



STATE OF HAWAII
OFFICE OF WELLNESS AND RESILIENCE
KE KE'ENA KŪPA'A MAULI OLA
OFFICE OF THE GOVERNOR
415 S.BERETANIA ST. #415
HONOLULU, HAWAII 96813

**Testimony in SUPPORT of H.B. 239 HD1
RELATING TO CHILD ABUSE.**

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

February 25, 2025, at 2:00 p.m. Room Number: 325

The Office of Wellness and Resilience (OWR) in the Governor's Office **SUPPORTS** H.B. 239 HD1, Relating to Child Abuse, which amends the definition of "child abuse or neglect" in Hawai'i Revised Statutes.

In the Report submitted to the 2025 Hawai'i State Legislature, the Mālama 'Ohana Working Group (MOWG) addresses the cascading impact of poverty and the need for concrete supports to prevent child welfare service involvement. Throughout the Working Group meetings and in community conversations, youth and families with lived expertise navigating the child welfare system shared that most families who come to the attention of the current system need support services rather than protective intervention.

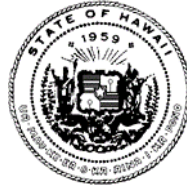
H.B. 239 HD1 provides an important opportunity to further move our State system to one that ensures families facing poverty get financial support instead of child welfare involvement when not having enough resources is the main reason they cannot meet their keiki's basic needs. By clarifying the State's definition of neglect to reflect that economic hardship or poverty alone does not mean that a child is unsafe or that a parent is unable to care for their child, legislators will be taking an important step to allow space for policy changes that strengthen our State systems to provide economic and concrete supports for parents, and remove barriers to existing public benefit programs.

Furthermore, by clarifying the State's definition for neglect, we are following a growing number of research that shows improved outcomes for families when states separate poverty and neglect. The federal Administration for Children and Families have also recently updated their Federal Child Welfare Policy Manual to guide states to "exempt specific circumstances or conditions, including poverty and income-related factors, from the definitions of child abuse and neglect".

Thank you for the opportunity to testify on this important issue.

Tia L.R. Hartsock, MSW, MSCJA
Director, Office of Wellness & Resilience
Office of the Governor

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
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KA LUNA HO'OKELE

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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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P. O. Box 339
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TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 24, 2025

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

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 239 HD1 – RELATING TO CHILD ABUSE.**

Hearing: February 25, 2025, 2:00 p.m.
Conference 325 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure and provides comments.

PURPOSE: Amends 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 due to a lack of financial resources. Effective 7/1/3000. (HD1)

The Committee on Human Services and Homelessness amended the measure by:

- (1) Clarifying that a failure to provide certain care to a child is not considered neglect if the sole reason is that the caregiver lacks the financial resources to adequately provide for the child's care;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

DHS agrees with the Legislature's findings in Section 1 and appreciates the Legislature's intent to separate or reduce notions of poverty from the definition of child abuse and neglect. DHS also appreciates the recognition that the DHS Child Welfare Services Branch (CWS) does not remove children solely based on poverty.

However, DHS is concerned that the proposed amendment, if adopted, would likely result in a non-confirmation of abuse or neglect if poverty were the only issue; however, **the safety risk of child neglect would still exist** as families may not have accessed available services. When CWS does not confirm child or neglect, no services are offered to a family. Therefore, children in families that are in poverty may not get the assistance they otherwise might receive. As drafted, DHS is concerned that shifting the focus from the child's condition to the parent's or custodian's fiscal wherewithal may expose children in families without means to longer durations of neglect until that neglect results in harm such as those associated with a failure to thrive.

DHS supports efforts to increase proven strategies that reduce poverty and reports of child abuse and neglect, like Child Tax Credits and other unconditional asset transfer programs, long-term rental subsidies, well-resourced community and school-based Family Resource Centers, and evidence-based home visiting programs. Families experiencing financial hardships often need community support, early intervention, and service navigation to access and maintain eligibility for services. DHS supports SB 952, which is the Senate's version of the Office of Wellness & Resilience's administration measures SB 1399/HB 1080 Relating to Family Resilience Pilot Program, which aims to provide peer navigation assistance, amongst other benefits. SB 952 directly addresses the issues of poverty and strengthening family resilience.

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

HB-239-HD-1

Submitted on: 2/21/2025 2:39:44 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|--|--------------------|------------------------|
| Marilyn Yamamoto | Hawaii Coalition for Child Protective Reform | Support | Written Testimony Only |

Comments:

Representative Tarnas and committee,

The HCCPR strongly supports the intent of this bill and wishes to inform the legislature that H.R. 9076, passed just prior to January 20, that the states may now apply for federal reimbursement for expenditures to assist the low income who are at risk of CWS involvement due to financial need.



