as defined in the Penal Code,
2 molestation, sexual fondling, incest, or
3 prostitution; obscene or pornographic
4 photographing, filming, or depiction; or other
5 similar forms of sexual exploitation, including
6 but not limited to acts that constitute an
7 offense pursuant to section 712-1202(1)(b);

8 (C) When there exists injury to the psychological
9 capacity of a child as is evidenced by an
10 observable and substantial impairment in the
11 child's ability to function;

12 (D) When the child is not provided in a timely manner
13 with adequate food, clothing, shelter,
14 psychological care, physical care, medical care,
15 or supervision;

16 (E) When the child is provided with dangerous,
17 harmful, or detrimental drugs as defined by
18 section 712-1240; provided that this subparagraph
19 shall not apply when such drugs are provided to
20 the child pursuant to the direction or
21 prescription of a practitioner, as defined in
22 section 712-1240; or

23 (F) When the child has been the victim of labor
24 trafficking under chapter 707; or

1 (2) The acts or omissions of any person that have resulted
2 in sex trafficking or severe forms of trafficking in persons;
3 provided that no finding by the department pursuant to this
4 chapter shall be used as conclusive evidence that a person has
5 committed an offense under part VIII of chapter 707 or section
6 712-1202.

7 "Department" means the department of human services.

8 "Electronic medium" includes any recording, synthetic
9 media, CD-ROM, magnetic disk memory, magnetic tape memory, CD,
10 DVD, thumb drive, or any other computer hardware or media.

11 "Report" means the initial oral statement and, if required
12 by section 350-1.1(c), the subsequent written account concerning
13 the facts and circumstances which cause a person to have reason
14 to believe that child abuse or neglect has occurred or that
15 there exists a substantial risk that child abuse or neglect may
16 occur in the reasonably foreseeable future.

17 "Severe forms of trafficking in persons" has the same
18 meaning as provided in title 22 United States Code Annotated
19 section 7102(9).

20 "Sex trafficking" has the same meaning as provided in title
21 22 United States Code Annotated section 7102(10)."

1 SECTION 3. Section 350-1.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§350-1.1 Reports.** (a) Notwithstanding any other state
4 law concerning confidentiality to the contrary, the following
5 persons who, in their professional or official capacity, have
6 reason to believe that child abuse or neglect has occurred or
7 that there exists a substantial risk that child abuse or neglect
8 may occur in the reasonably foreseeable future, shall
9 immediately report the matter orally to the department or to the
10 police department:

11 (1) Any licensed or registered professional of the healing
12 arts or any health-related occupation who examines, attends,
13 treats, or provides other professional or specialized services,
14 including but not limited to physicians, including physicians in
15 training, psychologists, dentists, nurses, osteopathic
16 physicians and surgeons, optometrists, chiropractors,
17 podiatrists, pharmacists, and other health-related
18 professionals;

19 (2) Employees or officers of any public or private school;

20 (3) Employees or officers of any public or private agency
21 or institution, or other individuals, providing social, medical,
22 hospital, or mental health services, including financial
23 assistance;

1 (4) Employees or officers of any law enforcement agency,
2 including but not limited to the courts, police departments,
3 department of public safety, correctional institutions, and
4 parole or probation offices;

5 (5) Individual providers of child care, or employees or
6 officers of any licensed or registered child care facility,
7 foster home, or similar institution;

8 (6) Medical examiners or coroners; [~~and~~]

9 (7) Employees of any public or private agency providing
10 recreational or sports activities[~~-~~];

11 (8) Commercial film and photographic print or image
12 processors;

13 (9) Commercial computer technicians; and

14 (10) Members of the clergy or custodians of records
15 therefor.

16 (b) Whenever a person designated in subsection (a) is a
17 member of the staff of any public or private school, agency, or
18 institution, that staff member shall immediately report the
19 known or suspected child abuse or neglect directly to the
20 department or to the police department and also shall
21 immediately notify the person in charge or a designated delegate
22 of the report made in accordance with this chapter.

1 (c) The initial oral report shall be followed as soon as
2 possible by a report in writing to the department[]; provided
3 that:

4 (1) If a police department or the department of public
5 safety is the initiating agency, a written report shall be filed
6 with the department for cases that the police or the department
7 of public safety takes further action on or for active cases in
8 the department under this chapter[];

9 (2) All written reports shall contain the name and address
10 of the child and the child's parents or other persons
11 responsible for the child's care, if known, the child's age, the
12 nature and extent of the child's injuries, and any other
13 information that the reporter believes might be helpful or
14 relevant to the investigation of the child abuse or neglect.

