



# HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of the Hawai'i Appleseed Center for Law and Economic Justice  
In Support of HB1933 HD1 – Relating to Persons Working With Children  
Friday, February 15, 2022, at 9:00 am via Videoconference

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Dear Chair Yamane, Vice Chair Tam, and members of the Committee:

Thank you for the opportunity to provide testimony in **SUPPORT of HB1933**, which would require persons who provide services relating to children, such as social workers, guardians ad litem, custody evaluators, fact finders, and therapists, to follow rules of ethics similar to those that attorneys must follow.

Families, with children, who are involved in Family Court custody matters, already encounter stressful and uncomfortable situations. The situation is made exponentially worse when one side feels they are not being treated fairly, when they feel they are being discriminated against, and when they feel there is bias in the process.

Various professionals are hired by the State to provide evaluations, fact finding, and other information relating to the children involved in these cases. Currently, there are no rules of ethics, including but not limited to rules relating to conflicts of interests, that these professionals are bound to follow.

Without such rules, those who feel they are the victim of bias, conflict, and incorrect evaluations, have no legitimate remedy as there are no standards or rules that can be shown to have been broken.

Ethical rules of conduct exist for other professionals dealing with the court, namely lawyers and judges, and it only makes sense that other involved professionals, such as those covered by this act, follow similar rules regarding 1)candor before a tribunal, 2)fairness to opposing parties, 3)truthfulness in statements, 4)fact finding, and 5)conflicts of interest.

We already expect professionals to hold themselves to the highest standards and to conduct themselves in ways that would comply with the behavior noted above. This act simply codifies our expectations, and serves to hold these professionals accountable when they fail to comply.

This act will help Native Hawaiian families, low-income families, LGBTWQ parents and children, and mixed race families (is that an appropriate term?) who are disproportionately involved in custody disputes.

**To clarify and improve the Bill we support the following amendments:**

## **SUGGESTED AMENDMENTS TO HB1933 HD1**

Modify the definition of “Covered person” to say “Covered person” means any person who is contracted, appointed, or referred by a state agency to provide services to a child and includes the contracted person’s employees or subcontractors.

**Thank you for considering this testimony.** Requiring social workers, custody evaluators, therapists, and others dealing with children to abide by ethical rules, including conflict of interest rules, places parties on an even and just playing field. This is required to ensure that the children of Hawai'i's best interests are always taken into account, and that outside influence and circumstances do not effect a just outcome.

I do not intend to provide oral testimony at the hearing.

Ray Kong  
Legal Director  
Hawaii Appleseed Center for Law and Economic Justice  
Lawyers for Equal Justice

February 10, 2022

**COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

Rep. Ryan I. Yamane, Chair  
Rep. Adrian K. Tam, Vice Chair  
Rep. Cedric Asuega Gates  
Rep. Sharon E. Har

Rep. Jeanne Kapela  
Rep. Scott Y. Nishimoto  
Rep. Gene Ward

**NOTICE OF HEARING**

DATE: February 15, 2022  
TIME: 9:00AM  
PLACE: Conference Room 329  
Via Videoconference  
State Capitol  
415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF HB1933\_HD1, With Amendments  
Relating to Persons Working With Children

Dear Committee on Health, Human Services & Homelessness:

I write in strong support of HB1933 HD1 aka “Calvin’s Law” with amendments included with this testimony that comport the bill language to its original intent. The intent of this measure addresses an important area in our Family Court system which is in dire need of reform, where injustice and constitutional violations run rampant and unchecked to the detriment of protective parents and vulnerable children.

I strongly urge the committee to adopt the recommendations for amendments attached to fix the language of the bill to include custody evaluators (CEs) who do not technically “contract” with the state but rather are ordered by the state (courts) to provide services to parties involved in a court proceeding. CEs in fact contract directly with both parties by order of the courts.

Other states such as New York have issued studies on the grave need for reform that Calvin’s Law addresses regarding “Covered Person” as defined in this bill, specifically to Custody Evaluators. \*See the NY Governor’s Blue Ribbon Commission report here:  
<https://ocfs.ny.gov/programs/cwcs/assets/docs/Blue-Ribbon-Commission-Report-2022.pdf>

Furthermore, the current draft of the bill does not adequately afford persons affected by the gross misconduct of “covered persons” with appropriate remedy. As such, I have included amended language allowing individuals a cause for civil action against covered persons who violate this law. A violation of Calvin’s Law is essentially a violation of a parent(s) and their child’s/children’s Constitutional rights under the First, Fourth, Fifth, and Fourteenth Amendments.

## **Calvin's Law (HB1933 HD1)**

**Goal:** To prevent miscarriages of justice in the Family Court System by holding third-parties such as social workers, custody evaluators, and therapists to follow a strict standard of evidence and/or the same professional responsibility ethical rules as attorneys.

**Reasons:** To prevent rampant bias in fact finding and in custody evaluation reports in Family Court ordered custody proceedings, which lead to the inhumane rupture of families with little to no access to justice or accountability.

**Communities most affected:** Native Hawaiian families, low-income families, LGBTQ parents and children, families where one parent is white and another is a person-of-color, mothers-of-color whose children report sexual abuse or other domestic violence by father.

**The problem:** Private third parties acting as de facto court officers often run amok of jurisprudence in dealing with custody and child welfare matters. Bias is rampant and unchecked. CEs deciding custody for judges lack professional rules of conduct in their investigations. They also have quasi immunity to being held accountable for taking a child away from a protective parent due to bias or returning a child to a dangerous parent for the same. The rupture of families leads to higher rates of runaways, increased child abuse and sometimes child disappearances and murder, NIED of protective parents, and no access to justice for poor families-of-color.

Current remedy for abuses by third-parties empowered by courts: proving Constitutional violations by the offender (LCSW, CE, Therapist, etc), which is nearly impossible, and subsequent costly litigation. Essentially, this means that there currently is no recourse for such violations.

Lawyers must abide by a strict code of conduct when they practice law but other third parties tasked by court to aid in deciding custody matters, child abuse, etc, do not have such a professional code of conduct.

Because of the lack of rules for private third-parties working with court as de facto court officers, bias, conflicts of interest, racism, sexism, and Constitutional violations of the rights of children and their protective guardians/parent(s) are committed daily.

Without accountability, private third parties have the ability to shirk their duties, continue to charge exorbitant fees, judge with bias, lie to court, bribe witnesses, commit fraud, omit evidence, and get away with it.

I strongly urge you to pass this important measure for reform.

Sincerely,

Kathryn 'Alamea-Xian

Expert Consultant and Trainer on Anti Human Trafficking Issues, U.S. Federal Government  
Juris Doctor Candidate, William S. Richardson School of Law

## SUGGESTED AMENDMENTS TO HB1933 HD1

On page 1, lines 13-14:

“Covered person” means any person who is contracted, assigned, delegated, ordered, appointed,  
or in any other act allowed by a state agency to provides services to a child, ~~and~~ which may  
includes the...”

On page 17, lines 7-8:

“The state agency that contracted, ~~or subcontracted,~~ assigned, delegated, ordered, appointed, or in  
any other act allowed ~~with~~ the covered person to provides services in the matter; and...”

On page 17, line 12:

“State agency that ~~contracts~~ contracts, or subcontracts, assigns, delegates, orders, appoints, or in  
any other act allows ~~with~~ a covered person; and

On page 17, line 16:

“A state agency that contracts, ~~or subcontracts,~~ assigns, delegates, orders, appoints, or in any  
other act allows ~~with~~ a covered person or”

On page 18, lines 1-5:

--32 **Contracts or relationships voidable.** Notwithstanding any other law to the contrary, if a state agency ~~that determines~~ , or an applicable licensing board, finds that a covered person has violated a provision of this chapter, any contract or relationship that the State has with that covered person shall be immediately and permanently voidable and disqualified on behalf of the State.”

