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March 18, 2025

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 1098 HD1 SD1 – RELATING TO CRIMES AGAINST PROTECTIVE SERVICE WORKERS.**

Hearing: March 28, 2025, 10:02 a.m.
Conference Room 016 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration measure, provides comments, and respectfully requests an amendment to make the effective date effective upon approval.

PURPOSE: This bill specifies that intentionally or knowingly causing bodily injury to a protective services worker who is engaged in the performance of the worker's duties constitutes the offense of assault in the second degree, which is a class C felony. Clarifies that a protective services worker is a public servant for the purposes of terroristic threatening in the first degree. Effective 12/31/2050. (SD1)

The House Committee on Human Services & Homelessness amended the measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making a technical, non-substantive amendment for the purposes of clarity, consistency, and style.

The Committee on Health and Human Services further amended the measure by inserting an effective date of December 31, 2050, to encourage further discussion.

Considering recent threats to protective service workers and efforts to support a safe environment for the protective services workforce, this bill, along with other strategies, is essential to the health and well-being of staff and the effective continuation of their important work statewide.

Protective services workers perform essential public services as they investigate, prevent, and address abuse and neglect of children and vulnerable adults. These State workers face the results of trauma and violence on a daily basis and also experience threats of violence and harassment while performing their job duties and while in the community. Similar to police officers and firefighters, State protective services workers put themselves in harm's way as part of their work as they confront individuals who are known or suspected abusers. This bill adds protective services workers to the list of other public servants included in section 707-711, Hawaii Revised Statutes (HRS), regarding Assault in the Second Degree, and section 707-716, HRS, Terroristic Threatening in the First Degree.

Protective services workers are often targets of physical violence and death threats perpetrated by individuals involved in protective services cases. Anecdotal data indicate that most State protective services workers who have been employed for approximately five years or more have experienced serious threats and/or physical assaults in the course of their work for the State.

When protective services workers are threatened with death or suffer bodily harm, they report that they fear for their physical safety and the safety of their family members. These experiences impact their focus on work because their physical and mental health is compromised. Some staff members have left their jobs at DHS to seek safer work environments.

What Hawaii protective services workers have reported is consistent with national research on harm to child welfare staff. Results of a 2003 research study by Dr. Christina E. Newhill (Newhill, C. E. (2003). *Client violence in social work practice: Prevention, intervention, and research*. Guilford Press: New York.) noted that child welfare social workers who were harmed by clients, experienced anger, anxiety, shock, helplessness, physical exhaustion, feelings of inadequacy, sleeplessness, intrusive thoughts, and self-blame.

The emotional and physical toll on the State's protective services staff may affect the quality of workers' assessments and responses in addressing the safety of children and vulnerable adults. The public is impacted by the original assault or threat on staff, as it leads to increased staff vacancies that exacerbate the complexity and challenges of providing effective services in a timely manner.

Enhanced penalties are an effort at deterrence. Other strategies include increased law enforcement presence in lobbies and around office areas; safety briefings by law enforcement; "panic buttons" in staff offices and *Safer Watch* phone applications for staff experiencing active threats; increased use of State ID badges; limited building entry points; ensuring protective services staff are aware of and can easily access resources for support, especially mental health services including trauma support through contracted services; updated staff safety procedures and guidelines; and updated information on applying for a restraining order.

DHS is optimistic that this bill will result in a decrease in situations where protective services workers suffer from bodily injury or death threats and may decrease the need for visible law enforcement officers so that the in-office work environment is safe for clients and staff and is not as intimidating.

In addition, the passage of this bill would publicly demonstrate that the State values protective services staff and understands the danger and importance of their daily work. If protective services workers are valued, safe, and protected, recruitment and retention will improve. Improved recruitment and retention will translate to having enough staff to support enhanced service provisions to children, vulnerable adults, and their families in communities throughout the State.

Thank you for the opportunity to provide testimony in support of this measure.

HB-1098-SD-1

Submitted on: 3/26/2025 1:19:05 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
jessica dias	Testifying for Free Citizens of Maunaloa	Oppose	Written Testimony Only

Comments:

The fact that you want to pass a bill protecting government workers when they harm children speaks volumes of you. I OPPOSE this bill, and suggest one that instead strengthens protections for the vulnerable children of Hawaii.

HB-1098-SD-1

Submitted on: 3/25/2025 6:39:58 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Jen	Individual	Oppose	Written Testimony Only

Comments:

Public servants are not a special class of citizen. They should not get sepcial treatment, or special protective statutes.

HB-1098-SD-1

Submitted on: 3/26/2025 3:23:41 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-1098-SD-1

Submitted on: 3/26/2025 4:01:50 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Miyata	Individual	Oppose	Written Testimony Only

Comments:

Please vote NO on HB 1098. We want more protection for the children and their families in the system.

Mahalo,

Linda

HB-1098-SD-1

Submitted on: 3/26/2025 7:28:24 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Rita Wong	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB1098. This bill provides greater protections for child welfare workers while allowing for LESS protections of children and families in the system.

LATE

HB-1098-SD-1

Submitted on: 3/27/2025 8:58:34 PM

Testimony for JDC on 3/28/2025 10:02:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia M. Yano	Individual	Oppose	Written Testimony Only

Comments:

I am requesting your opposition for this Bill.

It would provide less protection for children and families, which is unbalanced.

Thank you for considering my viewpoint May wisdom guide your decision.