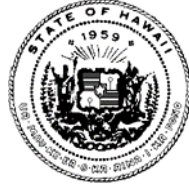


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KE KIA'ĀINA



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KA LUNA HO'OKELE

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STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWĒ KANAKA  
Office of the Director  
P. O. Box 339  
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February 16, 2023

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

FROM: Cathy Betts, Director

SUBJECT: [HB 350 HD1](#) – RELATING TO CHILD ABUSE REPORTING.

Hearing: February 17, 2023, 2:00 p.m.  
Conference Room 309 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this measure, provides comments, and requests a clarifying amendment.

**PURPOSE:** The bill establishes that the exemption from mandatory reporting by members of the clergy does not apply when the clergy member believes that 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. Effective 6/30/3000. (HD1)

The HD1 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.

DHS appreciates the Legislature's commitment to improving the State's child protection and welfare systems. However, given the history of clergy abuse in Hawaii and elsewhere, DHS

previously opposed any exemption from mandatory reporting for clergy. This measure will require clergy to report abuse, even when received in penitential communications, when they are "especially heinous, atrocious, or cruel, manifesting exceptional depravity," as defined in section 706-657, Hawaii Revised Statutes (HRS). For the committee's information, section 706-657, HRS, provides "[a]s used in this section, the phrase "especially heinous, atrocious, or cruel, manifesting exceptional depravity" means a conscienceless or pitiless crime which is unnecessarily torturous to a victim."

DHS respectfully suggests a clarifying amendment to delete "other than a penitential communication" on page 4, lines 7-8, as this additional reference to "penitential communication" is confusing to the reader as it comes after the newly added reportable information.

While many known cases of abuse may not rise to the depravity of this added definition, this proposal will strengthen Hawaii's reporting law as it will require clergy to report abuse even when received from a penitential communication.

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

**HB-350-HD-1**

Submitted on: 2/15/2023 1:16:16 PM

Testimony for JHA on 2/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 350 HD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH

**HB-350-HD-1**

Submitted on: 2/15/2023 3:41:24 PM

Testimony for JHA on 2/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

**HB-350-HD-1**

Submitted on: 2/16/2023 11:27:19 AM

Testimony for JHA on 2/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

In my opinion, there should not be *any* exemption from mandatory reporting for clergy. However, I support tightening the loophole with this measure.