

STAND. COM. REP. NO.

255

Honolulu, Hawaii

FEB 10 , 2025

RE: H.B. No. 239
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 239 entitled:

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

begs leave to report as follows:

The purpose of this measure is 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.

Your Committee received testimony in support of this measure from the Office of Wellness and Resilience; Department of the Attorney General; Hawaii Coalition for Child Protective Reform; Hawai'i Children's Action Network Speaks!; Prevent Child Abuse HI; Hawai'i Youth Services Network; Catholic Charities Hawai'i; National Center for Youth Law; Ho'oikaika Partnership; Mālama 'Ohana Working Group; and eight individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney for the City and County of Honolulu. Your Committee received comments on this measure from the Department of Human Services.

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Your Committee finds that under existing law, the failure to meet a child's basic needs qualifies as child abuse or neglect, even in cases where financial limitations are the primary barrier. Although the Department of Human Services does not currently remove children from their homes solely due to poverty, it is important to ensure that statutory definitions reflect this practice.

Your Committee has amended this measure by:

- (1) Clarifying that a failure to provide certain care to a child is not considered neglect if the sole reason is that the caregiver lacks the financial resources to adequately provide for the child's care;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 239, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 239, 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 &
Homelessness,



LISA MARTEN, Chair