HAWAI'I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai'i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Greg Tjapkes, Secretary

Judith F. Clark, Executive
Director

Network Membership

Access to Independence
Big Brothers Big Sisters Hawai'i
Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai'i
Domestic Violence Action Center
EPIC 'Ohana, Inc.
Friends of the Children's Justice
Center of Maui
Get Ready Hawai'i
Hale Kipa, Inc.
Hale 'Opio Kaua'i, Inc.
Hawai'i Children's Action
Network
Hawai'i Health & Harm
Reduction Center
Hawaii Island Community'
Health Center
Ho'ola Na Pua
Ho'okele Coalition of Kaua'i
Ka Hale Pomaika'i
Kokua Kalihi Valley
Kaua'i Planning and Action
Alliance
Lines for Life Youth Line
Maui Youth and Family Services
Na Pu'uwai Molokai Native
Hawaiian Health Care
Systems
P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED
Piha Wellness and Healing
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana
Residential Youth Services
& Empowerment (RYSE)
Salvation Army Family
Intervention Services
Sex Abuse Treatment Center
Susannah Wesley Community
Center
The Catalyst Group

February 22, 2025

To: Representative David Tarnas, Chair
And members of the Committee on Judiciary and Hawaiian
Affairs

TESTIMONY IN SUPPORT OF HB 239 HD1 RELATING TO CHILD **ABUSE**

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 239 Relating to Child Abuse

Most low income and asset-constrained families do their best to provide a safe, healthy, and nurturing environment for their children. Their lack of resources does not mean that they are abusive or neglectful. Poverty does not equal child neglect.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director

To: House Committee on Judiciary and Hawaiian Affairs
Re: HB 239 HD 1 Relating to Child Abuse

Hawai'i State Capitol, Conference Room 325 & Via Videoconference
Tuesday, February 25, 2025, 2:00PM

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

On behalf of HCANSpeaks! and “Prevent Child Abuse HI” (PCA HI), I am writing in strong support of HB 239 HD 1. This bill amends 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 due to a lack of financial resources. **This amendment is an important step to ensuring that families experiencing economic hardship or conditions of poverty get financial support instead of child welfare involvement when not having enough resources is the main reason they can’t meet their children’s basic needs.**

My name is Noreen Kohl, PhD, I am a policy researcher and advocate with Hawai'i Children's Action Network (HCAN). My work focuses on primary prevention of child maltreatment which includes economic security to ensure families have what they need not just to survive but to thrive. PCA HI, a program of HCAN, is a partnership of statewide organizations that serve families involved or at risk of involvement with the child welfare system and community partners with lived experience navigating state systems. This bill is a priority of the 2025 [Hawai'i Children's Policy Agenda](#), of [Prevent Child Abuse Hawai'i](#), and is inspired by the recommendations of the Mālama 'Ohana working group [Final Report and Recommendations](#).¹

This update to Hawai'i's statutory definition of “neglect” aligns with national best practices of connecting struggling families with concrete support rather than unnecessary child welfare involvement. The Mālama 'Ohana Working Group recommendations noted above outline several existing and developing resource pathways, including Ka Piko, Family Resource Centers, and Neighborhood Places.

Too many families in our state live paycheck to paycheck or are just a few paychecks away from being able to make ends meet, with the high cost of living leaving them without emergency savings to fall back on. This forces parents into impossible choices between rent, childcare, utilities, transportation, groceries, new clothing, and other essentials, making it difficult to consistently meet their children's needs. Instead of relying on child welfare involvement as a safety net—something it was never designed to be—we must provide direct support to families and invest in community-based resources. By building a continuum of support and meeting

¹ See the Mālama 'Ohana working group Final Report and Recommendations (URL: <https://www.malamaohana.net/>) and specifically, findings and recommendations of the “Hui Ho'opūlama” or “Systems Supports” Permitted Interaction Group (URL: <https://static1.squarespace.com/static/64c47295bf6d88319c76bcde/t/66b2f3d6260d884d777c6aec/172300386226/2024.05.21+MOWG+Hui+Ho%CA%BBopu%CC%84lama+-+Systems+PIG+Pt+2.pdf>).

families where they are, we can ensure children and families have not only what they need to survive but the stability to thrive.

The change proposed by this bill means that conditions arising solely from economic hardship and poverty no longer meet the statutory definition of maltreatment. Therefore, mandated reporters would not be *required* to report situations where a family simply lacks financial resources to meet basic needs.

With this change, when mandated reporters are unsure whether a situation stems from poverty alone or have concerns that cannot be addressed through community resources—such as a school-based family resource center, they can still make a report. **The key is ensuring children's safety while avoiding unnecessary system involvement when economic support would better serve the family.**

The goal of this bill, taken alongside other necessary steps towards building a continuum of support (such as expanding community pathways such as Ka Piko, Family Resource Centers, and Neighborhood Places) is to transform our system's response to families in need, shifting from a reporting-focused approach to a support-focused approach that better serves both children and families. Proper implementation will require:

- Clear guidance and training for mandated reporters on distinguishing between poverty and neglect;
- Development of referral pathways to connect families with economic support;
- Updates to Hawaii's mandated reporter training (which is not currently required by law); and
- Strengthened partnerships between schools, healthcare providers and community resources.

