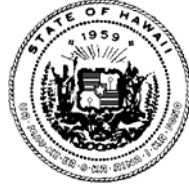


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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

March 21, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health and Human Services

FROM: Cathy Betts, Director

SUBJECT: [HB 350 HD2](#) – RELATING TO CHILD ABUSE REPORTING.

Hearing: March 22, 2023, 1:01 p.m.
Conference Room 225 & Via 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. (HD2)

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.

The HD2 amended the measure by:

- (1) Changing the effective date to upon its approval; 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."

While many known cases of abuse may not rise to the depravity of this added definition, this proposal will strengthen Hawaii's reporting law, requiring 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-2

Submitted on: 3/19/2023 9:50:43 AM

Testimony for HHS on 3/22/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Senators,

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 2.

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-2

Submitted on: 3/17/2023 10:17:41 PM

Testimony for HHS on 3/22/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports HB350. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

HB-350-HD-2

Submitted on: 3/18/2023 6:32:25 PM

Testimony for HHS on 3/22/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support HB350 HD2.

HB-350-HD-2

Submitted on: 3/17/2023 10:48:14 AM

Testimony for HHS on 3/22/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Cards Pintor	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support this bill.

Mahalo nui,

Cards Pintor

HB-350-HD-2

Submitted on: 3/17/2023 8:40:38 AM

Testimony for HHS on 3/22/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD2.

Thank you.