



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

Date: 01/30/2023

Time: 01:00 PM

Location: CR 225 & Videoconference

Committee: Senate Health and Human
Services

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB 0045 RELATING TO MINORS.

Purpose of Bill: Provides that a school counselor, domestic violence victim advocate, or other mental health professional licensed by the State may petition for a protective order on a minor's behalf when the minor's parent or guardian is unwilling or unable to submit a petition.

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of this measure and respectfully offers comments on SB 0045.

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 and 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.

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



TO: Committee on Human Services

Chair San Buenaventura

FR: Nanci Kreidman, M.A.

Chief Executive Officer

RE: S.B. 45

Thank you for hearing this important Bill. Teens are at certain risk for dating abuse. February is Teen Dating Violence Awareness Month, in fact. Raising awareness about this subtle and not infrequent deadly crime is important. And giving teens options for getting safe that may not currently exist is our responsibility as leaders, and experts in the field.

We do not want to put any domestic violence programs in danger of liability, and thus support the Hawaii State Coalition Against Domestic Violence proposed amendment. Perhaps in the future we can strengthen community efforts to provide support, crisis intervention, prevention opportunities and funding support meet the needs of teens who are suffering the harm of abuse in silence and in secret.

Thank you for your consideration and favorable action on S.B. 45.

DOMESTIC VIOLENCE ACTION CENTER

ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198

LEGAL HELPLINE: (808) 531-3771

TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200

WEBSITE: WWW.DOMESTICVIOLENCEACTIONCENTER.ORG

EMAIL: DVAC@STOPTHEVIOLENCE.ORG

SB 45
Relating to
minors

CARE

COMMUNITY ADVOCACY RESEARCH EDUCATION

to.

the Senate
Committees
WLT & AEN

Aloha Chairs, Vice Chairs, and the Committees of Water & Land and
Agriculture & Environments,

The Hawaii State
Legislature

CARES testifies in strong support of SB 45.

from

Zhizi Xiong
(Angela
Melody
Young)
Creator

There are a myriad of situations that can occur in which a victim is in an abusive relationship and will need a restraining order. Under the current law HRS §586-3, a petition for a restraining order can be made by a family member, a state agency or the victim. A 3rd party cannot petition on behalf of an abused victim. Someone who witnesses on-going abuse, if they are not a family member or a state agency, cannot petition on behalf of a victim.

Many times, victims of abusive relationships are secluded from friends & family. As a result, any abuse that gets caught & witnessed can be in the presence of people who are not related to or who do not have a close relationship with the victim. If someone witnesses abuse, the law should be amended to allow such witnesses to be able to file petitions for victims, upon consent of the victim.

808-724-0047

alohadivinedesign@gmail.com



CARE

Another situation that can occur is when youth victims do not know the law or even what constitutes as physical harm. The law must consider the many situations in which a youth victim will not confide in family, a counselor or domestic violence advocate. There are also situations where youth victims do not realize the extent of the abuse in a relationship constitutes as a violation of the law. However, the victim may confide the on-going abuse to an adult who can provide testimony and allegations of physical harm and bodily injuries. If a youth victim indicates consent, any adult or witness the victim confides in should be granted permission to file a petition.

Thank you for the opportunity to testify.

Blessings,



ANGELA MELODY YOUNG
Zhizi Xiong



SB-45

Submitted on: 1/28/2023 8:57:46 AM

Testimony for HHS on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erin Castaldi	Individual	Support	Written Testimony Only

Comments:

S.B. No. 45

Erin Castaldi

I fully support S.B. No. 45.

I was in a long-term abusive relationship in high school some 20 years ago. At that time, my ex-boyfriend had isolated me from friends and family, leaving me to believe he was the only one who cared about me and had my best interest at heart. The cycle of abuse left me overwhelmed, scared, anxious, and embarrassed. The physical and mental abuse was compounded with threats against my family if I ever tried to leave. I partially stayed because I thought I was protecting them. My father, an active police officer, sat me down one day and expressed concerns over my then-boyfriend's behavior. In my head, I was torn. There was this loud lion-like voice thinking things my ex had told me; "they don't get us, everyone is out to break us up, we have a love of a lifetime, and everyone is just jealous." But behind that voice was a meek little mouse-like voice begging someone to do something for me because I was too scared and embarrassed to do so myself or say anything. I felt like I had let my family down. I needed someone to tell me everything would be okay and take care of things for me because I could not handle it; I did not know how. I was a teenager going through extreme physical and mental abuse at a time when my body and mind were going through incredible physical, mental, and emotional growth.

Adults in similar situations have difficulty leaving an abusive relationship and getting restraining orders due to many factors and the belief that the individual they are with really loves them. We need to get this bill passed to protect our youth. Passing this bill can help empower our adolescents, with the help of a trusted adult, to seek help and begin the healing process. Empowering our youth who face these situations can help them break the cycle of abuse and learn to recognize patterns to keep themselves safe. This bill creates more safety for our youth and will set them up for their future to be strong, ask for help, and know that what they face is no fault of their own. I implore every one of you to think about those youth in your life and what you would do to keep them safe, whether they are your children, nieces/nephews, grandchildren, or neighbors. We have a duty as adults to protect them; It takes a village to raise a child. We must do what we can to keep teens safe and allow the parents and other trusted adults to speak for our children, protect them, and guide them.

SB-45

Submitted on: 1/28/2023 5:38:11 PM

Testimony for HHS on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Support	Written Testimony Only

Comments:

SUPPORT

There are times, critical in young people's lives when they need an advocate, help from an adult. It is not always possible or feasible for the "blood" parents to do so. In this case, there need to be other options for the young people. As a retired educator with personal experience in this subject, I can say that it is sometimes the step that keeps them from the street and keeps them alive.

SB-45

Submitted on: 1/28/2023 12:40:50 PM

Testimony for HHS on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Buenaventura, Vice Chair Aquino & Senate Health & Human Services Committee Members,

While this proposal sounds like a good idea, I'm not exactly sure how it would play out - specifically I'm concerned about professionals coming to the conclusion or deeming that a minor's parents are "unwilling or unable" to petition on a minor's behalf then proceeding with legal action potentially without the parents' awareness and/or consent.

I think other steps would need to be in-place before this over-reach which could have very serious repercussions for the parents, ie: Child Welfare Services investigation/involvement.

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