

Honolulu, Hawaii

MAR 20 2025

RE: H.B. No. 239
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 239, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the definition of "child abuse or neglect" by clarifying that the failure to provide certain needs to a child shall not constitute child abuse or neglect if the sole reason the person responsible for the care of the child is unable to adequately provide for the child's care is lack of financial resources.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of Wellness and Resilience, Hawai'i Youth Services Network, Hawai'i Children's Action Network Speaks!, Hawaii Coalition for Child Protective Reform, Catholic Charities Hawai'i, and six individuals.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee received comments on this measure from the Department of Human Services and one individual.



Your Committee finds that poverty and child neglect are highly correlated and often impact families simultaneously, but poverty does not cause neglect. Your Committee further finds that poverty may prevent a parent or legal guardian from providing adequate food, clothing, shelter, care, or supervision to their children; however, incapacity to provide is not the same as an unwillingness to provide. Your Committee notes that under existing law, the failure to provide a child with these needs qualifies as child abuse or neglect, even in cases where a parent or legal guardian may lack the financial ability to provide. Accordingly, this measure statutorily recognizes that failure to provide care due to poverty alone does not fall within the definition of "child abuse or neglect".

Your Committee has amended this measure by:

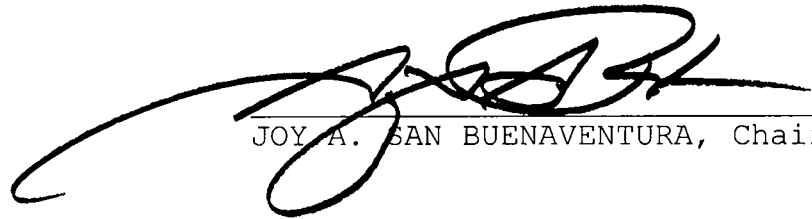
- (1) Inserting language clarifying that evidence of parental request for support shall not be deemed as evidence of child abuse and neglect;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee requests that the Child Welfare Services Branch of the Department of Human Services, when in receipt of a report accusing parent of child abuse and neglect, provide support, rather than supervision, to the parent, unless the child is in substantial risk of harm.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 239, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 239, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,




JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 239, HD 1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HHS, JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/12/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
HASHIMOTO, Troy N.				✓
KEOHOKALO, Jarrett				✓
FEVELLA, Kurt	✓			
TOTAL	3			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">  </div>				
Distribution: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes