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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
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February 10, 2021

TO: The Honorable Senator Joy San Buenaventura, Chair
Senate Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: **SB 1129 – RELATING TO REPORTS OF CHILD ABUSE.**

Hearing: Thursday, February 11, 2021, 3:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration measure. DHS respectfully requests that the effective date of this measure be on or before June 30, 2021 to avoid loss of federal funds.

PURPOSE: The purpose of the bill adds immunity from civil and criminal liability for individuals who provide information or assistance in child abuse investigations.

On January 7, 2019, the federal Victims of Child Abuse Act Reauthorization Act of 2018 (P.L. 115-24) was enacted, further amending the Child Abuse and Prevention Act (CAPTA). The amendment grants immunity from civil and criminal prosecution to people who provide information or assistance to a good faith report of child abuse and/or neglect. This includes medical evaluations and professional consultations. The proposed language does not provide immunity for individuals who provide information and assistance in bad faith.

States are required to amend their laws to be consistent with these federal amendments. This bill adds language to section 350-3(a), HRS, that conform Hawaii's law. As justification for the CAPTA amendment, the December 12, 2018 report of Congressional Senate Committee on Judiciary wrote,

"This bill will also provide protections for people who in good faith report suspected child abuse, including professionals who are called upon to consult in a child abuse case, or provide a medical diagnosis. Under current law, individuals who report suspected child abuse in good faith are protected from lawsuits. However, it is unclear whether such protection also extends to secondary reporters, such as professionals who consult on a child abuse case. For example, a pediatrician may be asked for their opinion by a colleague regarding a child's injury resulting from possible neglect or abuse. Providing this opinion is not currently protected in the same way as primary reporters of child abuse, and some pediatricians are now being sued in civil court for assisting in abuse cases. The lack of protection may deter pediatricians from assisting with child abuse cases."¹ (Highlighted emphasis added.)

As part of the approval of the State's CAPTA Program Improvement Plan (PIP), in November 2019, the federal Administration for Children and Families (ACF), US Department of Health and Human Services, informed the State that failure to come into compliance with the amended section of CAPTA by June 30, 2020, would result in withholding of FY 2021 CAPTA State Grant funding.

Last session, DHS submitted administrative proposals SB2892 (2020) and HB2336 (2020) requesting the same amendments to State law. However, due to the pandemic and suspension of the 2020 legislative session the measures were stalled in respective Senate and House Committees. In May 2020, Hawaii submitted a request to ACF for a one-year extension to June 30, 2021 to implement this provision. ACF granted Hawaii an extension to June 2021 to conform is law. Again, ACF warned the state that failure to come into compliance with the amended section of CAPTA by June 30, 2021, may result in withholding approval of the state's fiscal year (FY) 2022 CAPTA State Grant funding until such time as the State comes into compliance. As such, the effective date of this measure must be on or before June 30, 2021.

Thank you for the opportunity to testify on this bill.

¹ For the full Senate report, see: <https://www.govinfo.gov/content/pkg/CRPT-115srpt432/html/CRPT-115srpt432.htm>

SB-1129

Submitted on: 2/8/2021 5:47:33 PM

Testimony for HMS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments:

support but with the caveat that if the person reporting is ALSO an abuser, there need to be some accountability

EXECUTIVE CHAMBERS

HONOLULU

February 9, 2021

To: Senator Joy A. San Buenaventura, Chair
Senator Les Ihara Jr., Vice Chair
Senate Committee on Human Services

From: AA Relm Park, Social Work Student

Subject: **SB1129 - Reports of Child Abuse**

Hearing: Thursday, February 11, 2021, 3:00 PM
Conference Room 225

POSITION: My name is AA Relm Park. I am a junior attending the University of Hawaii at Manoa Thompson School of Social work and Public Health. I am in support of the S.B. NO 1129 bill regarding reports of child abuse.

PURPOSE: It provides protection to any individuals who helped with the child abuse investigation.

Aloha Chair, Vice Chair, and members of Human Services,

I strongly support this bill because it is crucial for us as a community to take the step to help prevent or stop child abuse. It should be our duty to keep our children in the community safe. The S.B. NO 1129 bill will allow more people to come forward because it adds protection to any individuals who assisted in child abuse investigation. The S.B. NO 1129 bill will help stop or prevent the abuse and even stop death. According to Meredith Deliso, from ABC news, reporting child abuse had dropped 17% due to Covid. Some children are more vulnerable to abuse because they are trapped in their houses with their abusers. Children have nowhere to go and ask for help. It is our responsibility to be on the lookout to protect children from this horrific experience.

In closing, again, I would like to accentuate that I strongly support SB NO 1129 bill regarding reports of child abuse. Children abuse numbers are rising. We need to take the initiative to end and prevent abuse from happening or even stop more fatalities. Thank you for your time.

Sincerely,
AA Relm Park
From
Senate District 12

SB-1129

Submitted on: 2/10/2021 3:27:04 PM

Testimony for HMS on 2/11/2021 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
LaTasia Franklin	Individual	Support	No

Comments:

I support the passing of this bill. People may be more likely to come forward when they have information if they know that they are immune from liability if they provide that information.