

STAND. COM. REP. NO.

203

Honolulu, Hawaii

FEB 08, 2023

RE: H.B. No. 350
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 350 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish that the exemption from mandatory reporting of child abuse or neglect by members of the clergy does not apply with the clergy member believes there exists a substantial risk that child abuse or neglect that is especially heinous, atrocious, or cruel, manifesting exceptional depravity, may occur in the reasonably foreseeable future.

Your Committee received testimony in support of this measure from the Department of Human Services, Stonewall Caucus of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that exempting members of the clergy from mandatory reporting of suspected current or future child abuse or neglect creates a danger that extreme cases of abuse and neglect may never be reported to appropriate authorities if details of those cases were only revealed in the context of a penitential communication with the clergy. Your Committee notes the concerns that were raised regarding the lack of a definition for the term "substantial risk" and how that may be difficult to

2023-1076 HB350 HD1 HSCR HMSO



determine for members of the clergy. Your Committee acknowledges these concerns but believes there is merit to establishing a narrow carve out to the mandatory reporting exemption. Such a carve out will ensure the societal obligation to protect vulnerable minors remains intact by requiring clergy to report particularly extreme cases of child abuse and neglect while still maintaining the confidentiality of penitential communications.

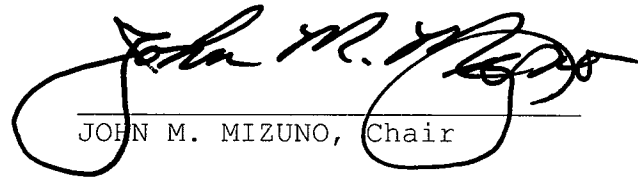
Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider whether the term "substantial risk" should be defined or, alternatively, deleted from this measure.

Your Committee has amended this measure by:

- (1) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 350, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 350, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



JOHN M. MIZUNO, Chair



