



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 449, RELATING TO CHILD PROTECTION.

**BEFORE THE:**

HOUSE COMMITTEE ON HUMAN SERVICES

**DATE:** Thursday, February 9, 2023      **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Erin K. S. Torres or Julio C. Herrera, Deputy Attorneys General

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Chair Mizuno and Members of the Committee:

The Department of the Attorney General (Department) offers the following comments.

The purpose of the bill is to amend the Child Protective Act (CPA), chapter 587A, Hawaii Revised Statutes (HRS), to (1) establish definitions for "immediate harm" and "protective custody warrant"; (2) amend the definition of "imminent harm"; (3) limit a police officer's ability to assume protective custody of a child to situations where there is no time to obtain a court order and other criteria are present; (4) establish requirements for the initial police report; and (5) require the Department of Human Services (DHS) to provide written notice to parents and establish requirements for those notices.

The Department has concerns with this bill and recommends that it be amended to establish a task force to design and implement a process for obtaining court orders for protective custody, as well as to propose coordinating legislation for future consideration. This would also provide the DHS additional time to gather the resources necessary and prepare to provide appropriate written notices to parents. The reasons for this recommendation follow.

The Third Circuit, Hawai'i County, is the only judicial circuit in the State where there is a process in place to obtain a court order for protective custody. In the Third Circuit, the DHS can file an ex parte request for orders for the Hawai'i County Police Department to secure protective custody of a child and for the DHS to take temporary

foster custody. Unfortunately, this process can take a period of hours or even days because it involves paperwork at many levels within the DHS and the family court, and also because the family court is unavailable outside of regular business hours. During that time, a child who has been assessed by the DHS to be subject to imminent harm must remain in the care of his or her parents.

The lengthy steps in the Third Circuit process and the absence of an existing process in all other parts of the State lead to many unanswered questions about what the process should be and what resources would be necessary for implementation. Questions include: Will the police or the DHS initiate the request for an order for protective custody? What are the standards of proof and requisite findings for the family court to issue an order? What evidence is necessary to support those findings? Can a request be made verbally, or must it be made in writing? Will a judge and court staff be on call to receive a request outside of regular business hours? If so, will there be an appropriation for additional staffing? Will the court order be available via a paperless system, or will it have to be signed and delivered to the police in hardcopy?

Because there are multiple agencies that will have to work in concert to design and implement an efficient statewide process to obtain court orders for protective custody, the Department recommends the formation of a task force to include all essential agencies, including but not limited to, the Department, the Judiciary, the DHS, and each county police department. The consequence of an inefficient or inconsistent process may be a negative impact on the safety of abused children.

If this Committee is not inclined to establish the recommended task force, the Department recommends specific amendments to the bill as follows.

First, the Department recommends amending the definition of "immediate harm" in section 2 of the bill. S.B. No. 407, which is moving forward with amendments in the Senate, also establishes a definition of "immediate harm" and limits a police officer's ability to assume protective custody of a child without a court order. We recommend that the definition of "immediate harm" on page 4, lines 12-15, be replaced with the definition of "immediate harm" in S.B. No. 407, with a minor change from "probable cause" to "reasonable cause" as follows:

"Immediate harm" means an active, present danger to a child that is observable and documentable, and that, without instant intervention, there is reasonable cause to believe that continued contact with the child's family will result in serious harm to the child in the time it would take to obtain a court order.

This proposed definition meets the standard for removal of a child from the family home without a court order that was established in *Rogers*.<sup>1</sup>

Second, the Department recommends deleting the definition of "protective custody warrant" on page 4, lines 16-21, because it is unnecessary. The term "protective custody warrant" is not used in the existing CPA or elsewhere in the bill.

Third, the Department recommends deleting the amendment to the definition of "imminent harm" on page 5, lines 2-7, which has no impact on this bill's proposed amendments regarding protective custody without a court order. The use of "imminent harm" is not limited to the taking of protective custody without a court order. "Imminent harm" is used in multiple other parts of the CPA, including as a basis for the DHS to conduct an investigation under section 587A-11, HRS, and as the basis for the court to order a child to remain in temporary foster custody pursuant to section 587A-26(c)(2), HRS. Amending the definition of "imminent harm" may have unintended consequences in other parts of the CPA.

