



**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, RELATING TO CHILD ABUSE.

BEFORE THE:
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

DATE: Tuesday, February 4, 2025 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

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

Chair Marten and Members of the Committee:

The Department of the Attorney General supports the intent of this bill and 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 adds wording to paragraph (1)(D) at page 5, lines 1 through 11, that would require the Department of Human Services (DHS) to determine that the person responsible for a child's care is financially able to provide care and has failed to do so or has refused an offer of a means of providing care before the DHS could determine that a child has been neglected. The purpose of this amendment is to clarify 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'."

While we agree that children in Hawai'i are not removed from their homes based solely on the family's lack of financial resources, and should not be, we are concerned that the proposed amendment goes beyond addressing "conditions of poverty alone." Under the amendment as written, the DHS would be required to affirmatively prove that

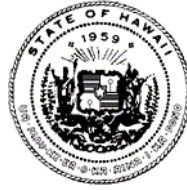
the family had the financial resources to provide for the child before it could confirm neglect and intervene, even in cases where children are neglected because of their parents' safety issues, such as substance use disorders or mental health struggles. In many instances, these issues coexist with poverty. Requiring the DHS to show evidence that the family had sufficient financial resources, even when financial limitations were not the primary factor contributing to inadequate care, could impede the DHS's ability to protect children in unsafe situations.

To ensure that the amendment is consistent with the bill's stated purpose and does not impose an additional evidentiary burden on the DHS, we recommend replacing the amended paragraph (1)(D), on page 5, lines 1 through 11, of the bill with the following wording:

- (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 providing those things fails, refuses, or is unable to do so is not due solely to the lack of the person's financial means;

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 LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 2, 2025

TO: The Honorable Representative Lisa Marten, Chair
House Committee on Human Services & Homelessness

FROM: Ryan I. Yamane, Director

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

Hearing: February 4, 2025, 9:30 a.m.
Conference 329 & 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 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.

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 does not remove children solely on the basis of poverty.

DHS agrees and supports proven strategies that reduce 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 is concerned that, as drafted, the amendment is subject to the interpretation that potentially only children in families with means may be subject to material neglect. As written, potentially, those children may be removed, while the children of families without the financial wherewithal would remain in neglectful conditions, increasing the likelihood of harm. 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.



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
RELATING TO CHILD ABUSE.**

Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair
House Committee on Human Services and Homelessness

February 04, 2025, at 9:30 a.m. Room Number: 329

The Office of Wellness and Resilience (OWR) in the Governor's Office **SUPPORTS** H.B. 239, 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 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

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluprosecutor.org

STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

THE HONORABLE LISA MARTEN, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i

February 3, 2025

RE: H.B. 239; RELATING TO CHILD ABUSE.

Chair Marten, Vice Chair Olds, and members of the House Committee on Human Services and Homelessness, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in opposition to H.B. 239.

H.B. 239 amends the definition of “child abuse or neglect” to exclude inadequate provision of food, clothing, shelter, or healthcare when the deficiency solely arises from poverty. The bill requires a further finding either that the caregiver (1) had sufficient financial resources but still failed to provide for the child or (2) declined economic aid or a reasonable substitute.

These additional provisions dilute the reporting requirement for child abuse and neglect. Under the current law, the Department of Human Services must inform the appropriate police department whenever it receives a report of child abuse or neglect.¹ Imposing a further financial inquiry will delay timely report of child endangerment cases.

No reasonable person equates simple poverty with abuse or neglect. American courts have understood this principle for more than a hundred years.² The statutory definition of child abuse, like any other statute, must be interpreted to avoid absurd construction.³ As H.B. 239 acknowledges the Department of Human Services does not remove children from their homes solely because of poverty.⁴

¹ HRS § 350-2(b).

² See, e.g., *Brock v. Commonwealth*, 268 S.W.315, 315 (Ky. 1925) (observing that poverty, unemployment, and other external circumstances do not qualify as parental abandonment); *Lewis v. State*, 72 Ga. 164, 167-68 (1883) (jury instruction that criminal starvation requires intentional withholding of food, not simply poverty or destitution).

³ HRS § 1-15(3) (“Where the words of a law are ambiguous [e]very construction which leads to an absurdity shall be rejected.”).

⁴ See H.B. 239, p. 2, ll. 1-3.

