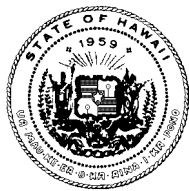


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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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TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 14, 2024

TO: The Honorable Representative David A. Tarnas, Chair
Committee on Judiciary and Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 2555 HD1– RELATING TO THE CHILD PROTECTIVE ACT.**

Hearing: February 15, 2024, 2:02 p.m.
Conference Room 325, State Capitol & Video Conference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill and offers its comments and concerns.

PURPOSE: The bill amends the definition of "harm" under the Child Protective Act. Requires a service plan to include an evaluation or assessment of family members in the family home who are perpetrators or alleged perpetrators of domestic violence by a service provider trained in domestic violence. Effective 7/1/3000. (HD1)

- (1) Deleting the amendment to the definition of "aggravated circumstances" and instead amending the definition of "harm" under the Child Protective Act;
- (2) Requiring an evaluation or assessment of certain family members in the family home in cases of alleged or confirmed domestic violence, rather than requiring an evaluation or assessment of the parents to include a primary aggressor assessment in cases of family violence; and
- (3) Changing the effective date to July 1, 3000, to encourage further discussion.

DHS expresses concern that adding "including but not limited to exposure to abuse to assaultive conduct by the child's family members to others who have access to the family home section" to subsection 587A-4(3), HRS, may not be necessary and may serve to highlight

exposure to assaultive conduct above other types of direct harm to the child, like sex abuse, physical abuse, or neglect that also impact a child's psychological well-being.

DHS also notes that inserting the additional language into the definition of "harm" in section 587A-4, Hawaii Revised Statutes (HRS), will cause the definition of "harm" to be different than the definition of "child abuse and neglect" as defined in section 350-1, HRS. Additionally, HB 2428 HD1 proposes to have the definition of "harm" in section 587A-4, HRS, refer to the definition of "child abuse and neglect" in section 350-1, HRS, to avoid future misalignment of the definitions. However, if the Legislature is intent on the change, DHS respectfully requests that the language also be added to section 350-1, HRS, where appropriate.

Currently, in cases that involve family violence – whether there is a judicial finding or not, a referral for an assessment and identified services are provided to parents regardless of who is the aggressor. Under section 587A-27, HRS, CWS Family Service Plans address all safety issues identified for both parents and caretakers of the children. To require an additional assessment for perpetrators or alleged perpetrators may require additional resources and time and may duplicate the current assessment.

Thank you for the opportunity to provide additional comments.

HB-2555-HD-1

Submitted on: 2/14/2024 1:17:42 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Individual	Support	Written Testimony Only

Comments:

Representative Tarnas and committee,

I support HB2555.

HB-2555-HD-1

Submitted on: 2/14/2024 7:50:25 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

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

Comments:

The Hawaii Coalition for Child Protective Reform adds comments. HB2555,HD1 and HB2428, HD1, both attempt to define the definition of "harm" and "imminent" harm. Two Bills with the same intent but different wording and Bill numbers.

Please defer HB2555 for further discussion

February 15, 2024

**Committee on Judiciary and Hawaiian Affairs
Chair Tarnas, Vice Chair Takayama and
Members,**

We write in strong support of HB 2555, HD1

As grandparents, we have seen the abject failures of the State of Hawaii Child Welfare system in protecting our vulnerable twin grandchildren.

Our beautiful, sensitive daughter, Paula Hong, and mother to our twin grandchildren killed herself after years of domestic violence and abuse from her partner (and father of her twins). Rather than protect the twins, Oahu Child Welfare returned the twins to the violent, abusive and drug-using father after a mere 60 days in 2021, over the objections and pleas from family and friends.

In the literal dead of night on February 2, 2023, the twins ran away from their father after he 2-fisted punched our grandson in the chest. The twins wrote in their forensic interview on February 6, 2023, how the dad had been hitting,

kicking and punching them; pulling out their hair by the roots; threatening to kill them; many times did not have money for food for them; used drugs; and was about to be homeless with them.

Oahu Child Welfare failures to properly analyze our grandchildren's case in 2021, demonstrates that without a law protecting children in family and domestic violence situations, Child Welfare is incapable of making cogent and reasonable decisions.

Proposed House Bill 2555, HD1 is a start in remedying this inadequacy by requiring domestic violence assessment by "a service provider trained in domestic violence."