15 This subsection shall not be construed to serve as a cause
16 of action against the department, the police, or the department
17 of public safety.

18 (d) Any person subject to subsection (a) shall, upon
19 demand of the department or any police department, provide all
20 information related to the alleged incident of child abuse or
21 neglect, including[] but not limited to[] medical records and
22 medical reports, image, film, video or other electronic medium,
23 which was not included in the written report submitted pursuant
24 to subsection (c).

1 (e) The director may adopt, amend, or repeal rules,
2 subject to chapter 91, to further define or clarify the specific
3 forms of child abuse or neglect enumerated in section 350-1 for
4 use in implementing this chapter; provided that rules adopted
5 under this subsection shall be limited to such further or
6 clarifying definitions.

7 SECTION 4. Before January 1, 2021, and through and
8 including December 31, 2020, a member of the clergy, or a
9 custodian of records thereof, may report to the department or
10 the police department that the clergy member or custodian of
11 records, in the person's professional capacity or within the
12 scope of the person's employment, had acquired knowledge or had
13 a reasonable suspicion that a child was a victim of abuse or
14 neglect and that the clergy member or custodian of records did
15 not previously report the abuse. A report may be made
16 regardless of whether the victim of the known or suspected abuse
17 or neglect has reached the age of eighteen at the time the
18 report is made. A person who makes a report pursuant to this
19 paragraph shall not be subject to the penalty for nonreporting
20 under subsection 350-1.2.

21 SECTION 5. This Act does not affect rights and duties that
22 matured, penalties that were incurred, and proceedings that were
23 begun before its effective date.

1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on December 31,
4 2059.

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9 **Report Title:**

10 DHS; Child Abuse and Neglect; Mandatory Reporting

11
12 **Description:**

13 Adds members of the clergy, commercial computer technicians, and
14 commercial film, and photographic print or image processors to
15 the categories of persons who are required to report child abuse
16 and neglect to DHS or police. Provides a "safe harbor" through
17 December 31, 2020, for reporting by clergy of known or suspected
18 child abuse that was previously unreported and that did not
19 arise during a penitential communication. Effective
20 12/31/2059. (HD2)

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22
23
24 *The summary description of legislation appearing on this page is for informational purposes only and is*
25 *not legislation or evidence of legislative intent.*
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27
28

HAWAII YOUTH SERVICES NETWORK

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Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the Great Northwest and Hawaiian Islands

Residential Youth Services & Empowerment (RYSE)

Salvation Army Family Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

March 12, 2020

To: Senator Russell Ruderman, Chair
And members of the Committee on Human Services

Testimony in Support of HB 1942 HD 2 Relating to Child Abuse Reporting

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports HB 1942 HD 2 Relating to Child Abuse Reporting.

All children deserve to be protected from abuse and neglect and it should be the duty of all adults to report known or suspected child abuse.

Members of the clergy are often viewed by children as trusted adults to whom they can disclose their experiences with abuse or neglect. It is important that those disclosures be shared with the authorities.

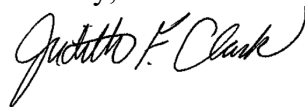
There is evidence that members of the clergy themselves may be the perpetrators of child abuse. In some cases, their superiors and colleagues have been aware of the abuse but have failed to take appropriate steps to intervene or report it. This should not be tolerated.

Computer technicians and photographic print or image processors may, through their work, become aware of pornographic and other images of children that indicate abuse or neglect.

Requiring members of the clergy, computer technicians, and print or image processors to be mandated reporters of abuse or neglect of a minor will increase the safety of our children.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII
DIOCESE OF HONOLULU
WITNESS TO JESUS

HEARING DATE: Monday, March 16, 2020.

TO: Senate Committee on Human Services
Senator Russell Ruderman, Chair
Senator Karl Rhoads, Vice Chair

FROM: Most Reverend Larry Silva, Bishop of Honolulu

RE: Support for HB1942 HD2 Relating to Child Abuse Reporting

As the Bishop of the Roman Catholic Church in the State of Hawaii, I testify in favor of HB1942 HD2, which specifies clergy as mandated reporters of sexual abuse of minors.

It is well known that the Catholic Church has been dealing with issues of the abuse of minors, but it is less well known that the Catholic Church has been diligently working on and implementing safeguards to the welfare of minors against sexual abuse. Making clergy mandated reporters is a positive step in that direction.