But caseworkers do encounter child torturers. Starvation is a common method of abuse in these cases. In one nationwide study of extreme child abuse, 89% of the child victims were starved and 79% were fluid-restricted.⁵ Obvious malnourishment and begging for food are two clear warning signs of child abuse.⁶ It is essential for children to receive prompt pediatric evaluation to determine whether their physical symptoms match purported causes.⁷

Child torturers will often lie and deflect blame to avoid detection. They can be highly manipulative and skilled at deception.⁸ Some will not hesitate to game the legal system to retain coercive control over their victims.⁹ Indeed, even after killing a child, torturers may glibly invent fantastic stories to explain the disappearance.¹⁰

Far from overzealous removal, Hawai‘i faces the opposite problem. A recent audit found the Department of Human Services did not meet its existing reporting obligation.¹¹ This bill saddles caseworkers with undertaking a financial assessment or the offer of services before reporting suspected maltreatment. It offers no relief to the innocent poor, while giving the very worst sadists a ready means of delaying detection and escaping justice.

Thank you for the opportunity to testify.

⁵ Barbara L. Knox, et al., *Child Torture as a Form of Child Abuse*, 7 J. CHILD & ADOLESCENT TRAUMA 37, 39 (2014). See also Allison M. Jackson, et al., *Aspects of Abuse: Recognizing and Responding to Child Maltreatment*, 45 Current Problems in Pediatric & Adolescent Health Care 58, 60 (“Child neglect is the most prevalent form of child maltreatment substantiated in the US child welfare system.”).

⁶ *Signs of Child Abuse and Maltreatment*, N.Y. STATE OFFICE OF CHILDREN AND FAMILY SERVICES, available at <https://ocfs.ny.gov/programs/cps/signs.php>.

⁷ Cf. Jackson, *supra* note 5, at 61

⁸ Pamela J. Miller, et al., *Intrafamilial Child Torture: Making the Case for a Distinct Category of Child Maltreatment*, at 17, CHILD MALTREATMENT POLICY RESOURCE CENTER (2021), available at <https://static1.squarespace.com/static/64c7d1ee0140de0c81f26eb9/t/6571d543c87f466b82729fae/1701970829878/CMPRC-ICT-Making-the-Case>.

⁹ Lisa Aronson Fontes & Pamela J. Miller, *Understanding Coercive Control and Intrafamilial Child Torture*, Psychology Today (online), Nov. 18, 2022, available at <https://www.psychologytoday.com/us/blog/invisible-chains/202211/understanding-coercive-control-and-intrafamilial-child-torture>.

¹⁰ See, e.g., *People v. Jennings*, 237 P.3d 474, 486-88 (Cal. 2010) (fabricating a missing-persons report after killing five-year-old son and flinging the corpse down a mineshaft); *Commonwealth v. Tharp*, 830 A.2d 519, 525-27 (Pa. 2003) (fabricating an abduction hoax after starving seven-year-old daughter to death); *DeBlase v. State*, 294 So.3d 154, 179 (Ala. Crim. App. 2018) (fabricating kidnapping account after dumping the corpse of his four-year-old daughter and three-year-old son in separate forests).

¹¹ Report 24-05, Audit of the Department of Human Services’ Child Welfare Services Branch, OFFICE OF THE AUDITOR, at 14 (April 2024) (“Inconsistent communication was further evidenced through the department’s failure to comply with Hawai‘i’s mandated reporting law, which requires all cases of abuse and neglect to be referred to the appropriate county police departments for criminal investigation.”).

HB-239

Submitted on: 2/1/2025 7:24:25 AM

Testimony for HSH on 2/4/2025 9:30:00 AM

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

Comments:

Representative Marten and committee members,

The HCCPR is strongly in support of this amendment to child neglect definition.

To: House Committee on Human Services and Homelessness
Re: HB 239 Relating to Child Abuse

Hawai'i State Capitol, Conference Room 329 & Via Videoconference
Tuesday, February 4, 2025, 9:30 AM

Dear Chair Marten, Vice Chair Olds, and Committee Members,

On behalf of HCANSpeaks! and “Prevent Child Abuse HI” (PCA HI), I am writing in strong support of HB 239. 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.**

My name is Noreen Kohl, PhD, I am a policy researcher and advocate with Hawai'i Children's Action Network (HCAN), and 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

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

Other states that have exempted poverty or income-related factors from their definition of child abuse and neglect indicate the exemption using more direct language. I would like to suggest a

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>).

