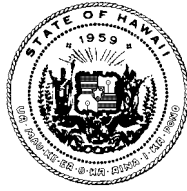


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'ŌKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'ŌKELE

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

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'ŌKELE

March 11, 2024

To: The Honorable Representative Lisa Marten, Chair
Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: [SB2245 SD1](#) – RELATING TO THE CHILD PROTECTIVE ACT.

Hearing: March 12, 2024, 9:15 a.m.
Conference Room 329, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the measure, agrees with the proposed amendments of the Department of the Attorney General, and further requests amendments to the definition of "harm" in section 587A-4, Hawaii Revised Statutes, to align with the definition of "child abuse and neglect" in section 350-1, HRS, that includes "sex trafficking or severe forms of trafficking in persons."

PURPOSE: This bill adds a definition for "exigent circumstances" and amends the definition of "imminent harm" under the Child Protective Act. Authorizes the child's family to consent to protective custody or temporary foster custody of a child. Clarifies the circumstances when police officers shall assume protective custody of a child and when the Department of Human Services shall assume temporary foster custody of a child. Authorizes the Department of Human Services to file a petition and seek an ex parte motion for protective custody if there is reasonable cause to believe that a child is subject to imminent harm. Takes effect 7/1/2025. (SD1)

DHS proposes the following amendments to Section 1 to align the definition of "harm" in section 587A-4, Hawaii Revised Statutes (HRS), to the definition of "child abuse and neglect" in section 350-1, HRS. Currently, section 350-1, HRS, includes in the definition of "child abuse and neglect" "sex trafficking or severe forms of trafficking in persons." However, the definition of "harm" in section 587A-4, HRS, does not. The Department requests the drafting agency reconcile the misalignment or suggests the following amendment to section 587A-4, HRS, be appropriately inserted to read as follows:

"Harm" means damage or injury to a child's physical or psychological health or welfare, where:

...

"(6) The child has been the victim of labor trafficking under chapter 707[-] or sex trafficking or severe forms of trafficking in persons; provided that no finding by the department pursuant to this chapter shall be used as conclusive evidence that a person has committed an offense under part VIII of chapter 707 or section 712-1202."

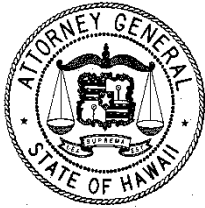
...

"Severe forms of trafficking in persons" has the same meaning as provided in title 22 United States Code Annotated section 7102.

"Sex trafficking" has the same meaning as provided in title 22 United States Code Annotated section 7102."

We appreciate the extended effective date, which gives the department more time to update staff training and consult with the Judiciary, the Department of the Attorney General, law enforcement agencies, parents' counsel, and other providers regarding these changes.

Thank you for the opportunity to request amendments to the measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2245, S.D. 1, RELATING TO THE CHILD PROTECTIVE ACT.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, March 12, 2024 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 329 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Erin K. Torres, Deputy Attorney General, or
Lynne M. Youmans, Deputy Attorney General

Chair Marten and Members of the Committee:

The Department of the Attorney General (Department) supports this bill and provides the following comments.

Section 1 of this bill amends section 587A-4, Hawaii Revised Statutes (HRS), to add a new definition for the term "exigent circumstances" and to modify the definition of "imminent harm." Section 2 of this bill amends section 587A-8, HRS, to clarify the authority of a police officer to take protective custody of a minor both with and without an order from Family Court. Section 3 of this bill amends section 587A-9, HRS, to clarify the authority of staff of the Department of Human Services (DHS) to take temporary foster custody of a child without a prior order from Family Court. Section 4 of this bill amends section 587A-11, HRS, to add authority for DHS investigators to obtain an emergency court order for removal of a child from an unsafe home, and provides a procedure to do so. Section 5 of this bill amends section 587A-21, HRS, to clarify the Family Court's authority to issue emergency orders based on relevant hearsay evidence.

The DHS, in cooperation with the federal government, has pursued several new and innovative approaches to keep children with their families and work with families more through voluntary service plans and diversionary programs rather than through court intervention. Despite the success in maintaining children in their family homes

while providing services to address safety risks, DHS still needs a way to remove children from dangerous situations in some circumstances.

This bill updates and clarifies the procedures for removing children from unsafe homes, with and without court orders. It does so in a way that acknowledges concerns for maintaining family integrity, due process rights of parents in raising their children, and federal case law regarding removal of children from their homes, balanced with the best interests of children in need of protection from abuse. Additionally, the bill creates a process for DHS workers to engage the Family Court early in the investigation of difficult cases and obtain emergency orders from the Family Court for removal of children from their home when necessary for the children's safety. The oversight and input of the Family Court judges in the removal process would better protect the rights of the families involved while still providing for the safety of children.

