



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/14/2023

**Time:** 09:00 AM

**Location:** 329 VIA VIDEOCONFERENCE

**Committee:** Human Services

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** SB 0045, SD1 RELATING TO MINORS.

**Purpose of Bill:** Allows a school counselor, domestic violence victim advocate, or other mental health professional licensed by the State to petition for a protective order on a minor's behalf when the minor's parent or guardian is unable to submit a petition. Effective 12/31/2050. (SD1)

**Department's Position:**

The Hawaii State Department of Education (Department) respectfully offers comments on SB 45, SD1.

The Department understands the necessity of supportive measures to ensure the overall safety of Hawaii's youth. However, the measures identified in this bill fall outside the scope of the school counselor's and school based mental health provider's role. While it is within the capacity of these role groups to advocate for the safety of students through the mandated reporting of potential abuse and connecting students to appropriate supports, the ability to adequately assess a situation to determine the necessity of filing a protective order petition is not within their current practices, training, or expertise.

Additionally, the Department has a well articulated systematic child abuse reporting procedure that defines the obligation and process all Department employees must follow to report to the Department of Human Services Child Welfare Unit and county police, any suspicion of harm to a child or substantial risk of a child being harmed. The

Department defers to the Department of Human Services and county police for expertise with regard to the trajectory of referrals involving suspected maltreatment of children.

Should the measure move forward, the Department respectfully requests the following revisions to ensure those who are given authority to submit a petition on a minor's behalf are professionals with the necessary knowledge base:

Page 2, Line 1 ~~school counselor or~~ domestic violence victim advocate.

Page 3, Line 1 (3) A ~~school counselor,~~ domestic violence victim advocate,

These revisions align with changes made in the related bill, HB 448, HD , removing language specifically referencing school counselors.

Thank you for the opportunity to submit testimony on this measure.

**SB-45-SD-1**

Submitted on: 3/10/2023 2:35:47 PM

Testimony for HUS on 3/14/2023 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>                                | <b>Testifier Position</b> | <b>Testify</b>    |
|---------------------|--|---------------------------|-------------------|
| Michael Golojuch Jr | Stonewall Caucus of the Democratic Party of Hawaii | Support                   | Remotely Via Zoom |

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 45 SD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH

**SB-45-SD-1**

Submitted on: 3/10/2023 9:20:37 PM

Testimony for HUS on 3/14/2023 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Mike Golojuch, Sr.  | Rainbow Family 808  | Support                   | Written Testimony<br>Only |

Comments:

Rainbow Family supports SB45. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member



HAWAI'I STATE  
**COALITION AGAINST  
DOMESTIC VIOLENCE**

March 14, 2023

Members of the House Committee on Human Services:

Chair John M. Mizuno  
Vice Chair Terez Amato  
Rep. Della Au Belatti  
Rep. Greggor Ilagan  
Rep. Bertrand Kobayashi  
Rep. Scott Y. Nishimoto  
Rep. Jenna Takenouchi  
Rep. Diamond Garcia

Re: SB45 SD1 Relating to Minors

Dear Chair Mizuno, Vice Chair Amato, and Members of the House Committee on Human Services:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

We support the intent of this proposed legislation and respectfully **suggest amendments to SB45 SD1**. Teen dating violence is a serious problem. The CDC's Youth Risk Behavior Survey in 2019<sup>1</sup> found approximately 1 in 12 high school students experience physical dating violence and approximately 1 in 12 experience sexual dating violence. We recognize the fear minors experience telling their parent or legal guardian that a romantic relationship is abusive, especially if they did not have their parent or legal guardian's consent to engage in that relationship.

However, we have significant concerns with this bill as drafted:

1. it creates potential liability for domestic violence programs and their staff who petition for an order of protection on behalf of a minor without their parent or legal guardian's consent;
2. there is the potential for the unintended consequence of jeopardizing a domestic violence advocate's ability to maintain privilege under the victim counselor statute; and

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<sup>1</sup> <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html>



HAWAI'I STATE  
**COALITION AGAINST  
DOMESTIC VIOLENCE**

3. the circumstances under which a parent or legal guardian is “unable” to petition on a minor’s behalf are not defined and resulting in ambiguity about when child welfare services should be intervening.

To mitigate the concerns addressed above and to enable minors access to services and safety, we propose allowing minors 16 years of age or older to petition for an order of protection without a parent or legal guardian’s consent.

**We recommend deleting lines 1-16 on page 3 of SB45 SD1 and instead include the following language:**

**(3) Any minor 16 years of age or older on their own behalf without the consent of a parent or legal guardian; or**

**(4) Any emancipated minor as defined in Section 577-25 Hawaii Revised Statutes.**

The following nine states/jurisdictions already have laws in place that allow minors of various ages to petition for a protective order without a parent or legal guardian’s consent:

- District of Columbia
- Minnesota
- Missouri
- New Hampshire
- Oklahoma
- Oregon
- Texas
- Vermont
- Washington

Minors in Hawai’i should have the right to seek relief from abuse through a protection order without having to demonstrate that their parents or legal guardians are unable to do so on their behalf.

