



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
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WASHINGTON, D.C. 20301-1500

MANPOWER AND
RESERVE AFFAIRS

February 3, 2025

The Honorable Senator Brandon J.C. Elefante
Chair, Committee on Public Safety and Military Affairs

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

Hawaii State Capitol
415 S Beretania Street
Honolulu, HI 96813

RE: DoD SUPPORT letter for SB 951 – Relating to Child Protection.

Dear Chairs Elefante and San Buenaventura, and Members of the Committees:

On behalf of the United States Department of Defense (DoD) and military families stationed in Hawaii, I am writing to express support for the policy changes provided within SB 951, with proposed amendments.

DoD is required by Section 1787 of Title 10, United States Code, to establish the Family Advocacy Program (FAP) to address prevention of, and response to child abuse and neglect cases involving children in military families. FAP services are available at every military installation where families are assigned and is delivered through the military service components (Army, Air Force, Space Force, Navy, Marine Corps, and Coast Guard) who work in coordination with key installation personnel and civilian agencies to:

- Prevent abuse
- Encourage early identification and prompt reporting
- Promote victim safety and empowerment
- Provide appropriate treatment for affected service members and their families

Federal law also requires all DoD personnel to report any suspected cases of child abuse and/or neglect to military officials and FAP personnel, and to local authorities and child welfare services (CWS) offices, but with many active-duty military families living in communities located outside of military installations, combined by their frequent moves, incidences of child abuse and/or neglect may remain unknown to the military. Furthermore, there is no corresponding requirement for state and local CWS offices to notify military officials of allegations of child abuse and/or neglect or when an investigation involving a military family is being conducted; consequently, military families who are at-risk may not receive critical preventative and rehabilitative services that can be provided by the FAP during all stages of ongoing investigations.

The policy proposed within SB 951, if approved, would codify a reciprocal State requirement that will support the statutory responsibility of the military service components to report allegations of child abuse and neglect to the State, increase military families' access to prevention services, and facilitate better coordination of available state child welfare services and military preventative and rehabilitative services in support of military children and families. Currently, 35 states have enacted this policy and four states, including Hawaii, have introduced bills this year to address this issue.

We truly appreciate Hawaii's ongoing support of our military service members and their families and welcome continued discussions and collaboration with the Hawaii Department of Human Services, Child Welfare Services Branch, as well as the Hawaii Department of the Attorney General.

Thank you, Chair San Buenaventura for sponsoring this important measure, and thank you to members of both committees for taking the time to consider this issue.

Sincerely,

Kelli May Douglas
Pacific Southwest Regional Liaison
Defense-State Liaison Office
571-265-0075

SB-951

Submitted on: 2/6/2025 4:00:47 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathleen Chiarantona	Testifying for Department of Defense	Support	Remotely Via Zoom

Comments:

Participating to support DoD representative testimony as the Subject Matter Expert for U.S. Department of Defense.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
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 LAWELawe KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 6, 2025

TO: The Honorable Senator Brandon J.C. Elefante, Chair
Senate Committee on Public Safety

The Honorable Senator San Buenaventura, Chair
Senate Committee on Health and Human Services

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 951 – RELATING TO CHILD PROTECTION.**

Hearing: February 7, 2025, 3:10 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure, defers to the Department of the Attorney General, and provides comments.

PURPOSE: Requires reports of child abuse or neglect to include the military status of the child's parent or guardian, if known. Requires the Department of Human Services to make efforts to determine the military status of a person implicated in child abuse or neglect and to inform the appropriate Department of Defense family advocacy program of an open investigation of a member of the United States military. Requires the Director of Human Services to amend or adopt rules, to authorize the disclosure to Department of Defense family advocacy programs any allegations of child abuse or neglect involving a member of the United States military.¹

¹ The legislative status sheet for this measure includes the term "mandatory reports," we note that section 350-1.1, Hawaii Revised Statutes (HRS), identifies those persons who, in their professional or official capacity, must report child abuse or neglect. These persons are commonly known as "mandated reporters" and reports from these "mandated reporters" are sometimes known as "mandatory reports."

DHS agrees that establishing a consistent protocol for the cross-reporting of child abuse and neglect cases involving Department of Defense families is necessary to ensure the safety of all children in Hawaii, including those who live on military installations. However, as drafted, DHS respectfully provides the following comments and concerns:

- Adding "Director" to the definitions of 350-1 is extraneous, and Section 1 should be deleted.
- Regarding military status (page 2, line 2), DHS requests clarifications from the Department of Defense as to the best available data source or website that DHS Child Welfare Services intake workers may access to make the determination and whether all types of "military status" are to be reported if known, (e.g., active duty, reserve, National Guard, veteran, and retired).
- DHS requests clarification on whether "every report" includes reports prior to an investigation, whether there is a confirmation or not following an investigation, and whether only reports from "mandated reporters" are to be transmitted. In addition to reports made by persons identified in subsection 350.1-1(a), HRS, the section that identifies those referred to as "mandated reporters," DHS also receives reports from the general public. We also note that the Family Advocacy Programs are not a 24-hour program like a law enforcement entity that receives reports at all hours. It would be unduly burdensome for DHS to determine the military status and transmit "every report" as the bill proposes, as DHS receives far more reports than are confirmed. DHS requires clarification of the point-in-time of the report and whether "every report" includes reports from all sources.
- DHS prefers that a central reporting line be provided instead of requiring DHS intake workers to determine which family advocacy program is the appropriate one, especially since Hawaii has every branch of the military (e.g., Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard), and other Department of Defense agencies.
- DHS requests a technical amendment *not* to add a new subsection (c) to section 350-1, HRS, (page 3, starting at line 3) and instead *renumber* (b) to have parts (1) and (2) so that subsections (c) through (i) remain as they are currently enumerated.