The Department respectfully requests the following amendments be made to the current draft of the bill. First, in section 1 of the bill we suggest revising the definition of the term "exigent circumstances" on page 1, lines 5-9, to facilitate consistent implementation of the term and to read as follows (with changes in bold):

""Exigent circumstances" means **that based on specific and articulable evidence** there is reasonable cause to believe that immediately assuming protective custody and temporary foster custody of a child is necessary to protect the child from serious harm that is likely to occur before a court order can be obtained [~~pursuant to section 587A-11(9)~~]."

Second, in section 4 of the bill we suggest revisions to the process set out for seeking a court order for protective custody. The proposed section 587A-11(9), on page 8, line 4, through page 9, line 6, requires the DHS to "[f]ile a petition pursuant to section 587A-12" to secure a court order to assume protective custody of a child subject to imminent harm. When a petition is filed pursuant to section 587A-12, HRS, a report is also required to be filed consistent with section 587A-18, HRS. Due to the time limits imposed in the process for this new expedited court order, it may not be possible for DHS to file, contemporaneously with the petition, a report that is consistent with the requirements of section 587A-18, HRS. To clarify the procedure for seeking a court

order, we recommend amending the proposed section 587A-11(9) as follows (with changes in bold):

(9) File a petition pursuant to section 587A-12 and seek an order for protective custody if there is reasonable cause to believe that the child is subject to imminent harm, as follows:

(A) The department may contemporaneously file an ex parte motion for **[immediate]** protective custody **and the court may issue an order of protective custody** without notice and without a hearing;

(B) If an ex parte motion for protective custody is filed contemporaneously with a petition pursuant to this paragraph, the initial reports in section 587A-18(b)(1) and (2) are not required at the time the petition is filed; provided that the ex parte motion shall be accompanied by a written declaration setting forth the facts establishing reasonable cause to believe that a child is subject to imminent harm. The initial reports required by section 587A-18(b)(1) and (2) shall be filed on or before the next hearing date unless required sooner by the court;

~~[(B)]~~ (C) If the court finds reasonable cause to believe that the child is subject to imminent harm, the court shall issue a written order that a police officer immediately take the child into protective custody and transfer custody of the child to the department, which will assume temporary foster custody of the child pursuant to section 587A-8(b);

~~[(C)]~~ (D) If an order for protective custody is issued under this paragraph, the court shall order that a police officer make every reasonable effort to personally serve the child's parents and any person who has physical custody of the child with copies of the ex parte motion and order; and

~~[(D)]~~ (E) After the court rules on the ex parte motion, the case shall proceed pursuant to section 587A-12(c).

We note that the suggested wording for the new subparagraph (B) of the proposed section 587A-11(9) is the wording the Judiciary recommended in its testimony for this bill before the Senate Committee on Judiciary on February 28, 2024. We agree with the Judiciary's recommended wording and ask this Committee to adopt it.

The Department respectfully asks the Committee to pass this bill with the amendments recommended above. Thank you for the opportunity to provide testimony in support.



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Second State Legislature
2024 Regular Session**

Committee on Human Services
Representative Lisa Marten, Chair
Representative Terez Amato, Vice Chair

Tuesday, March 12, 2024 at 9:15 a.m.
State Capitol, Conference Room 329 & Videoconference

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

Bill No. and Title: Senate Bill No. 2245, S.D. 1, Relating to the Child Protective Act.

Purpose: Adds a definition for "exigent circumstances" and amends the definition of "imminent harm" under the Child Protective Act. Authorizes the child's family to consent to protective custody or temporary foster custody of a child. Clarifies the circumstances when police officers shall assume protective custody of a child and when the Department of Human Services shall assume temporary foster custody of a child. Authorizes the Department of Human Services to file a petition and seek an ex parte motion for protective custody if there is reasonable cause to believe that a child is subject to imminent harm.

Judiciary's Position:

The Judiciary supports the intent of this bill: "This measure adequately balances the need for immediate government action to ensure safety of the child and the due process rights of the child's parents and legal guardians." Senate Standing Committee Report #2470.

The Judiciary respectfully offers the following recommendations for consideration by this Committee.