Thank you for the opportunity to testify on this important matter.

Sincerely,  
Angelina Mercado, Executive Director

TO: Representative John Mizuno, Chair  
Representative Terez Amato, Vice Chair  
House Human Services Committee Members

FROM: Nonohe Botelho, MSCP  
Victim Advocate

DATE: March 14, 2023

RE: OPPOSITION to SB45 SD1

Good Morning, Chair Mizuno, Vice Chair Amato & House Human Services Committee Members,

While SB45 SD1 sounds like a good idea, **I'm VERY concerned about professionals reaching the conclusion or deeming that a minor's parents are "unable" to petition for a protective order on their child's behalf** then proceeding with legal action potentially without the parents' awareness and/or consent.

Third parties intervening for a child who is not their own *completely undermines parental authority and rights*.

Other steps would need to be in-place before such an over-reach should be allowed to take place (ie: documented proof that school staff tried to notify, inform, communicate and involve parents before taking such action). Professionals utilizing this mechanism could inadvertently initiate *very serious repercussions for the parents* (ie: Child Welfare Services investigation/involvement) since enacting this procedure formally and legally labels parents as “unable to petition on a minor’s behalf” (which could be misconstrued as “unwilling” to petition = neglect, a CWS actionable offense).

I completely understand the concern and intent of this measure but I think this would set a very dangerous precedent for parental rights and have unintended consequences for all involved.

Respectfully,

*Dara Carlin, M.A.*

Domestic Violence Survivor Advocate

TO: Representative John Mizuno, Chair  
Representative Terez Amato, Vice Chair  
House Human Services Committee Members

FROM: Dara Carlin, M.A.  
Domestic Violence Survivor Advocate

DATE: March 14, 2023

RE: OPPOSITION to SB45 SD1

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Other steps would need to be in-place before such an over-reach should be allowed to take place (ie: documented proof that school staff tried to notify, inform, communicate and involve parents before taking such action). Professionals utilizing this mechanism could inadvertently initiate *very serious repercussions for the parents* (ie: Child Welfare Services investigation/involvement) since enacting this procedure formally and legally labels parents as “unable to petition on a minor’s behalf” (which could be misconstrued as “unwilling” to petition = neglect, a CWS actionable offense).

I completely understand the concern and intent of this measure but I think this would set a very dangerous precedent for parental rights and have unintended consequences for all involved.

Respectfully,

*Dara Carlin, M.A.*

Domestic Violence Survivor Advocate



**SB-45-SD-1**

Submitted on: 3/11/2023 5:43:03 PM

Testimony for HUS on 3/14/2023 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Marilyn Yamamoto    | Individual          | Oppose                    | Written Testimony<br>Only |

Comments:

Committee members,

It is concerning that authority for anyone who is not a parent or guardian could overreach the power to intervene on behalf of a minor. This sets a dangerous precedent. I'm not sure that the checks and balances in the language are adequate to prevent overreach.

Marilyn Yamamoto

**SB-45-SD-1**

Submitted on: 3/12/2023 11:27:57 AM

Testimony for HUS on 3/14/2023 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Caroline Azelski    | Individual          | Support                   | Written Testimony<br>Only |

Comments:

In support of SD1. Thank you.

Written Testimony in **SUPPORT** of SB45 SD1

Testimony of  
Maile Griffin  
University of Hawai'i at Mānoa Graduate Student

Tuesday, March 14, 2023

To the Distinguished Chair, John M. Mizuno and Vice Chair, Terez Amato of the House Committee on Human Services:

My name is Maile Griffin; I am a University of Hawai'i Social Work Graduate Student testifying on behalf of myself. I appreciate the opportunity to testify in **support** of SB45 SD1, which relates to allowing school counselors, domestic violence victim advocates, and licensed mental health professionals to petition protective orders on behalf of minors.

As a social work student who works at a teen mental health clinic, one of the first questions always on my mind is whether our clients' age would prohibit any access to care. Domestic violence, particularly, is a complex issue that requires all matters of support and options for survivors to access. From a trauma-informed standpoint, extending their options of safety, especially if they live with a family that is not supportive, would:

- Empower survivors to come forward to seek support services.
- Establish trust that survivors' boundaries will be respected.
- Establish survivors' choice and control.
- Better ensure survivors' safety.

I support SB45 SD1 because of the impact it could have on survivors seeking future help and support. Extending these abilities to school counselors, domestic violence victim advocates, and licensed mental health professionals will establish stronger security for victims to feel safe in seeking support and becoming survivors.

Thank you for your time.

Maile Griffin

SENATE COMMITTEE ON JUDICIARY

**TITLE OF BILL:** SB45 SD1 RELATING TO MINORS.

**DATE:** Tuesday, March 14, 2023

**TIME:** 9:00 AM

**PLACE:** Conference Room 329 & Videoconference

**IN SUPPORT** of S.B. No. 45 SD1

Aloha Chair, Vice Chair, and Members of the Senate Committee on Judiciary:

My name is Francesca Glaza and I am a student at University of Hawai'i at Manoa. What I am expressing now are my personal thoughts and not a reflection of the university I attend. I am testifying in favor of SB45 SD1.

Reasons why I support this bill:

- According to the Centers for Disease Control and Prevention (2023), teen dating violence is an issue that needs to be addressed because of the **physical/sexual violence** and the **negative psychological impact** it can have on a person. The CDC also stated that teen dating violence impacts their lifelong health and wellbeing that could present in mental health problems like **anxiety, depression, and increased suicidal ideations**.
- Just like adults, teens experience **similar trauma** of domestic violence, just at a younger age. A minor should have the same rights as adults to escape abuse through protection orders without the need of a parent/guardian to say so on their behalf. Their parent/guardian may not always be available, however, **access to safety** should always be accessible to every human.
- Parents don't speak to their teens all the time, and vice versa. Sometimes teens might not have the best relationship with their parents to talk about topics like domestic violence. This bill will allow teens to turn to a trusted adult, who was not their parent, to sign off on a protection order **for their physical, mental, and emotional safety**.

I feel that kids are often overlooked, especially teens. This makes it feel like the chances of teen dating violence being overlooked even higher. According to the CDC's Youth Risk Behavior Survey (2019), **1 in 12** high school students **experienced physical violence** and **1 in 12 experienced sexual violence**. Sometimes it's hard to talk to parents, guardians, or even peers about being in an abusive relationship. This bill will allow teens to go to a trustworthy adult, whether it be a school counselor, domestic violence victim advocate, or other mental health professionals that they confided in, to sign off on protective orders and trust that they could be kept safe.

Respectfully Submitted,  
Francesca Glaza

The Honorable John M. Mizuno, Chair

The Honorable Terez Amato, Vice Chair

Members of the Senate Committee on Human Services

SB45 S.D1 : Relating to Minors

Hearing date : Tuesday - March 14, 2023

Time and place : 9 AM, Conference Room 329

**I, Jenivy Teruo, support the intent of SB.No 45 S.D1.**

My name is Jenivy Teruo, I am a student at UH Manoa for the Myron B Thompson School of Social Work and I am testifying in favor of SB 45 SD1. I am a Micronesian young adult, who just transitioned into adulthood and have witnessed many adolescents within my race and others experiencing this struggle in high school.

As a previous intern student for one of the community centers, I have worked with many adolescents who go through the same situation this bill explains. Many of the teens I've encountered did not trust their own parents or guardians and kept their lives very secretive which sometimes led to worse case scenarios. Some of these teens trusted the case workers or youth coordinators at the facility and would share personal stories with them. A research on the relationship between trusted adult and adolescent outcome by Jan Pringle that was published on November 24, 2018 shows that adolescents who have a trusted adult besides their parents or guardian benefited their health and wellbeing impacting their educational and life attainment.

This bill can help our community by keeping our adolescents safe from domestic violence and provide a smooth transition into adulthood by providing a way for other trusted adults to make protection orders for them. Our adolescents will be able to navigate new experiences and encounter potential changes with their family members and friends while having a supportive and trusted system. In conclusion, I am in **strong support** of this bill because it will help out many of our adolescents whose parents or guardians are unable to submit a petition on their behalf.

Jenivy Teruo

UH Manoa Student : Masters of Social Work

Contact information : [teruojen@hawaii.edu](mailto:teruojen@hawaii.edu)

**SB-45-SD-1**

Submitted on: 3/13/2023 9:46:31 AM

Testimony for HUS on 3/14/2023 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Will Caron          | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Please support SB45 SD1.

**SB-45-SD-1**

Submitted on: 3/13/2023 12:29:53 PM

Testimony for HUS on 3/14/2023 9:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>       |
|---------------------|---------------------|---------------------------|----------------------|
| Amy Conte           | Individual          | Support                   | Remotely Via<br>Zoom |

Comments:

**SB45: Relating to Minors**

**I am submitting this testimony to offer comments for SB45. SB45 Allows a school counselor, domestic violence victim advocate, or other mental health professional licensed by the State to petition for a protective order on a minor's behalf when the minor's parent or guardian is unable to submit a petition.**

**I am a graduate student pursuing a masters degree in social work. I am in strong support of measures that will empower adolescents in these difficult situations with the help and guidance of a trusted adult. The availability of additional training for these advocates would greatly enhance our efforts to support these minors and provide that empowerment to them. I support the intentions behind this measure as I understand them.**

**Thank you for the opportunity to provide testimony on this matter.**