### **NEW SECTION FOR HB1933 HD1**

Add: Cause for Civil Action

“Civil action for deprivation of rights — definition.

(1) A covered person, as defined in this chapter who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any individual rights secured by the Bill of Rights of the Hawaii State Constitution, is liable to the injured party for legal or equitable relief or any other appropriate relief.

(2) (a) Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to claims brought pursuant to this section.

(b) Quasi immunity is not a defense to liability pursuant to this section.

(c) Qualified immunity is not a defense to liability pursuant to this section.

(3) In any action brought pursuant to this section, a court shall award reasonable attorney fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff to have prevailed if the plaintiff’s suit was a significant factor in obtaining the results sought by the litigation.

(4) Notwithstanding any other provision of law, a covered person’s employer shall indemnify its employee for any liability incurred by the employee and for any judgement or settlement entered against the employee for claims arising pursuant to this section; except that, if the covered person’s employer determines that the employee did not act upon a reasonable belief that the action was lawful, then the covered person is personally liable and shall not be indemnified by the employer. Notwithstanding any provision of this section to the contrary, if the covered person’s portion of the judgement is uncollectible from the covered person, the covered person’s insurance shall satisfy the full amount of the judgement or settlement.

(5) A civil action pursuant to this section must be commenced within five years after the cause of action accrues.”

February 12, 2022

**COMMITTEE ON GOVERNMENT REFORM**

Rep. Angus McKelvey, Chair  
Rep. Tina Wildberger, Vice Chair  
Rep. Ty Cullen  
Rep. Stacelynn K.M. Eli  
Rep. John M. Mizuno

Rep. John M. Mizuno  
Rep. Justin H. Woodson  
Rep. Kyle T. Yamashita  
Rep. Gene Ward

**NOTICE OF HEARING**

DATE: February 15, 2022  
TIME: 9:00AM  
PLACE: Conference Room 329  
Via Videoconference  
State Capitol  
415 South Beretania Street

RE: **TESTIMONY IN STRONG SUPPORT OF HB1933**  
Relating to Persons Working with Children

Dear Committee on Government Reform:

I am submitting my testimony in strong support of HB1933. The Family Court System ought to be protecting the most vulnerable members of our community, not putting them at further risk due to the questionable practices of third parties. It is unconscionable that our keiki, already in highly contentious and/or traumatic family situations, could be further harmed by third parties such as custody evaluators, social workers, and therapists. If third parties are going to be tasked by the state to deal with custody matters and child abuse, they need to be held to a code of ethics and professionalism. Without such a code of conduct, third parties working with the court continue to subject families to rampant bias, racism, sexism, and homophobia-- to name a few. While one would think individuals working with children and their families would demonstrate a modicum of professional conduct, the reality is that they have charged exorbitant fees, lied to court, bribed witnesses, committed fraud, and omitted evidence. As such, third parties need to be held legally accountable, and I support HB1933 in order to make the Family Court System less damaging for families.

Sincerely,

Jennifer Meleana Hee





13 FEB 2022

**COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

Rep. Ryan I. Yamane, Chair

Rep. Jeanne Kapela

Rep. Adrian K. Tam, Vice Chair

Rep. Scott Y. Nishimoto

Rep. Cedric Asuega Gates

Rep. Gene Ward

Rep. Sharon E. Har

**NOTICE OF HEARING**

DATE: February 15, 2022

TIME: 9:00AM

PLACE: Conference Room 329

Via Videoconference

State Capitol

415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF **HB1933 HD1****

Relating to Persons Working With Children

Dear Committee on Health, Human Services & Homelessness:

I write in strong support of HB1933 in the hope that this legislation results in a more fiduciary relationship between individuals providing services to families and the court. Specifically in the hopes that creating and enforcing rules of ethics would result in the reduction of application of personal bias when it comes to child custody and welfare. The ability for social workers, custody evaluators, fact finders, and therapist to subjectively come to an appropriate conclusion for the best interest of the child but objectively change their decision after applying their own personal bias does the child and family a disservice.