Twenty-seven (27) states have already exempted poverty or income-related factors from their definition of child abuse and neglect, and a growing body of research shows improved outcomes for children and families when states separate poverty and neglect. Child well-being and safety improve when struggling families receive economic and concrete supports.²

Economic hardship or poverty alone does not mean a child is unsafe or that a parent is unable to care for their child, and we should meet families with direct economic assistance and concrete support to help them meet basic needs. However, families in poverty are reported to CWS at higher rates than other families, even when controlling for actual maltreatment. This suggests a systemic bias in how we view and report struggling families.³

² Weiner, D.A., Anderson, C., & Thomas, K. (2021). System transformation to support child and family well-being: The central role of economic and concrete supports. Chicago, IL: Chapin Hall at the University of Chicago. See also: [Economic and Concrete Supports are Key Ingredients in Programs Designed to Prevent Child Welfare Involvement](#) Report by Chapin Hall; [Economic and Concrete Supports](#) Issue Brief by SPARC; [Framework Centers Meeting Family Needs, Preventing Child Welfare Involvement](#) Resource provided by Chapin Hall.

³ *Id.*

Furthermore, the conditions that lead to neglect findings by CWS – inadequate food, housing instability, lack of supervision while parents work, untreated medical conditions - are often direct results of economic hardship.⁴ It's time to update Hawai'i's statutory definition of neglect to clarify that economic insecurity and poverty is different from "neglect."

By clarifying poverty in and of itself does not equate to neglect, this change helps our state respond to federal guidelines and requirements. As of January 4, 2025, [Public Law No: 118-258](#) requires states to have clear policies and training to prevent children from being removed from their families just because of poverty and allows federal funds to be used for short-term financial support to prevent child welfare from removing children due to unmet basic needs. Specifically, in their Title IV-B plans, states are required by this law to "provide a description of policies in place, including training for employees, to address child welfare reports and investigations of neglect concerning the living arrangements or subsistence needs of a child with the goal to prevent the separation of a child from a parent of the child solely due to poverty, to ensure access to {family preservation} services."⁵ The same law officially adds "nonrecurring short term benefits" to the definition of Title IV-B family support services, codifying the appropriateness of using federal funds to provide economic and concrete support to resolve needs that if left unresolved, could lead to CWS removing a child from home.

The federal Administration for Children and Families (ACF) recently updated the [Federal Child Welfare Policy Manual](#) guiding states to "exempt specific circumstances or conditions, including poverty and income-related factors, from the definitions of child abuse and neglect...." [The ACF cites research](#), exploring "the overlap among families experiencing poverty and those reported to the child welfare system for neglect," and states, "it is critical to recognize that poverty alone does not equal neglect."⁶

Furthermore, ACF published a "Dear Colleague" letter explicitly encouraging states to use TANF funds to prevent families from becoming involved with child welfare systems.⁷ ACF recognizes that "poverty itself does not equate to maltreatment or neglect. The lack of income or economic supports, however, may increase the risk of material challenges that lead to significant stress within families or challenges for parents in providing for their children's basic needs." Therefore, ACF encourages greater collaboration to advance the economic stability of families and thereby prevent unnecessary removal of children "prioritizing circumstances where a lack of financial resources is the root cause of the potential child welfare involvement."

In the long-run, we need **policy changes that strengthen economic and concrete supports for parents and caregivers, remove barriers to existing public benefit programs, and**

⁴ *Id.*

⁵ *Supporting America's Children and Families Act*, Public Law No: 118-258 (Jan. 4, 2025).

⁶ Child Welfare Information Gateway. (2023). *Separating poverty from neglect in child welfare*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

⁷ All quotes in this paragraph are from ACF "Dear Colleague" Letter on using TANF funds to support post-secondary education and vocational training (01-17-2025).

invest in community-based resources and meet families' needs, where they are and without stigma. When families have money and other basic needs, risk of child maltreatment is lowered and communities have less contact with the child welfare system. We should also focus on what mandated reporters and others can do to **address family's unmet needs and support parents facing economic insecurity** instead of reporting them to Child Welfare Services when there is no additional reason to believe maltreatment is occurring.

Mahalo for the opportunity to submit testimony in **strong support of HB 239 HD 1.**

Sincerely,
Noreen Kohl, Ph.D.
Policy Researcher and Advocate



Date: February 25th, 2025

To: Committee on Judiciary and Hawaiian Affairs
Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Members of the Committee

From: Early Childhood Action Strategy

Re: Testimony for HB239

On behalf of the Hawaii Early Childhood Action Strategy Network, we support HB239 with recommendations. Hawaii Early Childhood Action Strategy is a statewide government and non-governmental collaborative designed to improve the system of care for Hawai'i's youngest children and their families.

Poverty alone is not justification for removing a keiki from his/her family. Most `ohana living in poverty, deeply love and care for their keiki and may simply need financial assistance and/or access to support resources, which are more helpful interventions than removing a keiki from his/her/their family. However, changing the definition alone, does not guarantee that children and their `ohana will get the financial and support assistance that they need.

We recommend that the legislature provide the requisite funding to the Department of Human Services for

- Training of all mandated reporters to become mandated "supporters", able to refer `ohana to community resources instead of to child welfare services
- Training of all child welfare workers to accurately discern and assess "neglect", given the proposed new definition
- Training of all child welfare workers to help facilitate access to financial supports if "poverty" is the only barrier a family is facing
- The establishment of an assessment and referral system for `ohana living in poverty, to get the supports that they need

Mahalo for the opportunity to provide testimony in support with recommendations for HB239.



