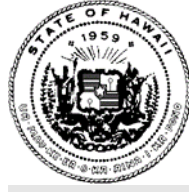


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELawe KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 28, 2023

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

FROM: Cathy Betts, Director

SUBJECT: **HB 350 HD2 SD1 – RELATING TO CHILD ABUSE REPORTING.**

Hearing: Thursday, March 30, 2023, 9:35 a.m.
Conference Room 016, & Via Videoconference State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure and provides comments.

PURPOSE: The bill establishes that the exemption from mandatory reporting by members of the clergy does not apply when the clergy member believes that there exists a substantial risk that child abuse or neglect that is especially heinous, atrocious, or cruel, manifesting exceptional depravity, may occur in the reasonably foreseeable future. (SD1)

The HD1 amended this measure by:

- (1) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The HD2 amended the measure by:

- (1) Changing the effective date to upon its approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The SD1 further amended the measure with technical amendments.

DHS appreciates the Legislature's commitment to improving the State's child protection and welfare systems. However, given the history of clergy abuse in Hawaii and elsewhere, DHS previously opposed any exemption from mandatory reporting for clergy. This measure will require clergy to report abuse, even when received in penitential communications, when the clergy member believes a child may be at substantial risk of child abuse or neglect that is "especially heinous, atrocious, or cruel, manifesting exceptional depravity," as defined in section 706-657, Hawaii Revised Statutes (HRS). For the committee's information, section 706-657, HRS, provides "[a]s used in this section, the phrase "especially heinous, atrocious, or cruel, manifesting exceptional depravity" means a conscienceless or pitiless crime which is unnecessarily torturous to a victim."

While many known cases of abuse may not rise to the depravity of this added definition, this proposal will strengthen Hawaii's reporting law, requiring clergy to report abuse or neglect even when received from a penitential communication.

Thank you for the opportunity to provide comments on this measure.

HB-350-SD-1

Submitted on: 3/25/2023 7:22:41 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports HB350. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

HB-350-SD-1

Submitted on: 3/26/2023 11:27:29 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 350 HD 2 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

Hawaii State Legislature

March 24, 2023

**The Honorable Joy A. San Buenaventura,
Chair**

The Honorable Henry J.C. Aquino

Vice Chair

and Members Committee on Human Service

H.B. No. 350_SD1: RELATING TO CHILD ABUSE REPORTING.

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

My name is Jill Thompson, a student with Myron B. Thompson School of Social Work and Public Health at the University of Hawaii at Manoa. I respectfully submit the following testimony in strong support of **S.B. 350 SD1, Relating to Child Abuse Reporting**. I have not had to experience abuse as a child nor do I want any child to have to experience abuse. It is evident that it does and is happening in our society today and as well in Hawaii. I am a mother of four children and a grandmother of six grandchildren of whom I would never want to be a recipient of abuse. However, if this was to happen I would not want those mandated as a protector of children in the Human Services to overlook if this was to go on and do nothing about it. If the first line of defense breaks down, there could potentially be a second line of defense to catch a missed case and stop a child from being abused and even lose their life to the abuse. As a concerned citizen I am in agreement of this bill and ask you to continue to see this bill through.

Currently, the exemption for clergy to not be a second line of defense if the first line of defense breaks down put our children, in essence our future, at risk of death is unfathomable. Another set of eyes to possibly catch an unmissed flag is essential to **STOP** our children from the travesty of abuse that we see often ---- **too** often.

In conclusion, I plead with all of you to continue to see this bill through as it is vital to the safety of our children. Do I have to be a child of abuse or have children who I have abused or have grandchildren that are being abused to have a higher level of impact to plead my agreement of this bill? I should think not. Our children are the future and they ALL deserve a life that is being looked out for through all means possible. So I do ask that you see this bill through and make a hopeful place to have those in positions of power to be a second line of defense for our children.

I thank you Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee for this opportunity to exert my right to submit written testimony for and on behalf of children as a citizen of the US and resident of the state of Hawaii.

Sincerely,

Jill Thompson

MSW Candidate

School of Social Work and Public Health – University of Hawaii at Manoa

HB-350-SD-1

Submitted on: 3/25/2023 11:49:13 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cards Pintor

HB-350-SD-1

Submitted on: 3/28/2023 11:13:54 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Fairchild	Individual	Support	Written Testimony Only

Comments:

I'm in support of this law. Clergy members should not be exempt from reporting child abuse. Anyone in a therapeutic, protective, or mentoring role should hold as a first obligation the responsibility to protect victims, especially children. As the parent of three children who have attended Catholic school for the last eight years, this obligation of protection is very important to me. I cannot believe this is not already law.

HB-350-SD-1

Submitted on: 3/29/2023 9:02:25 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support HB350 HD2 SD1.