First, we recommend, at page 1, from line 5, replacing the definition of “exigent circumstances” with the following language from HB2428 HD2 (also page 1, from line 5):

“Exigent circumstances” means that based on specific and articulable evidence, there is reasonable cause to believe that immediately assuming protective custody and temporary foster custody of a child is necessary to protect the child from serious harm that is likely to occur before a court order can be obtained.

Reasons: Although the two definitions are substantially similar, HB2428 HD2 clarifies the requirement of “specific and articulable evidence” as the basis of “reasonable cause.” The reference in SB2245 SD1 (page 1, line 9) to section 587A-11(9) is not necessary. Deleting it would avoid needing to amend this section in the event that section 587A-11(9) is amended in the future. The word “immediately” in both versions further underscores the gravity of the situation but we have no objection to that word’s deletion if the Committee deems it unnecessary.

Second, we recommend the following amendment to section 587A-11(9)(A) (page 8, lines 8-10):

- (A) The department may contemporaneously file an ex parte motion for ~~immediate~~ protective custody and the court may issue an order of protective custody without notice and without a hearing;

Reasons: The additional language simply clarifies the court’s authority to act on the motion by issuing an order of protective custody. The deletion of “immediate” would make this provision consistent with the other references in section 587A-11(9)(A) to “an order for protective custody”. Finally, these proposed changes would precisely track the language in the same subsection of HB2428 HD2.

Lastly, we respectfully suggest insertion of a new sub-section (B) after line 10 on page 8:

- (B) If an ex parte motion for protective custody is filed contemporaneously with a petition pursuant to this paragraph, the initial reports in section 587A-18(b)(1) and (2) are not required at the time the petition is filed; provided that the ex parte motion shall be accompanied by a written declaration setting forth the facts establishing reasonable cause to believe that a child is subject to imminent harm. The initial reports required by section 587A-18(b)(1) and (2) shall be filed on or before the next hearing date unless required sooner by the court.

Reasons: The Judiciary recognizes the difficulty for the Department of Human Services to generate statutorily required reports in the format they prefer when speed is essential. This



Senate Bill No. 2245, S.D. 1, Relating to the Child Protective Act
Committee on Human Services
Tuesday, March 13, 2024 at 9:15 a.m.
Page 3

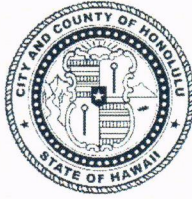
new section would allow time for the reports to be generated for the petition while the court would be allowed to expeditiously proceed with the ex parte motion for protective custody. It is also substantively the same as a provision in HB2428 HD2.

Thank you for the opportunity to testify on this measure.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

KA 'OIHANA MAKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MAKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MAKA'I

OUR REFERENCE AP-BT

March 12, 2024

The Honorable Lisa Marten, Chair
and Members
Committee on Human Services
House of Representatives
415 South Beretania Street, Room 329
Honolulu, Hawai'i 96813

Dear Chair Marten and Members:

SUBJECT: Senate Bill No. 2245, S.D. 1, Relating to the Child Protective Act

I am Andre Peters, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2245, S.D. 1, Relating to the Child Protective Act.


This bill gives the officer the discretion to determine if a child should be taken into temporary custody. Exigent and imminent harm is clear language that differentiates the scenarios that a patrol officer would face.


The HPD urges you to support Senate Bill No. 2245, S.D. 1, Relating to the Child Protective Act.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Andre Peters, Captain
Criminal Investigation Division



HAWAII COALITION
FOR
CHILD PROTECTIVE REFORM

Committee Chair and members,

“Reasonable cause to believe” is a significant improvement over the former definition of Imminent Harm, but without further required standards such as articulable and/or written documentation to support reasonable cause children could continue to be removed in violation of 4th and 14th amendment rights. **The 9th circuit ruling to differentiate warrantless vs. court-ordered child removals is as follows: visible, specific and articulable evidence occurring at the point of contact with the family that a child is at risk of serious injury or death AND there is no less restrictive alternative that would reasonably and sufficiently protect the child’s health or safety.**

Two definitions have replaced the one flawed definition of Imminent Harm. One definition is applied to the police and the other to a CWS worker. Both terms and their definitions are similar, but later in the amendments, it is proposed that the definition for Imminent Harm is to be used to obtain a court order by CWS because immediate action is not required. To define the same life-threatening circumstances for use in conflicting purposes will certainly create confusion and misunderstanding.