February 25, 2025

Members of the House Committee on Judiciary & Hawaiian Affairs:

Chair David A. Tarnas

Vice Chair Mahina Poepoe

Rep. Della Au Belatti

Rep. Elle Cochran

Rep. Mark J. Hashem

Rep. Kirstin Kahaloa

Rep. Amy A. Perruso

Rep. Gregg Takayama

Rep. Chris Todd

Rep. Diamond Garcia

Rep. Garner M. Shimizu

Re: HB239 HD1 Relating to Child Abuse

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

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.

On behalf of HSCADV and our 25 member programs statewide, I respectfully submit testimony in support of HB239 HD1.

Our state's definition of "neglect" should clarify that **economic hardship or poverty alone does not mean a child is unsafe or that a parent is unable to care for their child**. Many families face challenges meeting basic needs in our state, especially with the extremely high cost of living. **This amendment is an important step to ensuring that families facing poverty get financial support instead of child welfare involvement when not having enough resources is the main reason they can't meet their children's basic needs.**

Twenty-seven (27) states have already exempted poverty or income-related factors from their definition of child abuse and neglect, and a growing body of research shows improved outcomes for families when states separate poverty and neglect. Families experiencing economic hardship and poverty are reported to child welfare services more often than other families.

By clarifying poverty does not equate to neglect, this change helps our state align with new federal requirements. As of January 4, 2025, Public Law No: 118-258 requires states to have clear policies and training to prevent children from being removed from their families just because of poverty. The same law officially allows federal funds to be used for short-term

financial support to prevent child welfare from removing children due to unmet basic needs. Additionally, the federal Administration for Children and Families (ACF) recently updated the Federal Child Welfare Policy Manual guiding states to “exempt specific circumstances or conditions, including poverty and income-related factors, from the definitions of child abuse and neglect....” According to the ACF, “it is critical to recognize that poverty alone does not equal neglect.”

In the long run, we need policy changes that strengthen economic and concrete support for parents and caregivers, remove barriers to existing public benefit programs, and invest in communities. When families have money and other basic needs, the risk of child maltreatment is lowered, and communities have less contact with the child welfare system. Mahalo for your consideration and the opportunity to testify.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF HB 239, HD1 RELATING TO CHILD ABUSE

TO: House Committee on Judiciary and Hawaiian Affairs
FROM: Tina Andrade, President and CEO, Catholic Charities Hawai'i
Hearing: Tuesday, February 25, 2025 at 2:00pm, CR 325 or via videoconference

Chair Tamas, Vice Chair Poepoe, and Members of the Committee

Catholic Charities Hawai'i supports HB 239, which updates the definition of "child abuse or neglect" to specify that a caregiver is only considered neglectful if they have the financial means to provide for a child's needs but fail to do so, or if they refuse available financial or other reasonable assistance.

Catholic Charities Hawai'i (CCH) is a tax-exempt, community-based organization (CBO) that has been providing social services in Hawai'i for over 77 years. CCH provides programs serving elders, children, families, individuals experiencing homelessness, and immigrants. Our mission is to provide services and advocate for Hawai'i's most vulnerable people. We serve over 40,000 people each year throughout the state.

As a CBO dedicated to serving Hawai'i's most vulnerable children and families, Catholic Charities Hawai'i recognizes the devastating impact that poverty can have on families. This bill ensures that economic hardship or poverty alone is not classified as maltreatment, preventing unnecessary child welfare involvement for families struggling to meet basic needs. With Hawai'i's rising cost of living, many parents face challenges affording essentials like rent, food, and childcare, but financial hardship should not be mistaken for neglect. Rather than relying on child welfare as a safety net, we must invest in direct support and community resources to help families thrive. This change aligns with the Mālama 'Ohana working group's recommendations to prioritize assistance over system involvement, ensuring better outcomes for children. Successful implementation will require clear guidance for mandated reporters, improved referral pathways to economic assistance, updated training, and stronger collaboration across key community partners.

We urge the committee to pass this measure to protect families from unnecessary hardship while ensuring child welfare efforts remain focused on genuine cases of neglect and abuse. Thank you for the opportunity to provide testimony in strong support of HB 239, HD1. If you have any questions, please contact (808) 527-4813.



February 24, 2025

RE: HB239 HD1: Relating to Child Abuse

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs,

I am writing on behalf of Ho'ouikaika Partnership, a coalition representing nearly 50 organizations dedicated to preventing child maltreatment and strengthening families in Maui County. We strongly support HB239 HD1, which amends Hawai'i's statutory definition of child abuse or neglect to clarify that poverty or economic hardship alone does not constitute child maltreatment.

Families experiencing economic instability should receive direct support, not child welfare intervention, when financial hardship alone prevents them from meeting basic needs. Numerous studies demonstrate that separating poverty from neglect significantly improves outcomes for children and families, reducing unnecessary trauma and promoting stability. Moreover, 27 states have already adopted similar definitions, aligning with new federal standards outlined in Public Law No: 118-258 and recent guidance from the Administration for Children and Families.