If this Committee decides to move forward with amending the definition of "imminent harm," the Department recommends that a specific timeframe be added to the definition. As it is currently written, the amended definition could include harm that will occur well beyond the ninety days that is specified in the current definition.

Fourth, the Department recommends amending the proposed subparagraph (C) of section 587A-11(b)(1) regarding warrantless entry on page 9, lines 18-21. The Ninth Circuit Court of Appeals has held that, "a special exigency excuses a warrantless entry where the government officers have probable cause to believe that the child has been

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<sup>1</sup>The United States Court of Appeals for the Ninth Circuit has held that the government cannot remove children from the care of their parents without a court order unless there is "reasonable cause to believe that the child is likely to experience serious bodily harm in the time that would be required to obtain a warrant." *Rogers v. County of San Joaquin*, 487 F.3d 1288, 1294 (9th Cir. 2007).

abused and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order." *Calabretta v. Floyd*, 189 F.3d 808, 817 (9th Cir. 1999) (citing *White v. Pierce County*, 797 F.2d 812, 815 (9th Cir.1986)). Accordingly, page 9, lines 20-21, should read: "unless a valid warrant is presented[;] or the department or a police officer determines that the child is subject to immediate harm;".

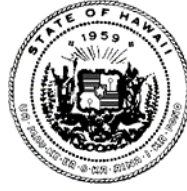
Finally, the Department recommends amending proposed paragraph (4) of section 587A-11(b) regarding implementation, retention, and use of the written notice to parents on page 11, lines 10-15. The Department suggests that the notice requirements should remain the same, regardless of whether the initial contact results in emergency foster care. Therefore, the exception for emergency foster care on page 11, lines 10-12, should be deleted and the proposed paragraph (4) should read as follows:

The notice provided under this subsection shall be implemented, retained in the child's case file, and attached to a court petition in the event of a subsequent removal to foster custody.

We respectfully ask this Committee to amend this bill to establish the recommended task force. If this Committee chooses to pass this bill as written, we ask that it do so with the recommended amendments.

Thank you for the opportunity to present our comments.

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  
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February 8, 2023

TO: The Honorable Representative John M. Mizuno, Chair  
House Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: **HB 449 – RELATING TO CHILD PROTECTION.**

Hearing: February 9, 2023, 9:00 a.m.  
Conference Room 329 & Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) provides comments and agrees with the Department of the Attorney General's (ATG) recommendations to formulate a work group to discuss the proposed changes. In addition, DHS requests clarification and defers to the Judiciary and county police departments.

**PURPOSE:** The purpose of the bill establishes definitions of "immediate harm" and "protective custody warrant" for the purpose of the Child Protective Act. Requires a police officer who assumes protective custody of a child who is subject to immediate harm to provide a written report detailing the observations justifying the immediate removal to the Department within twenty-four hours of assuming custody of the child. Requires a copy of the police report to be provided to the parents of the child and to the court. Requires the Department of human services to provide written notice to a parent of parental rights when conducting an investigation regarding a child who has been harmed or may be subject to imminent or threatened harm.

DHS is concerned that the proposed changes and additional processes may increase safety risks for children who are subjects of a report of child abuse and neglect. We agree with the ATG's recommendation (see SB407) to form a cross-system workgroup to answer the questions posed and determine the best processes to maintain children's safety and address parental concerns. We also envision that the proposed Malama 'Ohana working group (SB294/SB295/SB398/SB1211 & HB330/HB1365) will address increased prevention efforts to reduce child abuse and neglect reports. The Malama 'Ohana working group's work to engage the community may provide input from families and communities to improve communication and the process when removal is necessary so that families have the necessary support and can quickly begin to address the safety concerns that caused the removal.