I will note, however, that I can only support this bill because it excludes “penitential communications” from mandated reporting requirements. In the Catholic Church the sacrament of Penance is where a repentant sinner confesses a sin to a priest (who acts in the person of Christ) and receives the forgiveness of God. It is a sign that God forgives any sin, no matter how grave, if the sinner is truly repentant.

What a penitent confesses to a priest in the sacrament of Penance (confession) is absolutely confidential and may never be divulged to anyone, not even the priest’s superiors. This bill, while naming priests as mandated reporters, respects religious freedom by drawing the line by exemption of “penitential communications.”

Mahalo for opportunity to submit this testimony.



HB 1942, HD2, RELATING TO CHILD ABUSE REPORTING

MARCH 16, 2020 · SENATE HUMAN SERVICES
COMMITTEE · CHAIR SEN. RUSSELL E. RUDERMAN

POSITION: Support.

RATIONALE: IMUAlliance supports HB 1942, HD2, relating to child abuse reporting, which adds members of the clergy, commercial computer technicians, and commercial film, and photographic print or image processors to the categories of persons who are required to report child abuse and neglect to DHS or police, and provides a "safe harbor" through December 31, 2020, for reporting by clergy of known or suspected child abuse that was previously unreported and that did not arise during a penitential communication.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. 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 trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary

prostitutes” and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being under the age of 16. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. IMUAlliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. 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 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 one underage 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.”

Accordingly, we support measures to advance our state's ability to crack down on sexual slavery, including this proposal's requirement that members of the clergy report child abuse and neglect to the Department of Human Services or to the police. As the preamble to this measure states, Indiana, Oklahoma, Rhode Island, and Tennessee already require reporting by any person who has reason to believe that a child is being abused or neglected, while New Hampshire, Texas, West Virginia, and Wisconsin specifically require members of the clergy to report suspected child abuse and neglect to designated government authorities.

We note that Act 246 of 2013 included minor victims of sex and labor trafficking within the scope of the Child Protective Act and laws relating to child abuse, effectively defining sexual exploitation as a form of child abuse in Hawai'i for mandatory reporting purposes.

Therefore, this measure would ensure that acts sexual exploitation that are reported to and, at times, committed by members of the clergy (and subsequently reported to one another and to a clergy member's superiors within a church's hierarchy) are not covered up under the guise of protecting the holy cloth. We cannot allow religion to be a barrier to helping sexually exploited youth. As Christ noted in Matthew 25:40, "And the King will answer them, 'Truly, I say to you, as you did it to one of the least of these my brothers, you did it to me.'"

Finally, commercial computer technicians and commercial film and photographic print or image processors are asked provide services—often basic technological repair services—to digital tools on which child pornography is created and stored. We are heartened that this measure makes employees of these industries mandatory reporters of child abuse and neglect, including sexual abuse, and hope that the Legislature will work with tech companies in the future to establish training protocols for the identification of potential cases of harm.



TO: Chair Ruderman, Vice Chair Rhoads, and Members of the Senate Committee on Human Services

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: March 16, 2020; 3:10 p.m., Conference Room 016

RE: TESTIMONY IN SUPPORT OF HB 1942 HD 2– RELATING TO CHILD ABUSE REPORTING

We ask you to support HB 1942 HD 2 which adds members of the clergy, commercial computer technicians, and commercial film, and photographic print or image processors to the categories of persons who are required to report child abuse and neglect to DHS or police and provides a "safe harbor" through December 31, 2020, for reporting by clergy of known or suspected child abuse that was previously unreported and that did not arise during a penitential communication. This bill would help to strengthen current child abuse reporting laws and continue to help keep our keiki safe.

IT IS NOT OK THAT ONCE EVERY MINUTE A CHILD IS ABUSED physically, sexually, emotionally somewhere in America. Nearly 1,000,000 cases are reported annually across the nation and 4,000 cases of abuse are reported annually in Hawaii. While current child abuse and neglect mandated reporting laws are in effect and are intended to protect children, the current law does not include all individuals and professions who could play an important role in helping to protect our keiki. We support including clergy, computer technicians, and film or photographic print or image processors as mandated reporters. Mandated reporting is critical to keeping our keiki safe.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of HB 1942 HD 2**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

HB-1942-HD-2

Submitted on: 3/13/2020 8:39:27 AM

Testimony for HMS on 3/16/2020 3:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rynette Keen	Individual	Support	No

Comments: