

**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 239, H.D. 1, S.D. 1, RELATING TO CHILD ABUSE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 25, 2025

TIME: 10:01 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Lynne M. Youmans,
Deputy Attorney General, at 808-587-3050)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

Section 2 of the bill amends the definition of "child abuse or neglect" in section 350-1, Hawaii Revised Statutes (HRS). Specifically, it amends paragraph (1)(D) at page 5, lines 6 through 11, to explicitly provide that a failure to provide certain care to a child is not considered neglect if the caregiver lacks the financial resources to adequately provide for the child's care.

As the preamble of the bill indicates (page 2, lines 1-5), this change is being made to address a situation that currently does not occur in Hawai'i, namely that children are being "remove[d] from their homes solely on the basis of poverty." The Legislature finds that "it is important to statutorily recognize that conditions of poverty alone do not fall within the definition of 'child abuse or neglect.'" We agree that children in Hawai'i are not removed from their homes based solely on the family's lack of financial resources; however, we are concerned that the proposed amendment goes beyond addressing "conditions of poverty alone."

Senate Draft 1 on page 5, lines 9-11, added limits on the use of certain evidence by including the wording: "Evidence of parental request for support shall not be deemed

as evidence of child abuse and neglect" to the definition of "child abuse or neglect."

The Department has two concerns with this new provision.

First, the wording may be subject to challenge as being unconstitutionally vague because there is no definition of "support." This could lead to confusion and problems with implementation because it is not clear whether it is intended to be limited to "financial support" or whether it might include "emotional support," "childcare support," "respite support," or some other more general support that a parent might need.

Second, the Department does not believe that this limitation on the use of evidence is appropriate in a definition section of the HRS. Generally, a definition should not contain substantive provisions of law, and a decision regarding the use of evidence, and the relevance of that evidence to a decision, is the province of a trier of fact in an evidentiary proceeding, such as a Family Court judge in a trial to contest the Department of Human Services' determination of child abuse and neglect.

To address these concerns, the Department recommends reverting to the wording in the House Draft 1 by removing the additional wording in paragraph (1)(D) of the definition of "child abuse or neglect" at page 5, lines 9-11, as follows:

- (D) When the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision[;] and the reason the person responsible for the provision thereof fails, refuses, or is unable to do so is not solely the lack of the person's financial means. ~~[Evidence of parental request for support shall not be deemed as evidence of child abuse and neglect];~~

If the Committee thinks added wording is necessary to ensure that a parental request for support is not considered to be child abuse or neglect, then (1) the type of support should be clarified, and (2) the wording should not be phrased as a substantive provision related to the use of evidence. While we do not think it is necessary, alternate wording to amend paragraph (1)(D) of the definition of "child abuse or neglect," at page 5, lines 3-11, could read as follows:

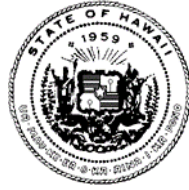
- (D) When the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision[;] and the reason the person responsible for the provision thereof fails, refuses, or is unable to do so is not solely the lack of the person's financial means. **A parental request**

for financial support, on its own, shall not be deemed child abuse or neglect;

Additionally, the Department recommends amending section 1 of the bill, at page 2, lines 13-14, to reflect any changes made in section 2 of the bill.

We respectfully request that if the Committee passes this bill, it makes the requested revision. Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
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 LAWE LAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

March 24, 2025

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 239 HD1 SD1 – RELATING TO CHILD ABUSE.**

Hearing: March 25, 2025, 10:01 a.m.
Conference 016 & Videoconference, State Capitol

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

PURPOSE: This bill amends the definition of "child abuse or neglect" to clarify 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; and evidence of parental request for support shall not be deemed as evidence of child abuse and neglect. Effective 7/1/3000. (SD1)

The Committee on Human Services and Homelessness amended this 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.

The Committee on Health and Human Services further amended the 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.

DHS agrees with the Legislature's findings in Section 1 and acknowledges 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.

As drafted, the proposed amendment may result in confusion by mandated reporters about whether to make a report and may likely result in a non-confirmation of abuse or neglect. However, **the safety risk of child neglect would still exist** as services that reduce child abuse and neglect may not be offered to or accessed by families.

There are 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, as well as well-resourced community and school-based Family Resource Centers, and evidence-based home visiting programs. DHS encourages investment in those initiatives that are the subject of bills or are addressed in the executive budget bill HB300 HD1.

When CWS does not receive, investigate, or confirm a report of child abuse or neglect, no services are offered to a family. Therefore, with this proposed change, children in families that do not have enough concrete needs may not get the assistance they otherwise might because it will be difficult to distinguish clearly what factors may result in neglect.

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 until that neglect results in harms such as those associated with a failure to thrive.

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



TESTIMONY IN SUPPORT TO HOUSE BILL 239 HD 1 SD 1
RELATING TO CHILD ABUSE

Senate Committee on Judiciary
Hawai'i State Capitol

March 25, 2025

10:01AM

Room 016

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 239 HB 1SD 1 which 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; and evidence of parental request for support shall not be deemed as evidence of child abuse and neglect. Although the Department of Human Services does not currently remove children from their homes solely due to poverty, it is important to ensure that statutory definitions reflect this practice.

The cost-of-living crisis disproportionately affects Native Hawaiian families, contributing to their overrepresentation in the child welfare system (CWS). The Child Welfare Services Branch of the Hawai'i Department of Human Services has recognized Native Hawaiian children as a vulnerable group for services for families and children.¹ As of 2019, 1,238 of children in foster care—45 percent of the total—were full or part Native Hawaiian.² In comparison, the 2010 Census reported that just 34 percent of all the children under age 18 in the state were Native Hawaiian.³ The impact of separation from a child's biological family can be particularly detrimental for Native Hawaiian children as it might also mean separation from their culture and homeland.

¹ Seanna Pieper-Jordan, "Hidden data: the untold story of Native Hawaiian children in foster care," Hawai'i Appleseed Center for Law and Economic Justice (April 7, 2024), <https://hiappleseed.org/blog/hidden-data-the-untold-story-of-native-hawaiian-children-in-foster-care>

² Seanna Pieper-Jordan, "Hidden data: the untold story of Native Hawaiian children in foster care," Hawai'i Appleseed Center for Law and Economic Justice (April 7, 2024), <https://hiappleseed.org/blog/hidden-data-the-untold-story-of-native-hawaiian-children-in-foster-care>

³ Seanna Pieper-Jordan, "Hidden data: the untold story of Native Hawaiian children in foster care," Hawai'i Appleseed Center for Law and Economic Justice (April 7, 2024), <https://hiappleseed.org/blog/hidden-data-the-untold-story-of-native-hawaiian-children-in-foster-care>

In their final report⁴, the Mālama 'Ohana Working Group (MOWG) strongly emphasized that neglect is often the primary reason families become involved in CWS, and that poverty and issues connected with poverty are often at the root cause of the assessment of neglect. Many parents shared they struggled meeting basic needs, which led to CWS intervention, even when there was no actual abuse or neglect. This often leads to parents avoiding seeking assistance because they are worried reaching out for resources like housing aid and food support will trigger a CWS investigation. Sadly, some parents were unable to regain custody of their children because they could not secure stable housing or employment, even when they completed the required service plans.

OHA highlights the findings in the Committee on Judiciary & Hawaiian Affairs' report which cited the recent update to the federal Administration for Children and Families' Child Welfare Policy Manual which encourages states to exclude factors such as poverty and income-related issues from the definitions of child abuse and neglect. This measure would align Hawai'i's definition of "child abuse or neglect" with these federal guidelines and improve outcomes for families in need by preventing unnecessary family separations due to financial hardship.