Hawaii's child protective law has long made the child's safety a priority which included the police authority to assume protective custody without a court order in cases of imminent harm. For example, Hawaii's first Child Protective Act, Act 171, Session Laws of Hawaii (SLH) 1983, provided:

"[t]he policy and purpose of this chapter is [sic] to provide children with prompt and ample protection from the harms detailed herein, with an opportunity for timely reconciliation with their families where practicable, and with timely and permanent planning so they may develop and mature into responsible, self-sufficient, law-abiding citizens."

Act 171, codified as Chapter 587, HRS, included the authority of the police to assume protective custody to remove a child without a court order in situations of imminent harm.

The Adoption and Safe Families Act (ASFA, P.L. 105-89), enacted in 1997, significantly reformed federal child welfare law and codified the core child welfare system values of safety, permanency, and child well-being. Importantly, ASFA articulated that the paramount concern of the State's foster care and adoption assistance shall be the health and safety of the child. The primary purpose of ASFA was to reduce the time children spent in foster care and set time frames by which states made "reasonable efforts" to reunify children with their families.

Act 271, SLH 1999, amended Chapter 587, HRS, adopting recommendations by a legislatively led child protection work group and added provisions to strengthen collaboration between entities. In addition, Act 271 further clarified the police authority to assume protective custody without a court order in cases of imminent harm.

In 2010, Act 135 enacted Chapter 587A, HRS, aligning Hawaii's law with ASFA. Amongst other things, Act 135 reiterated that the child's needs are paramount. In addition, Act 135 maintained the police authority to assume protective custody without a warrant. A cross-sector work group led by the Family Court did the work to align Hawaii's law with ASFA.

Section 587A-8, HRS, remains in its 2010 original form, and this may be the first significant revisit of the police's authority to assume protective custody without a warrant. In addition, Act 96, SLH 2016, made technical amendments to section 587A-9, HRS, to align it with other substantive amendments. Thus, DHS agrees that a working group is convened to thoroughly vet and address these sections and identify processes and resources required to ensure children's safety remains paramount while considering parents' concerns.

The ATG's testimony (SB407) described issues with preparing the necessary documentation to obtain a court order on Hawaii island. Of note is how to improve real-time information-sharing amongst agencies to gather relevant information to support timely decisions to protect a child's safety. DHS is currently working to modernize its child welfare information system so that its internal data systems are comprehensive, can collect and share data, and are easier to navigate and use. However, the Family Court still requires paper filing and wet signatures in child welfare cases.

DHS has budget requests for appropriations to support its IT effort to develop a comprehensive child welfare information system (CCWIS). However, the interagency processes and information-sharing agreements are also necessary work that requires time, funding, and human resources. A working group that includes legislators, the Judiciary, local law enforcement agencies, ATG, DHS, and a community component will be beneficial to develop an efficient and consistent statewide process to obtain court orders when necessary.

The proposed amendment to 587A-11, HRS, would require the Department of human services to provide written notice to a parent of parental rights when conducting an investigation regarding a child who has been harmed or may be subject to imminent or threatened harm. DHS provides parents with the [Guide to Child Welfare Services](#) (CWS) that includes information, written in lay terms, on the purpose of CWS, the case process, and the rights of parents and children and covers many of the points listed in the proposed amendment. The attached brochure covers a wide range of topics, including: the right to hire

an attorney, have them present during your interview with CWS, or ask for an attorney if your case is taken to court and you can't afford one, the option to deny a worker's entrance in the home without consent or court order, a choice not to speak with the worker, that the worker cannot provide legal advice to the parent, statements that a parent makes in social media can be used in the assessment, and the right to know about the child abuse and neglect concerns at the time of first contact.

The Guide to Child Welfare Services is available online and provided at the initial contact point, offered to parents anytime DHS meets with the family and given to parents upon request. In addition, interpreter services are offered and provided to each parent or guardian when needed. Translated materials are provided when needed. DHS receives comments and suggestions from community advocates related to the Guide, and in the near future, the Malama 'Ohana working group may address amendments and information provided to parents.

DHS requests clarification on the requirement to record a child's interview at school. DHS is concerned about the unintended consequences of requiring recorded interviews conducted with children at a school. Recording may prevent a child from openly sharing information and impact the Department's ability to ensure their safety. In addition, children may fear retaliation that a recorded interview may intensify. Additionally, specified training is required related to recorded interviews.

A working group that includes legislators, the Judiciary, local law enforcement agencies, ATG, DHS, the Department of Education, and a community component will be beneficial to develop an efficient and consistent statewide process to obtain court orders when necessary. The working group will likely require an appropriation to facilitate the work.

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





*The Judiciary, State of Hawai'i*

**Testimony to the Thirty-Second State Legislature, 2023 Regular Session**

**House Committee on Human Services**  
Representative John M. Mizuno, Chair  
Representative Terez Amato, Vice Chair

Thursday, February 9, 2023 at 9:00 a.m.  
State Capitol, Conference Room 329 & Videoconference

by:  
Andrew T. Park  
Judge, Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 449 – Relating to Child Protection.

**Purpose:** Establishes definitions of "immediate harm" and "protective custody warrant" for the purpose of the Child Protective Act. Requires a police officer who assumes protective custody of a child who is subject to immediate harm to provide a written report detailing the observations justifying the immediate removal to the department within twenty-four hours of assuming custody of the child. Requires a copy of the police report to be provided to the parents of the child and to the court. Requires the department of human services to provide written notice to a parent of parental rights when conducting an investigation regarding a child who has been harmed or may be subject to imminent or threatened harm.

**Judiciary's Position:**

The Judiciary takes no position on House Bill No. 449. We offer the following comments and observations.

A similar bill, Senate Bill No. 407, has already been heard by the Senate Committee on Health and Human Services ("SHHS") and was passed out of that committee with amendments. At the time of writing this testimony, S.D. 1 has not yet been posted. An important safety issue that both this bill and Senate Bill No. 407 addresses is stated in page 2 of this bill's Preamble: ". . . a distinction is required between immediate harm, in which a police officer has no time to get a warrant, and imminent harm within ninety days."



The family court respectfully suggests that Senate Bill No. 407 may offer the court and the police clearer guidelines which would translate into timely police intervention. Senate Bill No. 407's definition of "immediate harm" refers to the officer's reasonable or probable cause to believe in the present danger and requires a belief of serious harm occurring (SB407, page 1, from line 5). In both bills, subsequent police action can be taken without a court order and without the consent of the child's family (HB449, page 5 from line 10, and SB407, page 2, from line 5).

With respect to House Bill No. 449's definition of a "protective custody warrant", our understanding of this new definition is that it refers to Hawai'i Revised Statutes Section 587A-12(b) that grants the court the authority to "order that a police officer immediately take the child into protective custody and that the department immediately assume temporary foster custody of the child" after a petition has been filed.

With respect to House Bill No. 449's definition of "immediate harm," we respectfully recommend replacing the current language on page 4, lines 12 to 15, with the same language we had suggested for Senate Bill No. 407 before the SHHS (noted here without Ramseyer formatting):

"Immediate harm" means an active, present danger to a child that is observable, and that, without immediate intervention, there is reasonable cause to believe that serious harm to the child will result in the time it would take to obtain a court order pursuant to §587A-12."

The reasons are as follows: The word "documentable" may not be necessary and could be deleted without detracting from the definition. Police work requires a lot of documentation, but it is not the ability to document a fact that affects their actions. Further, "documentable" is ambiguous. It may not be relevant. Police are trained to deal with observable facts and evidence in the field. We must avoid requiring any unnecessary consideration of whether what they see/hear/smell/touch is "documentable."

"Probable risk" is similar to "probable cause," which is a criminal law concept. In a situation when we expect the police to act protectively, "reasonable" may be a better measure of either "risk" or "cause." Furthermore, "reasonable cause to believe" is already defined in §587A-4 ("Reasonable cause to believe" means the degree of proof that would cause a person of average caution to believe the evidence is reasonably trustworthy.").

"Instant" could be another confusing word and adds an unnecessary burden on the police. A more practical (and, therefore, safer) word might be "immediate."