In my own personal experience during a custody dispute between my wife and her ex-husband, the custody evaluator weighted heavily in the negative my military service and the fact that the children may leave the island with their mother and me one day. The father, who had multiple DUIs, arrest for drug use, fought against providing any financial support, and physically violent towards their mother was viewed by the custody evaluator as “reformed” and a more suitable candidate to provide success for the children. I sat their dumbfounded that I was being discriminated against simply for who employees me, not to the character of who I am. I was also completely shocked with the fact that the Custody Evaluator felt comfortable enough to tell me to my face of her personal bias against me.

It is my hope that creating a professional standard that focuses on establishing a fiduciary relationship to the child will result in an elimination of the personal bias I faced in fighting for custody of my stepchildren. I was forced to choose retirement in order to preserve my family, a choice I'd gladly make again. However, that choice resulted in the end of a successful military career and potential economic stability that ensured the success of my children. Thank you for your time.

Sincerely,

Thomas C. Davis  
Retired CW4/USARMY  
2L Richardson Law School  
University of Hawaii

**HB-1933-HD-1**

Submitted on: 2/13/2022 3:31:34 PM

Testimony for HHH on 2/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Karis Whi	Individual	Support	No

Comments:

Thomas Paine said this, "A body of men holding themselves accountable to nobody ought not to be trusted by anybody." I'm writing in strong support of HB1933, which will hold third-parties of our family courts here in Hawai'i to a standard of accountability. Accountability cannot exist without a standard and those in our family court system certainly deserve both a standard and accountability during vulnerable seasons of their life. I'm writing in strong support of HB1933.

Goal: To prevent miscarriages of justice in the Family Court System by holding third-parties such as social workers, custody evaluators, and therapists to follow a strict standard of evidence and/or the same professional responsibility ethical rules as attorneys.

Reasons: To prevent rampant bias in fact finding and in custody evaluation reports in Family Court ordered custody proceedings, which lead to the inhumane rupture of families with little to no access to justice or accountability.

Communities affected: Native Hawaiian families, low-income families, LGBTQ parents and children, families where one parent is white and another is a person-of-color, mothers-of-color whose children report sexual abuse by father. The problem: Third parties acting as de facto court officers often run amok of jurisprudence in dealing with custody and child welfare matters. Bias is rampant and unchecked. CEs deciding custody for judges lack professional rules of conduct in their investigations. They also have quasi immunity to being held accountable for taking a child away from a protective parent due to bias or returning a child to a dangerous parent for the same. The rupture of families leads to higher rates of runaways, increased child abuse and sometimes child disappearances and murder, NIED of protective parents, and no access to justice for poor families-of-color. Current remedy for abuses by third-parties empowered by courts: proving Constitutional violations by the offender (LCSW, CE, Therapist, etc), which is nearly impossible, and subsequent costly litigation. Essentially, this means that there currently is no recourse for such violations. • Lawyers must abide by a strict code of conduct when they practice law but other third parties tasked by court to aid in deciding custody matters, child abuse, etc, do not have such a professional code of conduct. • Because of this lack of rules for third-parties working with court, bias, conflicts of interest, racism, sexism, and Constitutional violations of the rights of children and their protective guardians/parent(s) are committed daily. • Without accountability, third parties have the ability to shirk their duties, continue to charge exorbitant fees, judge with bias, lie to court, bribe witnesses, commit fraud, omit evidence, and get away with it.