Passing HB239 HD1 will help establish equitable pathways to assist families through economic supports rather than unnecessary involvement with Child Welfare Services. This change aligns with the recommendations from the Mālama 'Ohana Working Group, which emphasizes the importance of investing in community-based resources like Ka Piko, Family Resource Centers, and Neighborhood Places. Clarifying the distinction between poverty and neglect supports mandated reporters to make more accurate referrals, connecting families to essential resources and reducing systemic biases that disproportionately impact marginalized communities.

We urge your strong support of HB239 HD1, ensuring that economic hardship alone does not separate 'ohana, but instead connects them to the resources they need to thrive.

Mahalo for your consideration and leadership on this important matter.

Sincerely,

Deb Marois
Ho'ouikaika Partnership Coordinator



February 24, 2025

Members of the House Committee on Human Services and Homelessness:

Re: HB239 RELATING TO CHILD ABUSE- Support

Dear Chair Marten, Vice Chair Olds, and members of the House Committee on Human Services and Homelessness:

For over 30 years, DVAC has offered services to assist survivors of domestic violence as they navigate the legal and social service systems to establish freedom, safety, and self-sufficiency. We are the only agency in Hawaii for which 100% of the focus is helping survivors of domestic violence or those affected by it, including children.

I am writing to express my strong support for HB239 as it relates to clarifying that poverty does not always equal neglect for families. This bill amends the definition of "child abuse or neglect" by clarifying that the failure to provide certain needs to a child constitutes child abuse or neglect only if the person or entity responsible for the care of the child is financially able to provide and fails to do so or is offered financial or other reasonable means to provide and fails to accept these offers. This amendment is an important step to ensuring that families experiencing poverty get financial support instead of child welfare involvement when not having enough resources is the main reason they can't meet their children's basic needs.

Being poor does not make someone a bad parent. Poverty is a challenging situation, and while it can create stress and hardships, it does not determine someone's ability to love, care for, or provide for their children in meaningful ways. Many parents facing financial difficulties are incredibly dedicated and do their best to support their children, despite limited resources.

Being a "good parent" is not about wealth—it's about showing love, being present, providing guidance, and ensuring children's emotional and physical needs are met, to the best of one's ability. Many parents who face financial hardship still create loving, supportive environments for their children.

Thank you for allowing me to testify to this matter. I appreciate the legislators who continue to commit to the protection of survivors and the promotion of safer communities.

Mahalo,

Monique R. Ibarra, MSW
Chief Executive Officer

HB-239-HD-1

Submitted on: 2/23/2025 4:04:58 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Veronica Simao | Individual | Oppose | Written Testimony Only |

Comments:

To whom it may concern:

I am writing to oppose HB239 with the following testimony:

1. Bill is subject to interpretation & could actually harm the child by making it legal to not provide basic care in "financial hardship." This bill will dilute the reporting requirement for child abuse and neglect. Write a bill that better supports parents/guardians to avoid this situation.

Please do not allow this bill to pass for the sake of our keiki and 'Ohana. Thank you for your time and consideration.

Sincerely,

Veronica Simao

HB-239-HD-1

Submitted on: 2/23/2025 5:23:14 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|---------------------------|
| Terri Yoshinaga | Individual | Oppose | Written Testimony Only |

Comments:

1. Bill is subject to interpretation & could actually harm the child by making it legal to not provide basic care in "financial hardship." This bill will dilute the reporting requirement for child abuse and neglect. Write a bill that better supports parents/guardians to avoid this situation.
I oppose this bill.

HB-239-HD-1

Submitted on: 2/23/2025 10:57:22 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Cynthia Jones | Individual | Oppose | Written Testimony Only |

Comments:

I oppose HB239. While poverty doesn't equal abuse or neglect, without other solutions in place, keiki may fall more in the cracks and not assisted in a timely manner.

1. Bill is subject to interpretation & could actually harm the child by making it legal to not provide basic care in "financial hardship." This bill will dilute the reporting requirement for child abuse and neglect.
2. Write a bill that better supports parents/guardians to avoid this situation.

Thomas McNorton
HB 239, HD1 (HSCR255) Testimony

Dear Chair HSH and JHA,

I am a masters of social work student at the University of Hawaii at Manoa and social work intern at Lili'uokalani Trust. The views I will express are mine and do not necessarily reflect those of the University of Hawai'i at Manoa, or Lili'uokalani Trust.

I am voicing my support for the proposed amendment to the definition of "child abuse or neglect" under HB 239, HD1 (HSCR255). This amendment seeks to clarify that a parent or caregiver's inability to provide certain needs for a child due solely to a lack of financial resources should not be classified as child abuse or neglect. This change is a necessary and compassionate step toward ensuring that our child welfare system treats families with fairness and understanding, rather than penalizing them for circumstances beyond their control. Poverty is not a choice and it is not a reflection of a parent's love or commitment to their child. Many families across our state struggle to make ends meet, working long hours at low-paying jobs, facing the rising costs of living, and navigating a lack of access to affordable housing, healthcare, and childcare. Despite their best efforts, some parents simply cannot provide everything their children need due to financial limitations. Under the current definition, these families risk being labeled as neglectful, which can lead to unnecessary interventions, family separations, and harm to both parents and children.