OHA concurs with the MOWG recommendation to shift the focus from "Mandatory Reporting" to "Mandatory Supporting," which will create a system where asking for help is safe and does not automatically trigger child welfare involvement. For these reasons, the Office of Hawaiian Affairs respectfully urges this committee to **PASS HB 239 HD 1 SD 1**. Mahalo nui for the opportunity to provide testimony on this important issue.

⁴ Mālama 'Ohana Working Group Final Report (December 9, 2024), <https://drive.google.com/file/d/1PUNHepPiiwo8pCfxhFJ7fRED-kKYjjaQ/view>



March 25, 2025

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads
Vice Chair Mike Gabbard
Sen. Stanley Chang
Sen. Joy A. San Buenaventura
Sen. Brenton Awa

Re: HB239 HD1 SD1 Relating to Child Abuse

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

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 economic hardship and poverty get concrete and direct 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 that poverty in and of itself 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

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

Sincerely,
Angelina Mercado, Executive Director



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
Hawai'i 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

March 21, 2025

To: Senator Karl Rhoads, Chair
And members of the Committee on Judiciary

TESTIMONY IN SUPPORT OF HB 239 HD1 SD1 RELATING TO **CHILD ABUSE**

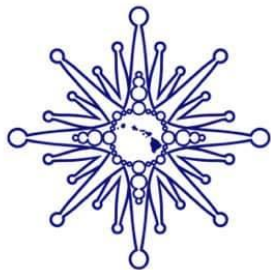
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 239 HD1 SD1 Relating to Child Abuse

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



HAWAII COALITION FOR CHILD PROTECTIVE REFORM

March 21, 2025

Hearing: HB239 regarding clarification of poverty vs. neglect
March 25, 2025

Senator Rhoads and committee members,

The HCCPR strongly supports this bill with comments.

27 states have language that addresses the difference between poverty and neglect. Nationally known researcher/journalist Richard Wexler recommended that poverty be recognized as inability rather than unwillingness to provide basic care for children.

If a report is made to the child hotline and it qualifies for investigation or diversion, the process to assess and address the family situation is already outlined in the Child Protective Act.

H.R. 9076 offers federal funding for states to apply for reimbursement of funds used to alleviate temporary financial needs. It is an option for CWS to issue financial assistance with the least amount of intrusion. If an allocation requires an investigation to remain open, so be it, but it is not necessary to create a safety plan or open a case if a child is not observed to be at risk of harm.

The bill is simply a written recognition of a logical assessment when there is no other concern for a child because there is an overwhelming number of very poor in the child welfare system.



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senate Committee on Judiciary
Re: HB 239 HD 1 SD 1 Relating to Child Abuse

Hawai'i State Capitol, Conference Room 016 & Via Videoconference
Tuesday March 25, 2025, 10:01 AM

Dear Chair Rhoads, Vice Chair Gabbard, 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 SD 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 SD 1.**

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

LATE

HB-239-SD-1

Submitted on: 3/24/2025 10:45:37 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Venus K Rosete-Medeiros	Testifying for Hale Kipa, Inc.	Support	Written Testimony Only

Comments:

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 economic hardship and poverty get concrete and direct 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. This is discrimination and creates lifelong trauma in children.

Please support and pass this bill.

No na keiki, Venus K. Rosete-Medeiros

HB-239-SD-1

Submitted on: 3/23/2025 9:34:13 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Master Shelby "Pikachu" Billionaire	Testifying for Ohana Unity Party & Kingdom of The Hawaiian Islands	Support	Written Testimony Only

Comments:

Subject: Urgent Support for H.B. 239 – Protecting Kids, Fighting Trafficking

To the Esteemed Honorable Legislators of the State of Hawaii,

I'm calling on you to back House Bill 239 (H.B. No. 239) with everything you've got. This isn't just a tweak to the law—it's a game-changer for Hawaii's kids and families, tackling child abuse, neglect, and the dark web of human trafficking tied to drugs and organized crime. Here's why this bill matters, backed by hard local and national data:

- What H.B. 239 Does:
 - Redefines "child abuse or neglect" under Section 350-1, Hawaii Revised Statutes, so parents aren't labeled abusers just because they're broke. If poverty's the only reason they can't provide food, shelter, or care, it's not neglect.
 - Protects parents who ask for help—seeking support isn't evidence of failure; it's a cry for a lifeline.
- Hawaii's Trafficking Crisis:
 - 26.7% of clients served by Child and Family Service across five islands in 2019 reported sex trafficking (2020 ASU/Hawaii Commission report).
 - 2,780 kids at risk annually for commercial sexual exploitation in Hawaii, with the average age of first trafficking at 11 years old (Dept. of Human Services).
 - 75% of victims trafficked by someone they know—often preying on kids in unstable homes.
- National Scope – It's Brutal Out There:
 - 27.6 million people in forced labor globally, including 3.3 million kids (ILO, 2021).
 - 10,583 U.S. trafficking cases in 2022, with 16,554 victims (National Human Trafficking Hotline)—and that's just what's reported.
 - Sex trafficking (38.7%) and labor trafficking (38.8%) fueled by organized crime, using drugs to trap victims (U.S. Dept. of Justice).
- Poverty and Trafficking – The Connection:
 - 60% of child sex trafficking victims nationwide have prior child welfare ties (HHS)—foster kids and runaways are prime targets.

- Hawaii's vulnerable: Poverty limits supervision, opening doors for traffickers linked to drug networks. The Susannah Wesley Community Center sees this daily statewide.
- Economic insecurity drives labor trafficking—kids forced into fields, homes, or streets by criminal enterprises (2022 Trafficking in Persons Report).
- Why This Bill Hits Hard:
 - Stops punishing poverty: No more ripping kids from loving homes into foster care—where trafficking risk skyrockets—over empty wallets.
 - Boosts real anti-trafficking work: Hawaii's zero convictions under its 2016 sex trafficking law (Honolulu Civil Beat, 2022) show we need focus on actual predators, not struggling families.
 - Aligns with prevention: Builds on H.B. 579 (2023) to tackle trafficking roots without breaking families apart.
- The Stakes:
 - Drugs and crime thrive on chaos: Traffickers use substances to control kids—H.B. 239 helps us target the real villains.
 - 1,912 U.S. trafficking referrals to attorneys in 2022 (BJS)—Hawaii can lead by sharpening our laws and resources.

Legislators, H.B. 239 is bold, smart, and urgent. It protects kids, lifts families, and strengthens our fight against trafficking networks tearing at our communities. Vote YES—Hawaii's future depends on it.

Mahalo,

Master Shelby "Pikachu" Billionaire, HRM

Ohana Unity Party, Chairman

www.Ohanaunityparty.com

Kingdom of The Hawaiian Islands, H.I.

HB-239-SD-1

Submitted on: 3/21/2025 2:11:46 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.

LATE

March 24, 2025

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.

LATE

March 24, 2025

To: Senator Karl Rhoads Chair, and Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

From: Karen Worthington, Private Citizen

Re: **HB 239 HD1 SD1: Relating to Child Abuse**
Hawai'i State Capitol, Room 016 and Videoconference, March 25, 2025, 10:01am

Position: SUPPORT

Dear Senator Rhoads, Senator Gabbard, and Committee Members:

Thank you for the opportunity to provide testimony in support of HB 239 HD1 SD1, which amends the definition of child abuse or neglect in HRS § 350-1 by clarifying that the failure to provide for certain needs 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 SD1 with an effective date of July 1, 2025. 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 excluded 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 have clear policies and training to 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."

Public Law No: 118-258 makes it clear that poverty alone is not neglect and emphasizes the importance of keeping families together and providing mandated support instead of requiring mandated reporting. It reinforces the need for family preservation services to support families in crisis due to a lack of resources, rather than removing children solely for poverty-related reasons. This shift helps ensure that economic hardship is not mistaken for neglect, promoting better outcomes for children and families.

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.

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 invest in communities. When families have money and other basic needs, risk of child maltreatment is lowered and communities have less contact with the child welfare system.

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,



Karen Worthington