"Continued contact with family" can be deceptively simple. In fact, it may require much more "investigation" than is necessary or possible at the time. For example, how (and who)



would define “family” in a specific confusing situation? Deleting the phrase will add clarity.

The bill’s usage of “active, present danger” is a good clear requirement for immediate intervention by the police. The addition of the term “serious” to the definition may be required by the caselaw reported in the Preamble of this bill.

To accommodate the purposes of this bill, the following changes are necessary.

§587A-12(b) currently states:

(b) If the court determines that the child is subject to imminent harm while in the custody of the child's family, the court shall order that a police officer immediately take the child into protective custody and that the department immediately assume temporary foster custody of the child.

but should read:

(b) If the court determines that the child is subject to ~~imminent~~ immediate harm while in the custody of the child's family, the court shall order that a police officer immediately take the child into protective custody and that the department immediately assume temporary foster custody of the child.

§587A-26 currently states:

[§587A-26] Temporary foster custody hearing. (a) When the department assumes temporary foster custody of a child and files a petition pursuant to this chapter, the court shall conduct a temporary foster custody hearing within two days after the petition is filed, excluding Saturdays, Sundays, and holidays. The purpose of a temporary foster custody hearing is to determine whether a child's safety continues to require protection prior to an adjudicatory determination at a return hearing.

but should read:

[§587A-26] Temporary foster custody hearing. (a) When the department assumes temporary foster custody of a child or seeks to assume temporary foster custody and files a petition pursuant to this chapter, the court shall conduct a temporary foster custody hearing within two days after the petition is filed, excluding Saturdays, Sundays, and holidays. The purpose of a temporary



House Bill No. 449, Relating to Child Protection  
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foster custody hearing is to determine whether a child's safety continues to require protection prior to an adjudicatory determination at a return hearing.

The family court respectfully suggests that this committee seriously consider adopting relevant portions of Senate Bill No. 407, S.D. 1. Even though the purposes are the same, Senate Bill No. 407 may be clearer and therefore would allow more confident police enforcement, better ensuring enhanced safety for the child.

This bill is slated to take effect upon approval. We respectfully suggest that the committee inquire of the police departments whether there is a need for a later effective date of a few months to enable adequate initial training on this change.

Thank you for the opportunity to submit testimony on this bill

**HB-449**

Submitted on: 2/7/2023 4:48:39 AM

Testimony for HUS on 2/9/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Bergeman	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tam, Vice Chair Martinez, members of the Committee on Culture, Arts & International Affairs,

I am in strong support of HB 499 to create a Duke Kahanamoku license plate to raise money for water safety and swim education. I encourage you to pass this legislation.

Thank you for the opportunity to submit this written testimony.

Mahalo,

Dana C. Bergeman

**HB-449**

Submitted on: 2/7/2023 7:15:00 PM

Testimony for HUS on 2/9/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Hawaii Coalition for Child Protective Reform	Support	Written Testimony Only

Comments:

Committee members,

The Hawaii Coalition for Child Protective Reform relies heavily upon highly qualified lawyers to construct bills for child welfare reform. We support this bill only if the following language is substituted in HRS587A-4 and -8 to comport with 9th Circuit 4th amendment case law. According to Webster's and Black's Law, there is no need for two very similar terms to define Harm.

SECTION 2. Section 587A-4, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of Imminent Harm to read:

"Imminent harm" [that without intervention within the next ninety days, there is reasonable cause to believe that harm to the child will occur or reoccur.] **is an immediate, significant and clearly observable family condition or situation that is actively occurring at the point of contact with a family that risks serious injury or death to a child**

SECTION 3. Section 587A-8, Hawaii Revised Statutes, is amended to read as follows:

§587A-8 Protective custody by a police officer without a court order. (a) A police officer shall assume protective custody of a child without a court order and the consent of the child's family[, if at the discretion of the police officer, the officer determines that:] **provided that there is no time to obtain a court order and the officer observes and can articulate on the initial police report that:**

1. The child is subject to imminent harm **at the point of contact with the family** and while in the custody of the child's family.