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.

modification to the current bill language to more explicitly state that poverty does not equate to neglect. For example, according to Wisconsin's statute, "'Neglect' means failure, refusal or inability on the part of a caregiver, *for reasons other than poverty*, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child" (italicized text added for emphasis).

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

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 Hawaii'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

³ *Id.*

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.

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 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. 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**.

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

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).



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 2, 2025

To: Senator Lisa Marten, Chair
And members of the Committee on Human Services and
Homelessness

TESTIMONY IN SUPPORT OF HB 239 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



CATHOLIC CHARITIES HAWAII

TESTIMONY IN SUPPORT OF HB 239 RELATING TO CHILD ABUSE

TO: House Committee on Human Services and Homelessness
FROM: Tina Andrade, President and CEO, Catholic Charities Hawai'i
Hearing: Tuesday, February 4, 2025 at 9:30am, CR 329 or via videoconference

Chair Marten, Vice Chair Olds, and Members of the Committee

Catholic Charities Hawai'i Supports HB 239, which amends the definition of "child abuse or neglect" to clarify that the failure to provide for a child's needs constitutes abuse or neglect only if the caregiver is financially able to provide and fails to do so, or if they are offered financial or other reasonable means of assistance and fail to accept those offers.

Catholic Charities Hawai'i (CCH) is a tax-exempt, nonprofit agency that has been providing social services in Hawai'i for over 75 years. CCH has programs serving elders, children, families, the homeless, and immigrants. Our mission is to provide services and advocacy to the most vulnerable people in Hawai'i. We serve over 40,000 people each year throughout the state.

As a nonprofit organization 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. Financial hardship alone should never be equated with neglect. This measure ensures that struggling families are not unfairly penalized for their economic circumstances and instead receive the support they need to care for their children.

By distinguishing between intentional neglect and circumstances driven by poverty, this bill promotes a more just and compassionate child welfare system. Families facing financial hardship often need access to resources, not punitive interventions. This clarification encourages a more supportive approach that prioritizes assistance over unnecessary child welfare involvement, allowing families to stay together whenever possible.

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



TO: Chair Marten, Vice Chair Olds, members of the House Committee on Human Services & Homelessness

FROM: Dana Matsunami, Child Welfare Attorney at the National Center for Youth Law

RE: Testimony in Support of HB 239: Relating to Child Abuse

Aloha e Committee Members,

My name is Dana Matsunami, I am an attorney at the National Center for Youth Law. I live and work here in Hawai'i, where I focus on issues relating to foster care in our state. I am testifying in **support** of HB 239, which ensures that no family in Hawai'i will be ensnared in child welfare proceedings solely due to financial hardship.

Under current Hawai'i law, a child could be removed from their parents and placed in a foster home – one that is financially compensated for caring for the child – for reasons related solely to the parents' struggle to financially provide for their child. Separating families and placing children in the custody of the state foster system because parents cannot provide for their children due to poverty is an inappropriate and ineffective response to the stated safety concern. We know from the brave personal stories of youth, the tragedies that have occurred in our state, and the hard work of community partners that youth in Hawai'i's foster care system can experience terrible—sometimes tragic—outcomes. Children who are forcibly separated from their families experience long-term emotional and psychological harm caused by attachment instability, fear, and grief.¹ We also know that child welfare interventions overwhelmingly disrupt the lives of Native Hawaiian families. Removing children from their parents and communities is destabilizing and disrupts the natural supports that children need to thrive - and it does not solve the long-term problem of poverty. In fact, research suggests that 31 to 46 percent of youth exiting foster care experience homelessness by age 26.² Responding to poverty-related neglect by placing children in foster care – and compensating their foster home for their care – exacerbates the problem at hand rather than appropriately addressing it.

The Child Welfare Department in Hawai'i has stated that, despite the way the law is currently written, it does not remove children from their parents due to poverty alone. **The law should therefore be amended to reflect this practice** and ensure that no family struggling to provide for their children does not seek help because they fear their children will be taken from them. 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. This approach is designed to address the underlying problem of poverty-related neglect - allowing families to meet their children's needs and thrive. **However, it is essential that this shift does not serve to coerce families into accepting conditional support in order to avoid losing their children.** It is also

¹ Shanta Trivedi, *The Harm of Child Removal*, 43 NYU Rev. of L. & Soc. Change 523 (2019).