When I was 6 years old. My family experienced significant hardship after losing my father to cancer (renal cell carcinoma). My dad was a neurologist at Pali Momi, and his passing left my mother to raise my sister and I as a single parent. Despite her unconditional love, we struggled immensely to make ends meet. My mother did her best to provide for us, but her grief, combined with limited financial resources, made it nearly impossible to meet all of our needs. There were times when we went without things that others might consider essential such as water or electricity, but my mother was far from neglectful or abusive. She did her best under incredibly difficult circumstances, and I am grateful for her sacrifices.

Under the current definition of "child abuse or neglect," families like mine could be unfairly labeled as neglectful simply because they lack the financial means to provide everything their children need. This is not only unjust but also counterproductive. Poverty is not a choice, nor is it a reflection of a parent's love or commitment to their child. Punishing families for being poor only deepens their struggles and creates unnecessary pain for both parents and children.

This change is a matter of equity and justice. Families living in poverty, especially those from marginalized communities, are disproportionately affected by the current definition of

neglect. This amendment helps to address systemic inequities in our child welfare system, ensuring that all families are treated with dignity and fairness, regardless of their economic circumstances.

I urge you to support this amendment. It is a vital step toward creating a more just and compassionate child welfare system, one that supports families in need rather than punishing them for being poor.

Thank you for your attention to this important issue and for your commitment to the well-being of children and families across the state of Hawai'i.

Mahalo,
Thomas McNorton

February 24, 2025

To: Chair Tarnas and members of the Judiciary and Hawaiian Affairs Committee

From: Laurie Arial Tochiki, Co-Chair Mālama 'Ohana Working Group

Re: Testimony in support of HB239

I strongly support HB 239 Relating to Child Abuse, which separates circumstances rooted in poverty from the definition of neglect. Concerns about the efficacy of the child welfare system are not unique to our state. Reform efforts are found throughout the United States, including initiatives led by the Children's Bureau of the federal government, and leaders in the legal community. Separating poverty from the definition of neglect is a part of a national movement of reform. In many ways, the statutory language proposed in this bill follows the actual policy movement of the department. The number of children taken into care has been greatly reduced in 2023-24. Nevertheless, the requested language changes align with the hopes and dreams of our community that the Child Welfare Services office be a highly effective and skillful team handling the most difficult cases, like an intensive care unit in a hospital. And that, whenever possible, families are supported and provided with services before they need CWS intervention, thus potentially saving our state millions of dollars, and preventing further trauma to families and children.

In 2023 the Mālama 'Ohana Working Group was established to develop recommendations to establish a child welfare system that is trauma-informed, sustains a community-based partnership, and responds to the needs of children and families in the system and the community. I serve as Co-Chair of the working group. The working group has completed its work and a full copy of the report can be found at www.malamaohana.net, however the working group is still subject to sunshine law until adjournment sine die. To be clear, the working group will not be making further decisions now that the report has been filed. The working group may meet during the session to provide information to the public about its report but will not make further decisions. Therefore, it is not allowed under sunshine law that more than two of us meet to discuss the report, or next steps. Therefore, I am testifying as a concerned citizen and speaking for the content of the report that was approved by the working group.

Our first task as the Mālama 'Ohana Working Group was to establish an approach to our work by cultivating and modeling the kind of listening and concern that we needed for our working group and modeling the type of child welfare system we hope for. From there, we began with the intense work of interviewing individuals, conducting conversations, and holding group discussions in Permitted Interaction Groups, which helped shape our initial understanding. We then conducted eleven community listening

sessions throughout the state, gathering stories and ideas from each community we visited. Perhaps the most emphatic hope expressed was for a system that helps families before crises occur. Community members want clear, accessible pathways for families to get help without fear of punishment or child removal.

Here is what we heard:

The report strongly emphasizes that neglect is often the primary reason families become involved in the child welfare system, and that poverty and issues connected with poverty are often at the root cause of the assessment of neglect. Many parents shared that they struggled to meet basic needs such as housing, food, and healthcare, and this led to CWS intervention, even when there was no actual abuse or neglect.

Key points include:

1. Poverty is often mistaken for neglect – Families reported being investigated by CWS due to housing instability, lack of childcare, or financial hardship, rather than actual maltreatment.
2. Parents fear seeking help – Many parents avoided asking for assistance because they worried that reaching out for resources (e.g., housing aid, food support) would trigger a CWS investigation.
3. Financial instability makes family reunification harder – Some parents were unable to regain custody of their children because they could not secure stable housing or employment, even when they completed required service plans.
4. The cost-of-living crisis disproportionately affects Native Hawaiian and Pacific Islander families, contributing to their overrepresentation in the child welfare system.
5. Children are unnecessarily separated from their families because of economic hardship, lack of resources, and systemic failures in social support.