The “miranda” section of this bill is critical to inform parents of their rights to, at the very least, consult with an attorney prior to an investigative interview. .” It does absolutely nothing more than to give parents the same rights that, as citizens, they should already have. . It is strange how

many people know that the police, even the FBI, need a warrant, absent exigent circumstances; but believe that they must talk to CWS and let them in the house upon request. The Bill, in other words, would give parents the same rights that criminals have. Just as Miranda did not decimate the police, this Bill would not decimate CWS or protect parents who are actually abusing a child. **Quote from the author of the “miranda” notice passed in 2011 in Connecticut.**

DHS has testified in previous years that its Parent Guide Booklet suffices for notice of parental rights. Page 6 of 18 states that a parent has the right to an attorney “if the case goes to court”, but none of the parents that we speak to ever received the booklet. It’s now online, but parents don’t know that because there is no assurance in place that parents receive the Guide.

Marilyn Yamamoto

Hawaii Coalition for Child Protective Reform

**HB-449**

Submitted on: 2/7/2023 8:14:15 PM

Testimony for HUS on 2/9/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nonohe Botelho	Hawaii Coalition for Child Protective Reform	Support	Remotely Via Zoom

Comments:

Committee on Human Services:

Chair: Rep. John Mizuno

Vice Chair: Rep. Terez Amato

Committee Members,

My name is Nonohe Botelho. I have been a mental health care provider and victim advocate for 25 years. I am also a member of The Hawaii Coalition for Child Protective Reform (HCCPR). HCCPR SUPPORTS SB449 with amendments.

One concern is that HB449 is imprecise in its attempt to separate the definition of “Immediate” and “imminent,” harm. It is imprecise in that it doesn’t accurately use the language in the context of an event. In most events involving, “immediate” and “imminent,” harm, the two *co-exists*, in that, an event can happen at the same time and in the same place, *simultaneously*.

HCCPR SUPPORTS this bill only if the following or very similar language is substituted in HRS587A-4 and -8 to comport with the 9th Circuit 4th amendment case law. According to Webster's and Black's Law Dictionary, there is no need for two very similar terms to define harm. The need to separate this wording is unrealistic and impractical since “immediate” and “imminent” harm often *co-exists* and can happen *simultaneously*. If police determine, by clear observable evidence, that “imminent” harm exists they must “immediately” remove the child. The issue here is not in the definition of “imminent” or immediate,’ the real issue is that there must be “clear and observable” harm of bodily injury or serious bodily injury or death. “Clear and observable,” harm must be recorded in police reports. Additionally, police officers who assume protective custody must provide a written report detailing the clear observations justifying the removal by the department within 24 hours of assuming custody of the child.

HCCPR Supports the idea that the ninety-day threshold provides more than enough time for police or CWS to obtain a warrant and court order. In fact, HCCPR supports the idea that the ninety-day threshold should be shortened to 5-10 days to help reduce trauma inflicted upon children when they are removed from their families. When children are removed illegally, without a warrant or court order, and where there is NO clear observable harm leading to bodily



or serious bodily injury or death, are often traumatized by the actual removal. Reducing trauma to children should be included in the intent of SB449.

Finally, it is critical to inform parents of their "Parental Rights." At the very least, parents must be informed that they have the right to consult with an attorney prior to an investigative interview. Parents should have the same rights that all citizens already have under the "Miranda Law." All citizens should have the right to due process under the 14th Constitutional Amendment. Moreover, police and CWS should be required to obtain ongoing training on the 4th and 14th Constitutional Amendments which supersedes state statutes and policies, and procedures identified under their respective agencies.

Please pass HB449, with amendments.

**HB-449**

Submitted on: 2/8/2023 11:31:10 AM

Testimony for HUS on 2/9/2023 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Although I support HB449 in part, I have some concerns, specifically that **clear & observable harm** must be a requirement in HPD's reports in addition to their production of a warrant at the time of removal.

TIn addition, the Notice of Parental Rights must also be produced by CWS & given to the parents **at the investigative interview**, not whenever the social worker feels it's appropriate or remembers to do so.

Otherwise, I would refer you to Marilyn Yamamoto's testimony whose further comments mirror my own.