February 13, 2022

**COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

Rep. Ryan I. Yamane, Chair

Rep. Jeanne Kapela

Rep. Adrian K. Tam, Vice Chair

Rep. Scott Y. Nishimoto

Rep. Cedric Asuega Gates

Rep. Gene Ward

Rep. Sharon E. Har

**NOTICE OF HEARING**

DATE: February 15, 2022

TIME: 9:00AM

PLACE: Conference Room 329

Via Videoconference

State Capitol

415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF **HB1933 HD1****

Relating to Persons Working With Children

Dear Committee on Health, Human Services & Homelessness:

My name is Sandy Narvaez and I am testifying as a parent and on behalf of my community. I appreciate the opportunity to testify in support of HB1933, which would prevent injustices in the Family Court System by holding third-parties such as social workers, custody evaluators, and therapists accountable to the same professional conduct as attorneys.

To ensure the delivery of justice, attorneys are required to follow a strict standard of evidence that prevents rampant and unchecked bias in fact finding and custody evaluation reports, which lead to the inhumane rupture of families with little to no access to justice or accountability. The communities that suffer the greatest under this bias are Native Hawaiian families, low-income families, LBGTQ parents and children, families where one parent is white and another is a person-of-color, and mothers-of-color whose children report sexual abuse by their father.

The disturbing result of these biases are higher rates of runaways, child abuse and sometimes disappearance, murder, NIED of protective parents, and lack of justice for poor families-of-color.

I humbly ask for your consideration of this bill that will increase accountability and ensure our families receive fair and equitable treatment.

Sincerely,

Sandy Narvaez

**HB-1933-HD-1**

Submitted on: 2/14/2022 3:58:47 AM

Testimony for HHH on 2/15/2022 9:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
jim bruihl	Individual	Support	No

Comments:

My name is Jim bruihl.

My wife was pulled into a hotel room and raped by a man named Sean. She came home crying and asked me to file a police report and help her get an abortion. I told her I would help her with the baby. A little girl named Athena was born and she became the joy of my life

Unfortunately a few years later my wife began to Have a relationship with this man and when Athena was five years old, my wife and him got an argument because she refused to leave me and Marry him. He used this opportunity to get a restraining order and take my daughter out of my home. The home that she had lived in her entire life.

Sean perjured himself by claiming to be the legal father of Athena Bruihl and without the judge verifying this in anyway Athena bowl was given over to Sean Charleston

He also claimed that my wife lived with him. Both of these were blatant lies. We then hired lawyers and when I informed our lawyer that my daughter severely traumatized by being forced to stay in the home of a man for two weeks that she did not even know, and being picked up by her 3 1/2 days a week and being forced to live with him 50% of the time , while we waited for a trial, Our lawyer said perhaps we need a custody evaluator.

Enters into our life, Dr. Barbara Higa Rogers.

I then received a report from Higa Rogers with 27 pages of lies.

Higa Rodgers Was informed that Athena Bruihl a product of rape by Sean. This was never put into the report. Neither was anything else that Higa Rogers didn't like.

we informed HR that Sean had assault rifles and thousands of rounds of ammo in his home. This was not put in the report. HR was informed that Sean had multiple DUIs and was holding alcohol and every single one of his Facebook photos. HR was told Sean got in a bar fight and got his teeth out. None of These things are not put in the report. Sean was given a pass with his drinking. HR said Sean could drink as long as he didn't drink within 24 hours of picking up the children.

Higa Rodgers wrote an entire report of lies and omissions.

I brought my daughter into the original interview with HR, She asked my daughter," if there was anything she liked about Sea?" Athena said," no"

Why was pertinent, factual information wrapped out of a report on a consistent basis?

why was pertinent, factual information wrapped out of a report on a consistent basis?

Higa Rogers wrote that Sean built Athena a handmade bunkbed. But when Higa Rogers Stolen Child home inspection she saw that I built Athena an entire room that was handmade. The dresser the bed, closet, etc. And it was all painted in beautiful DISNEYLAND colors. But I got no mention.

HR saw that Athena had a waterslide, a swimming pool, a slack line, a treehouse, three motorized cars, rollerskates, skateboards, two large doll houses outside, and a big fenced yard to play in, Covered with beautiful shade trees.