During listening sessions, families and community members consistently identified economic hardship as one of the biggest challenges they face. Key themes included:

- Lack of Basic Needs Support – Many parents said, *“If I had stable housing, my kids wouldn’t have been taken.”* Others reported that lack of food, transportation, or childcare made it difficult to comply with service plans.
- Fear and Distrust of the System – Parents expressed frustration that poverty itself seemed to be a reason for child removal, rather than a trigger for additional support.
- Cycle of Harm – One participant shared, *“The system punishes parents for being poor, then makes it harder for them to get their kids back by requiring things they can’t afford.”*
- Barriers to Help – Many families said they struggled to navigate public benefits programs, and some were ineligible due to immigration status or minor income discrepancies.

Recommendations for Addressing Family Poverty

The Mālama 'Ohana Working Group made several recommendations to ensure poverty is addressed as a social issue rather than a child welfare concern:

1. Shift Focus from “Mandatory Reporting” to “Mandatory Supporting.”

- Instead of reporting families to CWS for financial struggles, service providers, schools, and healthcare workers should connect them to direct support services.
- Create a system where asking for help is safe and does not automatically trigger child welfare involvement.

2. Provide Direct Economic Support to Families

- Increase access to rental assistance, subsidized childcare, food security programs, and transportation support.
- Ensure families do not lose custody due to homelessness or inability to meet arbitrary housing requirements (e.g., requiring separate bedrooms when extended families cohabit).
- Expand cash assistance programs for families at risk of CWS involvement.

3. Establish Community-Based Family Resource Centers (Ka Piko)

- Develop community resource hubs where families can access financial aid, parenting support, and crisis intervention services without fear of child removal.
- Ensure that resource centers prioritize culturally appropriate support.

4. Reform CWS Policies to Distinguish Between Poverty and Neglect

- Clarify that poverty alone is not a form of neglect and should not be grounds for removing children.
- Require CWS caseworkers to prioritize financial support referrals over child removal when economic hardship is the primary concern.
- Develop protocols for judges and case workers to consider economic factors in family reunification cases.

5. Improve Access to Affordable Housing and Homelessness Prevention Programs

- Expanding housing-first initiatives to help families secure stable living situations before child removal becomes a consideration.
- Provide short-term rental assistance and transitional housing programs for families at risk of separation.
- Strengthen protections for kinship caregivers who take in children but may lack financial resources.

6. Ensure Equitable Access to Public Benefits

- Remove barriers to SNAP (food stamps), TANF (cash assistance), and Medicaid enrollment for families struggling to meet basic needs.
- Provide navigators or case managers to help families access benefits without fear of CWS involvement.
- Expand legal aid services to help families appeal wrongful denials of benefits.

The report calls for fundamental changes to how child welfare agencies, courts, and service providers respond to family poverty. Instead of punishing families for financial hardship, the system should proactively provide economic support, ensure access to essential services, and work to keep families together. This bill is an important step forward in that direction.

We are grateful for your support of the families and children in the child welfare system, and your efforts to find ways to improve the system.

HB-239-HD-1

Submitted on: 2/24/2025 9:05:14 AM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------|--------------|--------------------|------------------------|
| Cindy R Ajimine | Individual | Oppose | Written Testimony Only |

Comments:

Bill does not fully define many processes related to the issues and subject to interpretation. Doing this could actually harm the child by making it legal to not provide basic care in "financial hardship." This bill will dilute the reporting requirement for child abuse and neglect.

Please consider writing addendums that better supports, encourages and holds parents/guardians accountable to avoid this situation. With education, monitoring, tracking, and public reporting.

Mahalo and thank you. I OPPOSE.

February 24, 2025

To: Representative David A. Tarnas, Chair, and Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

From: Karen Worthington, Private Citizen

Re: **HB 239 HD1: Relating to Child Abuse**
Hawai'i State Capitol, Room 325 and Videoconference, February 25, 2025, 2:00pm

Position: SUPPORT

Dear Representative Tarnas, Representative Poepoe, and Committee Members:

Thank you for the opportunity to provide testimony in support of HB 239 HD1, which amends the definition of child abuse or neglect in HRS § 350-1 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 due to a lack of financial resources. This change is a critical step to ensuring that Hawai'i families experiencing severe economic hardships receive the help they need to create safe, stable, and nurturing environments for their keiki.

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. I have worked extensively with Hawai'i state departments and nonprofit organizations that support children and families who exist at the margins of our society.

Please pass HB 239 HD1. This definitional change will strengthen our child welfare system in several important ways:

- It aligns Hawai'i with twenty-seven other states that have already exempted poverty from their definition of child abuse and neglect, reflecting an evidence-based understanding that economic hardship alone does not equate to neglect.
- It responds to new federal requirements under Public Law No: 118-258 (enacted January 4, 2025), which requires states to address how they prevent removals solely due to poverty and allows federal funds to be used for short-term financial support to prevent child welfare removals due to unmet basic needs.
- It creates a legal foundation for developing policies and practices that better respond to families' economic needs, ensuring that impoverished families receive supportive services rather than child welfare investigations.
- It aligns with recent federal guidance from the Administration for Children and Families (ACF), which explicitly encourages states to "exempt specific circumstances or conditions, including poverty and income-related factors, from the definitions of child abuse and neglect," recognizing that "poverty alone does not equal neglect."

