

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

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

Date: 02/23/2023

Time: 09:45 AM

Location: CR 016 & Videoconference

Committee: Senate Judiciary

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. These revisions align with changes reflected in the related bill, HB 0448, HD1.

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

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

Thank you for the opportunity to submit testimony on SB 45, SD1.

SB-45-SD-1

Submitted on: 2/21/2023 1:21:37 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

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

Comments:

Rainbow Family 808 supports SB45. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

SB-45-SD-1

Submitted on: 2/21/2023 5:05:11 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	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 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



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

February 23, 2023

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads
Vice Chair Mike Gabbard
Sen. Brandon J.C. Elefante
Sen. Joy A. San Buenaventura
Sen. Brenton Awa

Re: SB45 SD1 Relating to Minors

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

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 2019¹ 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

¹ <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

SB-45-SD-1

Submitted on: 2/21/2023 10:02:44 AM

Testimony for JDC on 2/23/2023 9:45:00 AM

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

Comments:

We need more ways to help minors whenever they need it and sometimes the home is not a place that can guarantee support or help. I know many friends that have parents that will not give them any support or help and feel that the children will be fine, when in reality they are in dire need of help. Hence, why I am testifying in support of this bill.

SB-45-SD-1

Submitted on: 2/21/2023 7:53:26 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Alexandra Chou	Individual	Support	Written Testimony Only

Comments:

essential to survivor comfortability to discuss their situation

Date: February 21, 2023

To: Members of the Committee on Health and Human Services

From: Summer Muramoto, Student at University of Hawaii at Manoa

Re: Support for SB45 SD1, Relating to minors

Hearing: Thursday, February 23 at 9:45am

Thank you for the opportunity to submit testimony in SUPPORT of SB45 SD1 which would allow 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 turn in a petition.

Not all parents talk to their children about domestic violence. In a study titled "The proportion of U.S. parents who talk with their adolescent children about dating abuse" by Rothman et al. showed that only 55% of parents had discussed Domestic Abuse with their children in the past year that the study was conducted. Domestic abuse was also reported "substantially less likely to be discussed in school work, and drugs, alcohol, family finances, the economy, money management, dating relationships in general, and sex." Parents who did not discuss domestic abuse at all reported that their children were not dating, too young, that their children would learn about it through experience, they do not know what to say, or that it is too embarrassing of a conversation to bring about (2011). If parents are unable to talk to their children about something that could prevent their child from entering harm, then how will the child feel able to talk to their parent(s) if they do experience it someday? Placing the power solely in the hands of the minor's parent or guardian may be harmful and may not ensure the minor's immediate need which can be life-altering or life-ending.

Children may not feel safe enough to open up to their parents for a number of reasons. Teen Line, a Crisis Center by the American Association of Suicidology states that some reasons may be that "They don't want to overwhelm or worry you, they don't want you to fix it, they don't want you to get mad" or they feel that the parent will not understand (2022). Which makes the reality that some parents who think their children are not dating are actually dating and actually need someone to talk to.

Turning to another trusted adult may be the only choice left when consequences may seem dire to the minor from their parents or from the person they need the protective order from. Extending the power to a professional or advocate for the minor allows their voice to be heard when it otherwise is silenced.

SB45 SD1 is imperative in ensuring youth health and safety. Coming forward to ask for help is a large leap for any victims to do and supporting this measure would allow youth to feel more comfortable in getting the help that they need.

Mahalo,
Summer Muramoto

Eskin, C. K. (2022, June 15). *Why teens don't talk to their parents*. Teen Line. Retrieved February 22, 2023, from <https://www.teenline.org/post/why-teens-don-t-talk-to-their-parents>

Rothman, E. F., Miller, E., Terpeluk, A., Glauber, A., & Randel, J. (2011). The proportion of U.S. parents who talk with their adolescent children about dating abuse. *The Journal of adolescent health : official publication of the Society for Adolescent Medicine*, *49*(2), 216–218.
<https://doi.org/10.1016/j.jadohealth.2011.05.005>

SB-45-SD-1

Submitted on: 2/22/2023 7:14:31 PM

Testimony for JDC on 2/23/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry SUPPORT SB45, SD1 Relating To Minors