Covered with beautiful shade trees.

And then inside the house 4 large doll houses, chalkboard and poster boards on the walls where we draw things and a study desk, Full of art supplies and everything a little girl could dream of. . And yet, Haag Rogers could write absolutely nothing good about our home, except to say," Athena has a lot of toys". Even though I think I had almost no toys at Sean's house and they were kept in a garbage bag because he's a clean freak. But you will not find any facts or truth written and discuss the evaluation.

Even though I think I had almost no toys at Sean's house and they were kept in a garbage bag because he's a clean freak. But you will not find any facts or truth written and discuss the evaluation.

It Was extremely biased and one-sided. It was full of deception lies and omission. Higa Rogers Stolen Child a novel to deceive the judge and did not import the truth or the facts in anyway.

As if that wasn't bad enough he can Rogers made up one lie after another. For example, Higa Rogers said that I told her "my wife had affairs with other men" this is a blatant lie. How can she get away with this kind of behavior?

She wrote that my wife and I don't sleep together and that we were trying to deceive her by making it seem like we had a good relationship. How can he get Rogers possibly know where the remotes are sleeping together or not? And yet she has no problem making up lies like this with absolutely no justification.

she wrote that my wife and I don't sleep together and that we were trying to deceive her by making it seem like we had a good relationship. How can he Rogers possibly know whether Amanda are sleeping together or not? And yet she has no problem making up lies like this with absolutely no justification.

Her entire goal was to destroy the character of my wife and I And she succeeded. Because our lawyer told us that we could NEVER get our daughter because of the "Higa report"

not only that, they said that we could risk losing my daughter seven days a week. Because of this report. Due to the lies that were written about me and my wife we were not even allowed to go to court. Does this seem right or fair to anyone?

When Sean tried to pick my daughter up at his home, Athena pushed away from him. Why was vital facts like this left out of the report question why is he allowed to write a report full of lies in the missions?

Higa Rogers that I tried in the doctors office. But the facts surrounding that situation are entirely different from how he Rogers portrays them. The pediatrician asked my daughter, " if they were mean to her at the other house?" Athena Was not talking at that time for months Due to what happened to her by being removed from her home. So when the doctor asked Athena if they were mean to her, she nodded her head yes. The doctor wrote in her report," father got teary-eyed". Higa Rogers Stolen Child to try to defame my character and rice that I'm crying. Which is one of her justifications for requiring me to see if therapist.

The doctor wrote in her report," father got teary-eyed". Higa Rogers Stolen Child to try to defame my character and rights that I'm crying. Which is one of her justifications for requiring me to see if therapist.

It's quite perplexing. My wife was required by Higa Rogers to see a therapist and I was required to see if therapist because I cried, But the man who had an 8 year affair with my wife was never required to see a therapist. It doesn't take much observation to see the double standard that Higa Rogers in her reports. She's trying to deceive the judge and she writes her reports accordingly, and writes reports to side person she wants to side with The truth does not matter to her and the facts do not matter to her.

We went to see Dr. Acklin, because our lawyer wanted another opinion. Dr. Ackland whispered in my wife's ear, because he didn't want the people in his office to hear, and he said," Barbara is famous for lying"

Dr. Acklen whispered in my wife's ear, because he didn't want the people in his office to hear, and he said," Barbara is famous for lying"

That is utterly shocking that people know she is lying and she's still allowed to function in the position where she has the lives of children and families in her hands. How can anyone trust this woman to present the truth. Family's lives are being destroyed by Dr. Higa Rogers

When I tried to hire a lawyer, they told me, and "you can't sue someone for lying"

Where is the justice for a 4 year 11 month old little girl who was removed from her home 2 weeks before Christmas.?



Barbara Higa Rogers to make the case go against me. Now you tell me how is that right to threaten to do that to someone? There is no justice for your child if this woman comes into your life.

