SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH, TO CONVENE A TASK FORCE TO ESTABLISH SAFE AND EFFECTIVE DISCIPLINE FOR ALL CHILDREN IN HAWAII.

WHEREAS, studies have shown that corporal punishment is not an effective form of discipline and instead is linked to an increased risk of negative behavioral, cognitive, psychosocial, and emotional outcomes for children; and

WHEREAS, more specifically, there is overwhelming scientific evidence that using physical discipline to punish children: is ineffective in teaching responsible behavior; impacts normal brain development; delays language development; increases the likelihood of abuse and injury in children; increases aggression in pre-school and school-aged children; increases the likelihood that children will become more defiant and aggressive; teaches children that aggression is an acceptable method of problem solving; increases mental health disorders in children; and has a negative effect on the parent-child relationship; and

WHEREAS, the phrase "corporal punishment," as used by the American Academy of Pediatrics, means non-injurious, open-handed hitting with the intention of modifying child behavior; and

WHEREAS, the American Academy of Pediatrics, an organization of more than sixty-seven thousand pediatricians, issued a policy statement in December 2018 recommending against the use of any form of corporal punishment on children and advocating for the dissemination of safe and effective discipline practices for adults responsible for child care; and

WHEREAS, virtually all professional organizations that are involved with the health, well-being, and safety of children have come to similar conclusions with respect to banning corporal punishment and promoting alternative measures of discipline, including the American Academy of Child and Adolescent Psychiatry, American Psychological Association,
American Public Health Association, American Academy of Family
Physicians, American Bar Association, American Civil Liberties
Union, American Humane Association, American Public Health
Association, and National Association of Pediatric Nurse
Practitioners; and

WHEREAS, although the United States Supreme Court has held
since 1977 that corporal punishment of prisoners is prohibited
by the United States Constitution, the Court has not opined on
whether corporal punishment of children is also prohibited; and

WHEREAS, the Injury Prevention Branch of the United States
Centers for Disease Control and Prevention has urged legislative
action to stop the use of corporal punishment on children; and

WHEREAS, the United Nations Convention on the Rights of the
Child called on all member states as early as 1989 to ban
corporal punishment of children; and

WHEREAS, fifty-four counties have banned corporal
punishment in some form and at least thirty of those countries
fully ban physical punishment of children; and

WHEREAS, in 1973, Hawaii led the nation by becoming the
third state to ban corporal punishment in schools; now,
therefore,

BE IT RESOLVED by the Senate of the Thirtieth Legislature
of the State of Hawaii, Regular Session of 2020, that the State
of Hawaii supports the right of parents to use safe and
effective methods of discipline and teaching; and

BE IT FURTHER RESOLVED that the Department of Human
Services, in collaboration with the Department of Health, is
requested to convene a Task Force on Corporal Punishment to do
the following:

(1) Evaluate scientific research on the use of corporal
punishment on children and the effects thereof;
Recommend strategies to promote, and disseminate information on, safe and effective methods of discipline; and

Make a recommendation to the Legislature on whether corporal punishment of children by their parents or other caregivers should be banned or otherwise limited in Hawaii; and

BE IT FURTHER RESOLVED that the Director of Human Services and the Director of Health are requested to serve as co-chairs of the Task Force and to invite one representative from each of the following entities to serve as members of the Task Force:

1. The Department of the Attorney General;
2. The School Health Section of the Department of Education;
3. The Child Welfare Services Branch of the Department of Human Services;
4. The Maternal and Child Health Branch of the Department of Health;
5. The University of Hawaii School of Medicine;
6. The University of Hawaii School of Nursing;
7. The University of Hawaii School of Social Work;
8. The Judiciary's Zero to Three Court program;
9. The United States Department of Justice;
10. The Kapiolani Medical Center for Women and Children;
(11) Retired judges from the State Judiciary; and

BE IT FURTHER RESOLVED that the Director of Human Services is requested to consider inviting representatives from the following entities to serve as additional non-voting participants of the Task Force:

(1) The Hawaii chapter of the American Academy of Pediatrics;

(2) The Hawaii chapter of the American Academy of Child and Adolescent Psychiatry;

(3) The Hawaii chapter of the American Psychological Association;

(4) The Hawaii chapter of the American Bar Association;

(5) The Hawaii chapter of the National Association of Social Workers;

(6) The Hawaii chapter of the National Association of Pediatric Nurse Practitioners;

(7) A religious organization; and

(8) A parent advocacy organization; and

BE IT FURTHER RESOLVED that the Task Force is requested to submit a report to the Legislature of its findings and recommendations, including any proposed legislation, no later than forty days prior to the convening of the Regular Session of 2021; and

BE IT FURTHER RESOLVED that the members of the Task Force shall serve without compensation; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Attorney General of the United States, Director of Human Services, Director of Health, Superintendent of Education, Attorney General, Administrative Director of the Courts, President of the University of Hawaii,
and the Chief Executive Officer of the Kapiolani Medical Center for Women and Children.

OFFERED BY:

[Signatures]