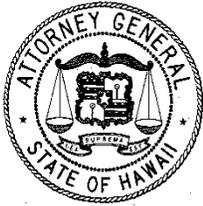
Maintaining the current enumeration will avoid misaligning other statutes or forms that refer to the current subsections.

- Section 4 of the bill is not necessary and should be deleted as subsection 350-1.1(e), HRS, already authorizes the Director to adopt, amend, or repeal rules to implement Chapter 350, HRS.

DHS prefers that cross-reporting child abuse and neglect concerning Department of Defense families be consistent with the reporting requirements between DHS and police departments, per section 350-2(b), HRS.

DHS, the Department of the Attorney General, and Department of Defense officials have been in discussion regarding these protocols and will continue to meet throughout the session with the aim of resolving these concerns.

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



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 951, RELATING TO CHILD PROTECTION.

BEFORE THE:

SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES AND ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Friday, February 7, 2025

TIME: 3:10 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lynne M. Youmans, Deputy Attorney General

Chairs San Buenaventura and Elefante and Members of the Committees:

The Attorney General provides the following comments.

Section 1 of this bill adds a definition of "director" to section 350-1, Hawaii Revised Statutes (HRS). Section 2 of this bill amends section 350-2, HRS, to require mandated reporters to provide the military status of a child's parents, if known, to the Department of Human Services (DHS) in a follow-up written report after an oral report of child abuse and neglect. Section 3 of this bill amends section 350-2, HRS, to require DHS to report child abuse and neglect to "the appropriate Department of Defense family advocacy program" when the person "implicated" is a member of the United States military. Section 4 of the bill requires the DHS to adopt rules to authorize the sharing of information in a report to the military.

First, as a technical matter, Act 147, Session Laws of Hawaii 2024 (Act 147), amended section 350-2, HRS, effective July 1, 2025. This bill, however, amends the current version of section 350-2, HRS, without accounting for those upcoming changes. Because the bill may be enacted after July 1, 2025, thereby inadvertently repealing the changes made by Act 147, we recommend revising the bill to amend the version of section 350-2, HRS, that will be in effect after July 1, 2025, and setting July 1, 2025, as the bill's effective date. In addition, section 1 of the bill adds a definition of "director" in

section 350-1, HRS, but that term is not used in the rest of the bill and is therefore unnecessary.

Second, the bill is unclear about when the DHS needs to report child abuse and neglect case to the Department of Defense (DOD). Specifically, it is unclear whether this duty extends beyond the initial intake and lasts throughout the DHS investigation and possibly throughout the pendency of a case filed pursuant to chapter 587A, HRS, the Child Protective Act. We suggest amending the bill to clarify that the reporting requirement is a requirement to cross report an allegation received by the DHS at the initial intake, and does not extend into the DHS's, or the Family Court's, ongoing work with the family. The bill states that DHS must report cases where a military member is "implicated," but the term "implicated" is neither defined nor used elsewhere in chapter 350 or 587A, HRS. To avoid ambiguity, we recommend deleting or defining this term.

Finally, section 4 of the bill is unnecessary and should be deleted. The DHS has already adopted administrative rules addressing confidentiality that provide for the sharing of information with governmental, civilian, or military entities investigating or working with families who are the subject of a child abuse or neglect report. Because additional rulemaking is not required to implement this bill, we recommend deleting section 4.

Because the requested amendments are substantial, we have attached a proposed draft with our recommended revisions. If this Committee passes the bill, we respectfully request that our proposed changes be incorporated. Thank you for the opportunity to provide testimony.

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A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 350-1.1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The initial oral report shall be followed as soon as possible by a report in writing to the department; provided that:

- (1) If a police department or the department of law enforcement is the initiating agency, a written report shall be filed with the department for cases that the police or the department of law enforcement takes further action on or for active cases in the department under this chapter;
- (2) All written reports shall contain the name and address of the child and the child's parents or other persons responsible for the child's care, if known^[7]; the military status of the child's parents or other persons responsible for the child's care, if known; the child's age^[7]; the nature and extent of the

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PROPOSED S.D. 1

- child's injuries[~~7~~]; and any other information that the reporter believes might be helpful or relevant to the investigation of the child abuse or neglect; and
- (3) This subsection shall not be construed to serve as a cause of action against the department, the police, or the department of law enforcement."