This is only a small sampling of the LIES Higa Rogers wrote in a so-called report. It was not a report. It was a fiction novel written by Higa Rogers. My wife and I paid \$8500 to her to write a report full of lies that kept us from even having the opportunity to get our daughter back in court. This is a breach of contract at the least, Aside from destroying the life of a five-year-old little girl.

I gave Higa Rogers the journal that I had kept for six months, of the severe psychological damage that my daughter was experiencing and there was absolutely no regard for that journal or for the severe damage that my daughter had experienced anywhere in Higa Rogers report.

As a matter of fact, it was the exact opposite. Because Barbara Higa Rogers threatened to take Athena away from us seven days a week if we did not stop calling him Sean. Of course I called him Sean. I raised Athena every single day of her life. she never lived with him ever i was the only father Athena ever knew. I am not supposed to call the man who had an eight year affair with my wife Sean or Higa Rogers Stolen Child take her away from us. Think about the absurdity of that. Do you know the damage you would've done to a five-year-old little girl by taking her away from the only mother and father she's ever known? That is utterly shocking that you could even consider doing that. But this is the disregard that Higa Rogers has for Child

I lived in the same house for 35 years and had the same job for 35 years. But you will not find Higa Rogers mention the stability of my home or the fact that this was Athena's "lifelong home." Because writing phrases and facts like that went against the story that Higa Rogers was trying to create. Sean moved four times in five years and had two different jobs. But you will not find these "facts" anywhere in the report. Nor, will you ever hear the phrase "intact family".

Because Barbara Higa Rogers is not going to use any common family court terminology or do anything to make the person look good that she's siding against.

There is no justice for your child....or for you, if this woman comes into your life.

"Cuts and bruises mend, but a broken heart never heals"

thank you for your time. Please pass this bill so that families have some faith in the family court and some faith that they will be treated with respect and honesty. And that the person who actually raised the child their entire life Has at least a fighting chance in court and not be forced to capitulate because of people like Barbara Rogers who defame your character with lies.

"The trust of the innocent is the liar's most useful tool"

Stephen King

Thank you,

Jim Bruhl

**HB-1933-HD-1**

Submitted on: 2/14/2022 11:13:36 AM

Testimony for HHH on 2/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Marilyn Yamamoto	Hawaii Family Advocacy Team	Support	No

Comments:

I am in strong support of this bill with amendments.

**HB-1933-HD-1**

Submitted on: 2/14/2022 9:26:27 AM

Testimony for HHH on 2/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jonathan Stremel	Individual	Support	Yes

Comments:

Dear Comittee Member of HHH,

I strongly support HB1933 "Calvin's Law" and previously submitted testimony for the GVR committee. I will be standing by via video conference to answer any questions that may arise. Thank you!

Mahalo,

Jon Stremel

February 14, 2022

Re: HB1933: Children; Contractors; Ethics; Rules; Penalties

Dear Chair, Vice Chair and Members of the Committee,

I am writing regarding HB1933: Pertaining to Children; Contractors; Ethics; Rules; Penalties. I have read HB1933 and feel it has merit and should move forward. I'm writing in strong SUPPORT of this measure.

As a mental health provider for over 30 years, I witnessed the trauma and devastation of seeing children separated from the parents and families without notice. I have worked on many cases in which the parent's rights were stripped and they had no way of knowing where the child or children were placed and were denied the right to see or talk to their children, sometimes for months and sometimes years. The practice of the removal of children, where no "imminent" or "immediate," harm exists is extremely traumatizing to all involved, especially to the children. Sadly, many parents have expressed that having their children removed, without notice, often feels like a death. No parent or child should have to go through this type of trauma, devastation and humiliation.