Research demonstrates that providing economic support is more effective than CWS intervention for families whose challenges stem from poverty. Child well-being and safety improve when struggling

families receive economic and concrete supports. This change will help ensure that families get the right response to their needs - economic assistance rather than child welfare involvement when poverty is the root cause of their challenges. This definition change is part of a broader strategy that includes expanding access to concrete support and economic assistance for families experiencing barriers to meeting basic needs. The bill works alongside other important initiatives, such as the Office of Wellness and Resilience pilot project, to create pathways for families to access necessary support before reaching a crisis point requiring child welfare involvement.

Families in poverty are reported to CWS at higher rates than other families, even when controlling for actual maltreatment. This suggests a systemic bias in how we—including mandated reporters—view and report struggling families. The conditions that often lead to neglect findings - inadequate food, housing instability, lack of supervision while parents work, or untreated medical conditions - are frequently direct results of economic hardship. This statutory change recognizes this reality and creates a framework for providing appropriate support rather than unnecessarily involving families in the child welfare system.

The bill does not create different standards for families based on economic status and it doesn't prevent child welfare involvement when children's basic needs aren't met. Rather, it recognizes that a lack of financial means (commonly referred to as poverty) alone should not be equated with neglect. This interpretation aligns with both the legislative intent expressed in Section 1 of the bill and the practices of other states that have implemented similar statutory changes to encourage “mandatory supporting” before mandatory reporting.

This change is recommended by the Mālama‘Ohana Working Group (see page 123 of the [Final Report](#)) and it is a priority of the 2025 Hawai‘i Children's Policy Agenda and the Hawai‘i Chapter of Prevent Child Abuse America. If you would like additional information related to my testimony, please do not hesitate to contact me at karen@karenworthington.com.

Best regards,

A handwritten signature in dark ink that reads "Karen Worthington". The signature is written in a cursive, flowing style.

Karen Worthington

HB-239-HD-1

Submitted on: 2/24/2025 12:53:26 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Henry Poorman | Individual | Support | Written Testimony Only |

Comments:

To: Representative Tarnas David A., Chair
Representative Poepoe Mahina, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

From: Abigail Poorman

Subject: Support of HB239, Relating to Child Abuse

Hello! My name is Abigail Poorman and I am a student at Kalaheo High School. I strongly support HB239 and would like to ask you to vote yes on this bill. Children of Hawai'i need our help, and should not feel endangered by their own family.

According to the most recent data from the Hawaii Department of Human Services, the state has seen a concerning number of child abuse cases reported annually. In recent years, Hawai'i has reported around 2,000 to 2,500 cases of child abuse and neglect each year. The percentage of child abuse cases is a significant concern, and even a small percentage of abuse cases translates to a large number of affected children. It illustrates the urgent need for enhanced support systems and effective legislation to protect children from harm. By supporting bills related to child abuse prevention, we can work towards reducing these incidents and ensuring safer environments for our children.

Broadening the definition of child abuse can have several significant benefits for Hawai'i, particularly in addressing the unique challenges faced by children in our communities. A broader definition can encompass various forms of abuse, including emotional and psychological abuse, which is often overlooked. By recognizing and addressing these types of abuse, we can ensure that all aspects of child well-being are considered, offering more protection. Expanding the definition allows for early identification of at-risk situations before they escalate into severe abuse. By acknowledging a wider range of harmful behaviors, social services can intervene sooner, potentially preventing long-term trauma and its associated consequences for children. In Hawai'i, the understanding of family dynamics and cultural practices can differ significantly from mainland norms. Broadening the definition of child abuse can help integrate cultural considerations and protect children from harm while respecting cultural differences. This approach fosters an environment where families can seek help without fear of judgment, ultimately ensuring happier and healthier family units.

If HB239 is passed, I believe that it will significantly improve the families of this state. A law that requires families to support their children and broadening the definition can save many children from horrible places.

HB-239-HD-1

Submitted on: 2/24/2025 5:29:48 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Lora Burbage | Individual | Oppose | Written Testimony Only |

Comments:

Aloha,

I oppose this bill because it can relieve the parents of duties to take care of their children. It will give parents the opportunity to make excuses and possibly use the money for things not beneficial to their children. This bill is also very subjective.

Mahalo!

Lora Burbage

HB-239-HD-1

Submitted on: 2/24/2025 11:11:36 PM

Testimony for JHA on 2/25/2025 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Chris Caoagdan | Individual | Oppose | Written Testimony Only |

Comments:

Aloha JHA Committee,

I would like to express my **strong opposition** to HB239 HD1 because this bill is subject to interpretation & could actually harm the affected child by making it legal to not provide basic care in "financial hardship." It will dilute the reporting requirement for child abuse and neglect. I humbly ask that another bill is written that better supports parents/guardians to avoid this situation.

Mahalo for taking the time to consider my testimony in **strong opposition** to HB239 HD1.

Sincerely,

Chris Caoagdan