Current research from the World Health Organization, United Nations clearly demonstrates that family and domestic violence will negatively impact children not only psychologically but also physically. "Exposure to violence at an early age can impair brain development and damage other parts of the nervous system...with lifelong consequences. As such, violence against children can negatively affect cognitive development and

results in educational and vocational under-achievement.”

As grandparents, we are now caring for and raising our twin 14-year old grandchildren as part of the Child Welfare system. We are doing our best to help and support them become healthy, resilient and successful adults.

But, after years of violence, abuse and a horrific unstable life, establishing routines and a normal home situation has not been easy on us or the twins.

We ask for your support of this bill to recognize the harm domestic violence can inflict upon children.

Please do not let our daughter’s sacrifice and our grandchildren’s suffering from violence and abuse be in vain.

Thank you.

**Christopher G. Hong, Jr
Peggy S. Hong**

HB-2555-HD-1

Submitted on: 2/14/2024 2:11:23 PM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Hong	Individual	Support	Written Testimony Only

Comments:

As a long time social worker I support Bill 2555. Violence in any form is intolerable. As displayed by recent tragic child abuse cases, domestic violence cannot be tolerated in our community to any child. Workers must be trained, laws and policies developed to identify them in order to decrease the number of cases. How many more before lawmakers get serious and provide legal means to stop this trend? The Governor, Cathy Bettes, Daisy Hartsfield and all their supervisors need to be audited and held accountable. The actual individuals who killed little Geanna, were "allowed" to by these administrators and law makers. The department heads and legislators have failed.

February 15, 2024

Committee on Judiciary and Hawaiian Affairs
Chair Tarnas, Vice Chair Takayama and Members,

I am writing in full support of bill HB 2555, HD1.

I am an individual that has been through the foster care system. I was returned to my birth mother, who was abusive herself, after living in an abusive foster home while my birth mother was in the hospital having surgeries to repair damage from an abusive husband. I survived growing up in an extreme physically, psychologically, and emotionally abusive household, and have more recently been witness to my brother's psychological and physical abuse of his partner and their twin children. My sister in law took her own life after 16 plus years of enduring the domestic violence. My niece and nephew are now in the CWS system, being cared for by family, are in therapy and trying their hardest to find solid ground just to be "normal" teens after their daily life has been sheer terror living with their father.

I've witnessed countless moments of abuse towards them, seen them cry and be scared of him. Family gatherings were always strained and tense. We all walked on eggshells, trying our hardest not to provoke any small annoyance or irritation that would lead to an inevitable explosion of anger. Yelling, screaming of obscenities, walls or appliances being punched, household items being thrown or broken, and threats of later punishment. Now imagine living in this same state, every single day of your life. Children in DV homes live in a war zone, never knowing when they will step on the next hidden bomb and which abuse they will be subjected to from the people that are supposed to love and protect them. Most of these children grow up to repeat these patterns in their adult relationships and subsequent families. All have lasting permanent damage to their psyche.

I know each person will come through differently, some with heavy addictions, some falling into similar abusive relationships, and others becoming abusers themselves. I tried to commit suicide at age 18 but failed, thankfully and I left home after deciding to give myself a chance at life. I prayed to God and was given the strength to move forward. I made the decision to attend therapy since I was 18 and am diagnosed with Complex PTSD, among other diagnoses, due to my upbringing. I struggle with self esteem and have worked hard to unlearn the many generational traumas I sustained. The numbers of children that go through these situations are increasing steadily and we need to address the problems within our current laws and systems that are in place.

In 2021, I met with CWS, in person, several times. I spoke to them extensively about my concerns for my niece and nephew. I gave them over half a dozen witness statements pertaining to the abuse of the twins, that they personally witnessed, from friends and family.

These concerns and statements were never addressed or taken into consideration. I've emailed the various case workers over the past three years and to no avail. They gave the twins back to their father after two months in late 2021, only for them to suffer further psychological and physical abuse to the point that they were terrorized, starved and beaten while my brother continued to openly use hard drugs in front of them. The twins ran away one evening in late 2023, after one particularly harsh beating and were scared for their lives as they saw him canvassing the neighborhood, looking for them. They waited until they could leave their hiding place to make it to a safe Auntie's house who they trusted that would believe them and help the police to believe them enough to not send them back with their father.