² Amy Dworsky, Laura Napolitano & Mark Courtney, *Homelessness in the Transition from Foster Care to Adulthood* 103 (Am. J. Pub. Health No. S2, 2013), <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2013.301455?role=tab>.

essential that families not be required to give up privacy rights to comply with “voluntary” services.

Research has shown that an effective response to poverty-related neglect is to ensure families have access to the resources they need.³ In other words, one of the best ways to protect children is to support their parents – not punish them. In the long-term, 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 met, risk of child maltreatment is lowered.⁴ Financial hardship alone does not mean that a child is unloved, unsafe, or that their parent is incapable of parenting that child. Many children in foster care in Hawai’i want nothing more than to be with their families and for their parents to have the support they need. In listening sessions with foster youth over the last year, youth shared the following sentiments: “stop setting our parents up to fail,” and “the system destroyed any chance we had of being a family.”

The National Center for Youth Law is in strong support of HB 239 as an essential step towards ensuring Hawai’i is responsive to families’ needs rather exacerbating the problem. Mahalo for your time and attention to this important issue.

Dana Matsunami
Skadden Fellow, National Center for Youth Law

³ Katherine Rittenhouse, “Income and Child Maltreatment: Evidence from a Discontinuity in Tax Benefits” (2022) 1, https://krittenh.github.io/katherine-rittenhouse.com/RittenhouseJMP_current.pdf.

⁴ Lindsay R. Bullinger, Analisa Packham & Kerri M. Raissian, *Effects of Universal and Unconditional Cash Transfers on Child Abuse and Neglect* 1-32 (Nat’l Bureau of Econ. Resch., Working Paper No. 31733, 2023), <https://www.nber.org/papers/w31733>.

HB-239

Submitted on: 2/4/2025 1:05:52 AM

Testimony for HSH on 2/4/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Deb Marois	Hoʻoikaika Partnership	Support	Written Testimony Only

Comments:

I am writing on behalf of Hoʻoikaika Partnership, a coalition representing nearly 50 agencies that work together to prevent child maltreatment and strengthen families in Maui County. We urge you to pass HB239. The proposed legislation will help ensure that children are not separated from their families solely due to poverty or economic instability. Research and lived experience show that family separations based on financial hardship can cause lasting trauma and disproportionately impact marginalized communities. The Mālama ʻOhana Working Group reached similar conclusions and recommendations after its analysis of the child welfare system. Rather than directing families in crisis to Child Welfare Services, we must invest in equitable strategies that provide essential resources such as housing support, childcare assistance, and economic relief. Several states already take this approach, recognizing that poverty is not neglect and should not be treated as such. By passing HB239, Hawaiʻi can align with best practices, strengthen family resilience, and uphold the principle that no child should be removed simply because their family is struggling financially. We urge your support of this bill to keep ʻohana together and provide them with the resources they need to thrive.

Mahalo for your time and consideration.

Deb Marois, Hoʻoikaika Partnership Coordinator

HB-239

Submitted on: 1/31/2025 10:17:31 PM

Testimony for HSH on 2/4/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Linde	Individual	Support	Written Testimony Only

Comments:

I am in support of this measure. It is an important clarification to the understanding of neglect.

TO: Chair Marten, Vice Chair Olds, Members of the House Committee on Human Services & Homelessness

FROM: Patricia Chin

RE: Testimony in support of HB 239 Relating to Child Abuse

Aloha e Committee Members,

My name is Patricia Chin, and I am a former foster youth of the Child Welfare System in Hawai'i. I am here to testify in strong support of HB 239, which proposes to amend 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.

As a former foster youth, I vividly recall overhearing conversations about why my siblings and I were placed in Child Welfare Custody. The reasons ranged from the home being unclean, inadequate food, wearing dirty clothes, to family members involved in criminal activity. While some circumstances warranted concern, I am acutely aware that many of these issues stemmed from my mother's lack of financial resources. My mom, a single mother of six, did her best. I remember accompanying her to food banks and never going hungry. I remember wearing sometimes dirty clothes but always feeling loved. I remember the sacrifices she made, allowing certain family members to live with us despite their flaws, because they provided more support than she could alone. I remember her late nights at community college, striving for a degree to secure a better future for us.

These experiences have profoundly shaped me. As a former foster youth, I now keep my house meticulously clean and organized. I ensure my children have more than just canned goods to eat and avoid letting them wear clothes that appear too dirty when we go out. This vigilance stems from a deep-seated fear that if someone perceives otherwise, I will be deemed a bad parent and my children will be taken away. No parent should live in fear of losing their children simply because they are poor.