The violation and humiliation parents feel after being named an "alleged" perpetrator is devastating. A covered person often deems these parents as, "guilty until proven innocent," which is a violation of every Constitutional Right provided to them under the United States Constitution and the Hawaii State Constitution, namely the right to Due Process (United States Constitution, Fifth Amendment and Fourteenth Amendment, Hawaii State Constitution, Article 1, Section 5). The Constitution provides that a person is presumed "innocent until proven guilty." This is the highest standard for all States both at the district level and the Supreme court level. This standard needs to be upheld throughout all departments dealing with child abuse and neglect. The immediate removal of children from their parents without notice, written report, timely investigations and lack of information on Parents Rights is an insidious and dangerous violation of the Constitution.

In regard to HB1933, Part III., Other Provisions, Item 23, Candor before a Tribunal (a) states that "a covered person shall not knowingly: (1) Make false statement of material fact or law to a tribunal (2) Fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client; or (3) offer evidence that a covered person knows to be false. If a covered person had offered material evidence and comes to know of its falsity, the covered person shall take remedial measures to the extent reasonably necessary to rectify the consequences." The practice of false, misleading and overt "errors" by a covered person is extensive and widespread.

Again, as a mental health provider I have reviewed many fact-finding reports. In some of these reports there were clearly false, misleading information and overt "errors" that were never rectified by the covered person, even upon written request by the respondent. In one case the covered person "mistakenly" reported someone else's criminal history as that of the respondent. In this case the fact-

finding report indicated that the respondent had 27 prior convictions and that he was dismissed from the Honolulu Fire Department (HFD). The respondent did not have 27 prior convictions nor was he ever employed by HFD. In another case the fact-finding report indicated sexual abuse by another person, other than the respondent. When confronted, the covered person simply said, "it was a typo." This kind of practice needs to stop, and covered persons need to be held accountable for their actions.

I am writing in strong SUPPORT of HB1933 and request that your committee pass this important measure. Protect the Constitution and the families who are denied their Parental Rights. Thank you for your time and consideration on this important matter.

Sincerely,

Nonohe Botelho, MSCP  
Independent Consultant/ Victim Advocate

**HB-1933-HD-1**

Submitted on: 2/14/2022 10:59:06 AM

Testimony for HHH on 2/15/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in STRONG Support!

February 14, 2022

**COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

Rep. Ryan I. Yamane, Chair

Rep. Jeanne Kapela

Rep. Adrian K. Tam, Vice Chair

Rep. Scott Y. Nishimoto

Rep. Cedric Asuega Gates

Rep. Gene Ward

Rep. Sharon E. Har

**NOTICE OF HEARING**

DATE: February 15, 2022

TIME: 9:00AM

RE: TESTIMONY IN STRONG SUPPORT OF HB1933\_HD1, With Amendments  
Relating to Persons Working with Children

Dear Committee on Health, Human Services & Homelessness:

I write in strong support of HB1933 HD1 aka “Calvin’s Law”. The intent of this measure addresses an important area in our Family Court system which is in dire need of reform. The purpose of this bill is to extend protections to our most cherished population, our children.

I strongly urge the committee to adopt the recommendations for amendments attached to fix the language of the bill to include custody evaluators (CEs) who do not technically “contract” with the state but rather are ordered by the state (courts) to provide services to parties involved in a court proceeding. Nonetheless, CEs in fact contract directly with both parties by order of the courts and are in direct contact with children and families. Therefore, these third-party actors should be held to a higher standard.

Other states such as New York have issued studies on the grave need for reform that Calvin’s Law addresses regarding “Covered Person” as defined in this bill, specifically to Custody Evaluators. \*See the [NY Governor’s Blue Ribbon Commission report here](#):

Calvin’s Law will help correct flaws in Family Court, and the goal of this bill is to prevent miscarriages of justice in the Family Court System by holding third parties such as: social workers, custody evaluators, and therapists to follow a strict standard of evidence and/or the same professional responsibility ethical rules as attorneys. This should be a goal of all of us—to protect those most vulnerable and hold those in charge of their care accountable.

I strongly urge you all to vote in favor of Calvin’s Law.

Sincerely,

Kelly Glatthorn