The HCCPR has documentation that, in actual practice, the police have removed children at the behest of CWS without prior contact, visible assessment or investigation. Testimony by DHS and the HPD confirms that there is a disconnect in training and application of the standards of removal without a court order. Judiciary testimony on HB2428 is as follows: “the proposed definition of “exigent circumstances” is problematic. Police officers deserve better statutory direction.....” The words “based on specific and articulable evidence” were added to the House bill and is included in this bill.

We are confused at why DHS submitted two bills that are not identical in language, but we concur with the testimonies and subsequent amendments to HB2428 and will support that one.

SB-2245-SD-1

Submitted on: 3/10/2024 6:00:27 PM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
james wallace	Individual	Oppose	In Person

Comments:

I oppose SB2245. This is a similar bill to the HB2079 where they want to mutilate kids. This bill is so wicked they want government to have control over everybody's children. They should stay out of it because they are messing up everything in Hawaii's family. That's why people are leaving this state because our government is corrupt. Hawaii is ranked number 1 again as the most corrupt state in America. Start fixing the problem and stop being the problem.

TO: Representative Lisa Marten, Chair
Representative Terez Amato, Vice Chair
and all Honorable Human Services Committee Members

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

DATE: March 12, 2024

RE: **Strong OPPOSITION to SB2245 SD1**

Good morning, Chair Marten, Vice Chair Amato, and HUS committee members,

Although I wanted to start my testimony by pointing to the myriad of concerns with SB2245 SD1's term "*reasonable cause to believe*" I'd instead like to focus on how this bill has even made it this far considering its track record:

On January 31, 2024 only two (2) testifiers offered support for this proposal while *double that amount*, **five (5) in total, offered testimony in OPPOSITION** with three (3) testifiers offering Comments Only as accurately reflected in the first Committee Report.

On February 28, 2024, three (3) testifiers offered support for SB2245 SD1 *while (once again) double that amount*, now **seven (7) in total, offered testimony in OPPOSITION** with no Comments Only testifiers as accurately reflected in the second Committee Report.

From the website, Learning For Justice, <https://www.learningforjustice.org/classroom-resources/texts/majority-rule>:

"WE OFTEN DESCRIBE OUR DEMOCRACY AS A SYSTEM OF 'majority rule.' When we hold elections to decide who will represent us in government, the choice of the largest number of voters is the winner. When those representatives debate issues in the student council or the state legislature or the national Congress, a similar vote determines the will of the majority."

SB2245 SD1, which by my reading does not appear to have a Companion Bill, **has already been defeated by the people – your constituents – twice this session**, so can someone please explain to me how it is up for a third vote and why legislators feel its ok to override the voice of the people they've been elected to serve???

This is a dangerous piece of legislation and it is *unconstitutional*, as the Ninth Circuit has already made clear in several lawsuits so if only for these three reasons alone, this committee should feel compelled to terminate its progression towards passage.

As a Domestic Violence (DV) Survivor Advocate, I have approached many in the legislature for assistance throughout the years with some of my more egregious cases which typically involve a DV survivor mom who has faithfully and successfully followed all of the instructions provided to her by the DV service providers, only to have her children removed from her care by a CWS

social worker who doesn't have a documented clue (total ignorance) about what DV is all about, which is called ***malpractice***.

I know that my cases aren't the only ones that fall under the malpractice category, as the state gets continually sued for them, and am aware that everyone generally wants to avoid more of the same so I feel compelled to tell you that SB2245 SD1 is not going to achieve that end – in fact, **passing SB2245 SD1 may well lead to more lawsuits against the state** as a review of 9th circuit court rulings will illustrate.

A past supervisor of mine used to stress the critical importance of scrutinizing and weighing heavily my determinations (the opposite of “reasonable cause to believe”) before taking any decisive action that would restrict, restrain or suspend an individual’s civil rights. 30 years later, I still remember his insistence that *an individual’s civil rights in this country is sacrosanct* – a concept that’s been completely lost in the child protection work industry which appears more concerned about definitions in the light of lawsuit and litigation containment/prevention.

SB2245 SD1 does nothing to protect children or safeguard individual’s rights, only professional interests and convenience.

Good and genuine child protection work does *not* require a dictionary or a glossary of terms to get the job properly done but *does* require adequate training since *lives are actually at-stake*. There is a way to achieve a win-win but unfortunately, SB2245 SD1 is not the vehicle to bring that about.

Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate

Karen Worthington, Kula, HI 96790

March 9, 2024

To: Representative Lisa Marten, Chair and Representative Terez Amao, Vice Chair
House Committee on Human Services

From: Karen Worthington, Private Citizen

Re: **SB2245 SD1: Relating to the Child Protective Act**
Hawaii State Capitol, Room 329 and Videoconference, March 12, 2024, 9:15am

Position: SUPPORT

Dear Representative Marten, Representative Amato, and Committee Members:

Thank you for the opportunity to provide testimony in support of SB2245 SD1, which amends and clarifies the Child Protective Act to give more precise guidance to law enforcement officers and child welfare services workers regarding when intervention is allowable in a family when a child is alleged to be at risk of harm or has been harmed.

My name is Karen Worthington, and I am a children's law and policy attorney with a consulting business on Maui, Karen Worthington Consulting. I have worked as a lawyer in and around state systems affecting children and families throughout my 30-year career. I am certified as a Child Welfare Law Specialist by the National Association of Counsel for Children.

Please pass SB2245 SD1. While this bill does not go as far as many people would like in clarifying when and how the state can intervene in families, it does make some significant progress.

Many states wrestle with the use of terms like "exigent circumstances," "imminent harm," and "immediate harm" in providing guidance to parents, child welfare services workers, law enforcement officers, attorneys, and the courts about the parameters of state intervention when a child is at risk of or has been harmed. The proposed language in this bill is consistent with the language of many other states' statutes related to emergency removals of children and is more exact than the current language in the Hawai'i Child Protective Act.

The changes proposed in SB2245 SD1 provide more exact guidance than our current statutes. The new definition of "exigent circumstances" clarifies that protective custody is allowed when serious harm is likely to occur before a court order could be obtained using the typical court process. The definition therefore provides a clear timeframe during which harm must be likely to occur or else the typical process must be followed. Furthermore, law enforcement agencies are already familiar with the term "exigent circumstances" in other areas of the law, so this wording provides consistent guidance to them.

The change to the definition of "imminent harm" is long overdue in Hawai'i, and the bill includes a practical definition for this. The proposed definition uses the reasonable efforts language from federal law, which is familiar to and understood by CWS, lawyers, and the courts. One item missing from the proposed language is a timeframe for decision-making and intervention. I applaud the removal of "90 days" because that timeframe is inconsistent with the word "imminent." The definition, however,

should include a timeframe that is consistent with "imminent." I believe that amending this definition without including a timeframe is an incomplete revision.

Additionally, while the proposed change is adequate, and I support passage of this bill, I humbly suggest considering the following change, which is consistent with statutes in other states and provides even more guidance to child welfare services workers than the proposed language in SB2245 SD1.

"Imminent harm" means that ~~[without intervention within the next ninety days,]~~ there is visible, specific, and articulable evidence ~~reasonable cause to believe that~~ without intervention, harm to the child will occur or reoccur[-], and no reasonable efforts other than removal of the child from the family home will adequately prevent the harm."

This change replaces the words "reasonable cause to believe" with "visible, specific, and articulable evidence." Including this language clarifies which situations meet the standard of "imminent harm." It also provides consistency and clarity across 587A. For example, if a CWS worker believes that a child is subject to imminent harm, the department can file an ex parte motion for immediate protective custody without notice or a hearing. In that Motion, the department must state the evidentiary basis for the request to remove the child. Including the requirement of "visible, specific, and articulable evidence" within the definition of "imminent harm" ensures an evidentiary basis does indeed exist.

I do not have specific changes to the remaining provisions in the bill. I urge you to pass SB2245 SD1.

If you would like additional information related to my testimony, please do not hesitate to contact me at karen@karenworthington.com.

Best regards,



Karen Worthington

SB-2245-SD-1

Submitted on: 3/9/2024 4:16:23 PM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Shorba	Individual	Oppose	Written Testimony Only

Comments:

Please Oppose this measure.

Mahalo!

SB-2245-SD-1

Submitted on: 3/10/2024 12:30:26 PM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Claudia Pokipala	Individual	Oppose	Written Testimony Only

Comments:

I am in opposition to this bill. It is in violation of our Constitution's 4th Amendment.

SB-2245-SD-1

Submitted on: 3/10/2024 3:38:24 PM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Duffy	Individual	Oppose	Written Testimony Only

Comments:

Please oppose this bill. The "reasonable cause to believe" language in this bill as written is too subjective of a standard.

SB-2245-SD-1

Submitted on: 3/10/2024 4:52:31 PM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Alfred Hagen	Individual	Oppose	Written Testimony Only

Comments:

Dear Legislature,

PLEASE VOTE NO!