Knowing the consistent history and challenges of CWS, I strongly encourage further discussion and dialog to take place within the legislature about bill HB 2555, HD1 and to pass this bill. CWS must have an ample amount of staff specifically trained in domestic violence households. The children in abusive homes desperately need staff that are well prepared and equipped to handle these fragile situations. Hawai'i's families should be able to have the laws in place to correctly identify, assist more accurately and provide better protection for our keiki that are in these critical situations. I urge the legislature to do what's best for Hawai'i's most vulnerable keiki and their future.

With all of my prayers,

Andrea D. Grabow

grabowa33@hotmail.com

HB-2555-HD-1

Submitted on: 2/15/2024 5:33:44 AM

Testimony for JHA on 2/15/2024 2:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Tochiki	Individual	Comments	Written Testimony Only

Comments:

I support the need to protect children when there has been domestic violence and the tragic situation that led to the advocacy behind this measure must be addressed. The assessment is necessary and training and accountability is necessary. I am Co Chair of the Malama Ohana Working group and we are beginning a series of listening sessions to glean the solutions we can present to the legislature for the 2025 session. The problem is that our solutions are too late for the children who have been harmed and the families that have suffered. Measures like these do not solve all the underlying problems but they do help us shed light on blind spots.

Aloha Committee Members,

I am writing in strong support of HB2555 as the cousin of a domestic violence victim and her twin children who were left in the care of their homeless, abusive, drug-addicted father for a year and a half due to the negligence and incompetence of the Child Welfare System as well as an epidemiologist with nearly 20 years of specific expertise in the historical and cultural determinants of Native Hawaiian health disparities.

Following years of horrific abuse, my cousin died by suicide in April 2021. Over the course of the following two months her twin children began to reveal just how awful their lives had been at the hands of their father over the previous two years when he isolated my cousin and the children during the height of the COVID-19 pandemic. Multiple family members collected and organized evidence of abuse against the children and all reported this evidence directly to CWS during the summer of 2021. CWS repeatedly said that we didn't have enough evidence to have the children removed from their father until August 2021 when the children both reported suicidal ideation at the thought of going back to their father. At this point, CWS removed the children and placed them into temporary foster care before returning them to their father 60 days later. During this time CWS did not respond to calls or emails from concerned family members (as we did not even know where the children were) and did not contact the multiple family members who were interested in becoming resource caregivers for the children. A few weeks ago I told one of the children that I had written them once a week during those 60 days and asked if he had received any of them. He answered in the negative and, in fact, had overheard the CWS worker telling the children's father that he had thrown away multiple letters addressed to the children from family members and that the CWS worker "laughed about it."

The children were returned to their father in October 2021 and endured nearly 18 more months of physical, verbal, and emotional abuse and medical and educational neglect along with periods of homelessness. Children such as my cousin's twins and countless others have suffered excess abuse and even death while Director Cathy Betts and CWS stonewall any efforts at accountability. Although the children have been safely placed with their grandparents since May of this year, our family is anxiously awaiting a decision about the fate of guardianship of the children and the status of their father's parental rights. This anxiety is heightened by the near total lack of transparency, accountability, and communication from CWS.

The absolute incompetence and indifference that Ms. Betts and her staff have towards Native Hawaiian children is steeped in institutional racism by upholding policies that do not protect these most vulnerable of individuals. In addition to perpetuating generations of historical trauma, the lack of strong laws demanding accountability from CWS sends a message directly to these children that their lives do not matter when they are sent back to unsafe environments. The trauma experienced by these children will not only impact them throughout the course of their lives through physical, emotional, and behavioral mechanisms, but also impacts the wider community that they belong to. My own son and three other cousins have been deprived of years of relationships and potentially many more if the children are returned to their father. This is a pain that will remain with my family, not just for years or decades, but for generations. When this pain is multiplied time and time again with each family that has been torn apart by violence, abuse, and CWS' incompetence, our community now has a gaping wound that needs to be

healed. HB2555 will add a layer of extra protection to some of the most vulnerable members of our community, but also has the potential to mitigate at least a proportion of the historical and generational trauma that burdens the Native Hawaiian community.

Me ka 'oia i'o,

Nicole Kau'i Merritt, ScD, MPH, MA