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P. O. Box 339
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January 27, 2020

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2502 SD1 – RELATING TO CHILD ABUSE REPORTING**

Hearing: February 24, 2020, 12:00 p.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill. 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. DHS also suggests that that a cross-reference to the proposed definition of "sexual conduct" be placed in section 350-1, Hawaii Revised Statutes, that defines "child abuse or neglect."

DHS also defers to county police departments regarding resources required to implement the proposed law.

PURPOSE: This bill adds members of the clergy, commercial computer technicians, commercial film and photographic print or image processors, and persons employed by organizations that have direct contact with or supervision of children to the categories of persons who are required to report child abuse and neglect to the Department of Human Services or to 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. (SD1)

The intent of the child abuse and neglect mandated reporting law is to protect children – both reported child victims and other potential child victims by requiring community members who are professionals that have regular interaction with children and families to report suspected incidents of child abuse or neglect.

Hawaii's child abuse and neglect mandated reporting law, section 350, Hawaii Revised Statutes, (HRS) et seq., does not currently include clergy, commercial computer technicians, and commercial film and photographic print or image processors as mandated reporters. DHS agrees that extending the mandate to report to these professions who may have knowledge of suspected cases of abuse or neglect, or exploited children is important to identify, investigate, and intervene as soon as possible.

If the measure passes, additional appropriation is required to develop and provide training to these new categories of mandated reporters.

DHS takes no position on the "safe harbor" provisions.

Thank you for the opportunity to testify on this bill.

HAWAII YOUTH SERVICES NETWORK

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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

February 21, 2020

To: Senator Karl Rhoads, Chair
And members of the Committee on Judiciary

Testimony in Support of SB 2502 SD 1 Relating to Child Abuse Reporting

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 2502 SD 1 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.

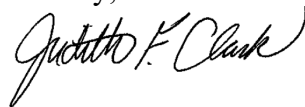
There is evidence that members of the clergy themselves may be the perpetrators of child abuse. In some cases, their superiors and colleagues have been aware of the abuse but have failed to take appropriate steps to intervene or report it. This should not be tolerated.

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: February 24, 2020, @ 9:00 a.m.

TO: Senate Committee on Judiciary & Labor
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

FROM: Most Reverend Larry Silva, Bishop of Honolulu

RE: Support for SB 2502 SD1 Relating to Child Abuse Reporting

As the Bishop of the Roman Catholic Church in the State of Hawaii, I testify in favor of SB2502 SD1, 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.



SB 2502, SD1, RELATING TO CHILD ABUSE REPORTING

FEBRUARY 24, 2020 · SENATE JUDICIARY
COMMITTEE · CHAIR REP. KARL RHOADS

POSITION: Support.

RATIONALE: IMUAlliance supports SB 2502, SD1, relating to child abuse reporting, which adds members of the clergy, commercial computer technicians, commercial film and photographic print or image processors, and persons employed by organizations that have direct contact with or supervision of children to the categories of persons who are required to report child abuse and neglect to the Department of Human Services or to 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.

SB-2502-SD-1

Submitted on: 2/22/2020 12:53:29 PM

Testimony for JDC on 2/24/2020 12:00:00 PM

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

Comments:

I strongly support SB2502. Our children need all the protection they can get. Please pass SB2502.

Thank you.

Mike Golojuch, Sr.

Secretary/Board Member, Rainbow Family 808

Secretary/Board Member, Pride at Work