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February 9, 2009

MEMORANDUM

TO: Honorable John M. Mizuno, Chair  
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 275 - RELATING TO MANDATORY REPORTING OF CHILD  
ABUSE AND NEGLECT

Hearing: Monday, February 9, 2009, 8:15 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of this bill is to broaden the group of persons required to report child abuse and neglect to include family members, unless they are victims of domestic violence.

**DEPARTMENT'S POSITION:** The Department of Human Services strongly supports this bill because it will help to ensure the safety of children.

Currently, the law does not require family members to immediately report any known or suspected child abuse or neglect to the department or the police. In many instances, the family has first-hand knowledge of abuse or neglect situations within their family not available to other persons who have no interactions within the family. However, because of the family's connection, the abuse or neglect is not reported, sometimes resulting in serious health and safety consequences for the child.

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One recent example is the recent case where a member of the child's extended family told the media that family members knew of the child's neglectful circumstances for many years after the child was returned to her parents and had tried unsuccessfully to intervene, but they made no report to Child Welfare Services (CWS) or the police. The child was not otherwise reported to CWS nor the police, since the child was isolated by the parents and had no contact with mandated reporters such as the police, schools, medical personnel, or others who could have suspected and reported the child's situation to CWS or the police, except for the child's contact with the child's parents and their extended family.

The Department appreciates the sensitive and volatile nature of domestic abuse, however, we cannot support the exclusion of victims of domestic violence - "under this section if the alleged perpetrator is actively abusing both the child and the family member." This is one of the most dangerous situations for a child and one that must be reported to help ensure the safety of the child. The current reporting process allows reporters to remain anonymous and/or to request that their identity be kept confidential and not shared with the perpetrator.

This amendment will help ensure that instances of known child abuse or neglect will be reported, as required by law, directly and without delay to CWS or the police by those who observe it including family members. This will also ensure that the best evidence of abuse or neglect is obtained because it is reported directly by those who observe it which will provide CWS and the

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police the opportunity to intervene to ensure the safety and well-being of children.

Thank you for this opportunity to testify.

# HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Hearing date and time: February 9, 2009 at 8:15p.m., Committees on Human

RE: H.B. 275, Relating to Mandatory Reporting of Child Abuse and Neglect

TO: Chair Mizuno, Vice Chair Brower and members of the Committee on Human Services

FROM: Carol Lee (clee@hscadv.org), Hawaii State Coalition Against Domestic Violence

Aloha, my name is Carol Lee. The Hawaii State Coalition Against Domestic Violence (HSCADV). HSCADV is a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV supports the intent of HB275 with comments.

Protecting children is one of the most important acts our society undertakes. HB275 attempts to create another avenue for families to receive services while acknowledging that victims of domestic violence are frequently unable to report child abuse.

HSCADV has concerns about how and by whom victims of domestic violence are defined. We also would like to raise concerns regarding the language stating that the child and family member is being "actively" abused. This is largely open to interpretation as to what constitutes "active" abuse. Many victims fear their batterer even if they are not being physically abused at the time. The power and control dynamics that rule abusive relationships often silence victims of domestic violence.

Thank you for the opportunity to testify.