What this bill proposes is unconstitutional; it violates the 4th Amendment. Basically, it says that child protective services can without a legitimate court order remove children from their parent's care under a "*reasonable cause to believe*" standard (which is whatever they'll define it to be at the time, ie: "I don't like your attitude; my belief overrules your facts/the truth; I'm an agent of the state - you're not, step aside, your kids are coming with me", etc.)

So, a child who doesn't get the keys to the car can call the police that he/she is being abused by his/her parent and get the parents arrested. Or, a disgruntled neighbor can call the police to make a bogus claim that the parents are abusing their child and get the parents arrested. This bill if it becomes law would allow the arrest of these parents based on arbitrary and subjective bases without going through proper legal processes.

This is a very dangerous bill since it creates a slippery slope towards in the extreme a police/military controlled state where citizens have no recourse to rights as framed in our constitution.

PLEASE VOTE NO!

Thank you,

Alfred Hagen

To: Committee on Human Services
Chair: Representative Lisa Marten
Vice Chair: Representative Terez Amato

Re: SB2245, SD1

Date: Tuesday, March 12, 2024

Aloha my name is Nonohe Botelho. I have been a mental health counselor in our community for the last 30 years. I hold a master's degree in counseling psychology and have provided mental health care to children, adolescents, and adults. I have worked with the Childrens Justice Center (CJC) on Oahu and on the Big Island. While at the CJC I was a child forensic interviewer, trainer, and director of the Kona CJC. I am currently an Independent Consultant/ Advocate for Victims and Surviving Families of Homicide and Other Violent Crimes.

As a mental health counselor, I am very familiar with trauma informed care and other modalities that are specific to trauma, especially when dealing with children. There is data-based research and investigative research that discusses the trauma children experience as the result of unnecessary removal from their parents and families. Research also indicates that children who are placed in foster care are more likely to experience abuse at the hands of their foster care givers. I want to be clear, not all foster care givers are perpetrators of abuse, however in the two most recent cases involving Ariel Sellers and Geanna Bradley this was clearly the situation, which ended in the deaths of these two young girls.

I believe that the policies and procedures outlined in the Child Welfare (CWS) Handbook are good but are not being properly implemented in the field. As lawmakers it is easy to assume that CWS is always operating within the scope of their own policies. They do not. When CWS does not follow their own guidelines regarding the illegal removal of children or when allegations of child abuse is unconfirmed and/or when allegations of abuse can proven (by evidence) to be false, it becomes problematic and can cause long term trauma for all those involved.

There are no hard and fast solutions to this complicated issue. However, there are remedies that can and should take place immediately. For example, 1) All CWS social workers should have annual performance evaluations to evaluate their work for timeliness, accuracy, conflicts of interest and fraud, 2) Social workers who have more than one complaint should be recused pending further investigation by the Human Resources Department, 3) All CWS social workers should be subject to training and examination on the Fourth and Fourteenth Amendments under the Constitution of the United States and as identified in the Hawaii State Constitution, 4) CWS should be held accountable via legislative oversight or federal mandate.

Finally, I want to refer the committee to published articles by Mr. John Hill, an investigative reporter for Civil Beat. For the last year Mr. Hill has documented the many issues that plague CWS. Please do your due diligence and read his reports under his series, "Hawaii vs. Parental Rights."

"Sunshine is always good for Children"

Mahalo,

Nonohe Botelho, MSCP
Independent Consultant/ Victim Advocate

SB-2245-SD-1

Submitted on: 3/11/2024 11:23:06 AM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Teresa Gochenouer	Individual	Oppose	Written Testimony Only

Comments:

Please vote NO on this bill. I oppose this bill. Thank you.

LATE

SB-2245-SD-1

Submitted on: 3/11/2024 9:12:07 PM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Expedita Pasion	Individual	Oppose	Written Testimony Only

Comments:

Bill is unconstitutional

LATE

SB-2245-SD-1

Submitted on: 3/11/2024 9:18:57 PM

Testimony for HUS on 3/12/2024 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Rami Donahoe	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as I do not know what cases will be classified as "exigent circumstances." The bill does not describe how CPS will go further and more frequently remove children. What is the purpose of this when this is part of their job duties currently. This is very vague and completely redundant as this is already the job of the CPS social workers. How will they be able to do this more frequently when they are so stretched as it is (these social workers are overworked and tasked with high case loads). Are you going to hire more Social Workers to support the ones in place now? Do we have people on our islands that will be able to take these jobs for such low pay? This bill makes no sense and is going to be a burden on our already taxed social workers.