SECTION 2. Section 350-2, Hawaii Revised Statutes, is amended to read as follows:

"§350-2 Action on reporting. (a) Upon receiving a report concerning child abuse or neglect, the department shall proceed pursuant to chapter 587A and the department's rules.

(b) The department shall inform the appropriate police department of all reports received by the department regarding a case of child abuse or neglect, including reports received under section 350-1.1; provided that the name of the person who reported the case of child abuse or neglect shall be released to the police department pursuant only to court order or the person's consent.

(c) Upon receiving a report, if there is sufficient information to determine that the report involves a family where one of the parents, guardians, or alleged perpetrators is a member of an identifiable branch of the United States military,

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PROPOSED S.D. 1

the department shall inform the appropriate authority for that branch of the military.

~~[(e)]~~ (d) The department shall inform the appropriate police department or office of the prosecuting attorney of the relevant information concerning a case of child abuse or neglect when the information is required by the police department or the office of the prosecuting attorney for the investigation or prosecution of that case; provided that the name of the person who reported the case of child abuse or neglect shall be released to the police department or the office of the prosecuting attorney pursuant only to court order or the person's consent.

~~[(d)]~~ (e) The department shall maintain a central registry of reported child abuse or neglect cases in accordance with section 350-2.5.

~~[(e)]~~ (f) For a confirmed case of child abuse or neglect that occurred at a licensed or registered child care facility as defined in section 346-151, the department is authorized to disclose that the report of child abuse or neglect was confirmed to any parent or guardian of a child who was enrolled at the licensed or registered child care facility as defined in section 346-151.

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~~[(f)]~~ (g) For a confirmed case of child abuse or neglect that occurred at a child care facility as defined in section 346-151 that is operating in accordance with an exclusion or exemption pursuant to section 346-152 and upon receipt of consent, the department is authorized to disclose the report of child abuse or neglect was confirmed to any parent or guardian of a child who was enrolled at the child care facility.

~~[(g)]~~ (h) For a confirmed case of child abuse or neglect that results in a child's death or near fatality, the department is authorized to disclose to the public:

- (1) The cause of and circumstances regarding the fatality or near fatality;
- (2) The age and gender of the child;
- (3) Information describing any previous reports and results of child abuse or neglect investigations that are pertinent to the child abuse or neglect that led to the fatality or near fatality; and
- (4) The action taken by the department on behalf of the child that is pertinent to the child abuse or neglect that led to the fatality or near fatality.

~~[(h)]~~ (i) The department shall adopt rules as may be necessary in carrying out this section."

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SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act, upon its approval, shall take effect on July 1, 2025.



**TESTIMONY IN SUPPORT OF SB 951
Relating to Child Protection**

Committee on Health and Human Services
Senator Joy San Buenaventura, Chair
Senator Henry Aquino, Vice Chair

Committee on Public Safety and Military Affairs
Senator Brandon Elefante, Chair
Senator Glenn Wakai, Vice Chair

Friday, February 7, 2025 at 3:10 PM
Conference Room 225 & Videoconference
415 South Beretania Street

Aloha Chairs San Buenaventura and Elefante, Vice Chairs Aquino and Wakai, and Members of the Committees:

The Hawaii Military Affairs Council ("MAC") supports SB 951 which requires mandatory reports of child abuse or neglect to include the military status of the child's parent or guardian, if known; requires the Department of Human Services to make efforts to determine the military status of a person implicated in child abuse or neglect and to inform the appropriate Department of Defense family advocacy program of an open investigation of a member of the United States military; requires the Director of Human Services to amend or adopt rules, to authorize the disclosure to Department of Defense family advocacy programs any allegations of child and abuse or neglect involving a member of the United States military.

The MAC was established in 1985 when the Chamber was appointed by the State to serve as the liaison to the military. The MAC advocates on behalf of Hawaii's military, and is comprised of business leaders, academic institutions, State and County officials, members of the CODEL, community leaders, labor unions and organizations and retired U.S. flag and general officers. The MAC works to support Hawaii's location as a strategic U.S. headquarters in the Indo-Asia-Pacific region which is crucial for U.S. national and homeland security.

SB 951 aims to address a critical gap in child protection for military families. While federal law requires Department of Defense personnel to report suspected child abuse or neglect to both military and local authorities, there is no reciprocal requirement for state and local child welfare



services to notify military officials of such cases involving military families. This gap can result in at-risk military families missing out on crucial preventative and rehabilitative services offered by the Family Advocacy Program (FAP). This measure would establish a reciprocal state requirement, enhancing coordination between state child welfare services and military support systems, ultimately improving access to prevention and rehabilitation services for military children and families.

This approach has already been adopted by 35 states, with Hawaii and others currently considering similar legislation.

Thank you for the opportunity to offer testimony in support.

SB-951

Submitted on: 1/31/2025 10:20:20 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Individual	Support	Written Testimony Only

Comments:

Senator San Buenaventura and committee,

Talia's Law was passed in 2016 that required the military to report child abuse to the State Agency. I presume that this bill effects the reverse notification of CWS to the military when reports are received.

LATE

SB-951

Submitted on: 2/6/2025 9:18:37 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry SUPPORT 951 SB RELATING TO CHILD PROTECTION.