Passing HB 239 will help create a more just and compassionate system that acknowledges the challenges faced by low-income families and provides necessary support rather than punitive measures. I urge you to recognize the importance of this amendment and support HB 239.

Mahalo for your time and consideration.

Patricia Chin

HB-239

Submitted on: 2/2/2025 7:25:55 PM

Testimony for HSH on 2/4/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Veronica Moore	Individual	Support	Written Testimony Only

Comments:

To: Representative Lisa Marten, Chair

Representative Ikaika Olds, Vice Chair

House Committee on Human Services & Homelessness

House Committee on Judiciary & Hawaiian Affairs

From: Veronica Moore, Individual Citizen

Date: February 2, 2025

RE: Upcoming Hearing for HB239

Measure Title: RELATING TO CHILD ABUSE.

Report Title: Child Abuse; Neglect; Financial Ability

To All Concerned,

My name is Veronica Moore and I support House Bill 239 because the clarification regarding the amended definition of child abuse or neglect is most significant. Thank you for introducing this bill and I appreciate the opportunity to present testimony regarding it.

Sincerely,

Veronica M. Moore

February 2, 2025

To: Chair Marten, and members of the Human Services and Homelessness 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.

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Melissa Mayo, and I write in strong support of HB239, which seeks to amend the definition of “child abuse or neglect” to ensure that poverty alone is not misclassified as neglect. This clarification is critical to preventing unnecessary family separations and ensuring that state intervention focuses on true cases of abuse or willful neglect, rather than punishing families struggling with economic hardship.

As someone who has navigated the child welfare system firsthand—as a former foster youth, resource caregiver, adoptive parent, and advocate—I have seen how poverty can unfairly place families under scrutiny. A lack of financial resources should never be mistaken for a lack of love or commitment to a child’s well-being. Most parents in poverty are doing everything they can to provide for their children, and when given the right support—whether housing assistance, food security, or access to healthcare—they are able to care for them successfully. Instead of removing children from loving homes due to economic hardship, the state should prioritize connecting families with the resources they need to remain intact.

This bill aligns with best practices in child welfare, which emphasize family preservation whenever safely possible. Research consistently shows that removing children from their homes due to poverty-related neglect causes long-term trauma, often outweighing the challenges posed by economic hardship itself. HB239 ensures that intervention is based on a caregiver’s actual ability and willingness to meet a child’s needs, not just their financial circumstances.

Passing HB239 is a necessary step toward a more just, compassionate, and effective child welfare system, one that supports families rather than punishes them for being poor. I strongly urge the committee to pass this bill to prevent unnecessary family separations and ensure that child welfare interventions are rooted in fairness, evidence, and compassion.

Mahalo for your time, dedication, and commitment to improving the Hawai‘i’s Child Welfare System,

Melissa Mayo

President, East Hawaii HI H.O.P.E.S. Youth Leadership Board
Member, Mālama ‘Ohana Working Group

Karen Worthington, Kula, HI 96790

February 3, 2025

To: Representative Marten, Chair, and Representative Olds, Vice Chair
House Committee on Human Services & Homelessness

From: Karen Worthington, Private Citizen

Re: **HB239:** Relating to Child Abuse
Hawai'i State Capitol, Room 329 and Videoconference, February 4, 2025, 9:30am

Position: SUPPORT

Dear Representative Marten, Representative Olds, and Committee Members:

Thank you for the opportunity to provide testimony in support of HB 239, which amends the definition of child abuse or neglect in HRS § 350-1 by clarifying that the failure to provide basic needs to a child constitutes child maltreatment only if the person 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 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.

Please pass HB 239. 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 poverty-related factors from 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.

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.

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 script is cursive and fluid.

Karen Worthington

HB-239

Submitted on: 2/3/2025 11:16:12 AM

Testimony for HSH on 2/4/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support

HB-239

Submitted on: 2/3/2025 1:32:37 PM

Testimony for HSH on 2/4/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Abigail Poorman	Individual	Support	Written Testimony Only

Comments:

To: Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair
Members of the House Committee on Human Services & Homelessness

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 better the families of this state. A law to require families to support their children and broadening the definition can save many children from horrible places.

HB-239

Submitted on: 2/3/2025 7:27:09 PM

Testimony for HSH on 2/4/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, SUPPORT HB239 to include minors that "lives" in an "unsheltered" environment such as a beach park, and so on.