

JAN 21 2020

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH, TO CONVENE A TASK FORCE TO ESTABLISH SAFE AND EFFECTIVE DISCIPLINE FOR ALL CHILDREN IN HAWAII.

1 WHEREAS, studies have shown that corporal punishment is not
2 an effective form of discipline and instead is linked to an
3 increased risk of negative behavioral, cognitive, psychosocial,
4 and emotional outcomes for children; and

5
6 WHEREAS, more specifically, there is overwhelming
7 scientific evidence that using physical discipline to punish
8 children: is ineffective in teaching responsible behavior;
9 impacts normal brain development; delays language development;
10 increases the likelihood of abuse and injury in children;
11 increases aggression in pre-school and school-aged children;
12 increases the likelihood that children will become more defiant
13 and aggressive; teaches children that aggression is an
14 acceptable method of problem solving; increases mental health
15 disorders in children; and has a negative effect on the parent-
16 child relationship; and

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18 WHEREAS, the phrase "corporal punishment," as used by the
19 American Academy of Pediatrics, means non-injurious, open-handed
20 hitting with the intention of modifying child behavior; and

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22 WHEREAS, the American Academy of Pediatrics, an
23 organization of more than sixty-seven thousand pediatricians,
24 issued a policy statement in December 2018 recommending against
25 the use of any form of corporal punishment on children and
26 advocating for the dissemination of safe and effective
27 discipline practices for adults responsible for child care; and

28
29 WHEREAS, virtually all professional organizations that are
30 involved with the health, well-being, and safety of children
31 have come to similar conclusions with respect to banning
32 corporal punishment and promoting alternative measures of
33 discipline, including the American Academy of Child and
34 Adolescent Psychiatry, American Psychological Association,



1 American Public Health Association, American Academy of Family
2 Physicians, American Bar Association, American Civil Liberties
3 Union, American Humane Association, American Public Health
4 Association, and National Association of Pediatric Nurse
5 Practitioners; and
6

7 WHEREAS, although the United States Supreme Court has held
8 since 1977 that corporal punishment of prisoners is prohibited
9 by the United States Constitution, the Court has not opined on
10 whether corporal punishment of children is also prohibited; and
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12 WHEREAS, the Injury Prevention Branch of the United States
13 Centers for Disease Control and Prevention has urged legislative
14 action to stop the use of corporal punishment on children; and
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16 WHEREAS, the United Nations Convention on the Rights of the
17 Child called on all member states as early as 1989 to ban
18 corporal punishment of children; and
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20 WHEREAS, fifty-four counties have banned corporal
21 punishment in some form and at least thirty of those countries
22 fully ban physical punishment of children; and
23

24 WHEREAS, in 1973, Hawaii led the nation by becoming the
25 third state to ban corporal punishment in schools; now,
26 therefore,
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28 BE IT RESOLVED by the Senate of the Thirtieth Legislature
29 of the State of Hawaii, Regular Session of 2020, that the State
30 of Hawaii supports the right of parents to use safe and
31 effective methods of discipline and teaching; and
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33 BE IT FURTHER RESOLVED that the Department of Human
34 Services, in collaboration with the Department of Health, is
35 requested to convene a Task Force on Corporal Punishment to do
36 the following:
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- 38 (1) Evaluate scientific research on the use of corporal
39 punishment on children and the effects thereof;
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- 1 (2) Recommend strategies to promote, and disseminate
2 information on, safe and effective methods of
3 discipline; and
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- 5 (3) Make a recommendation to the Legislature on whether
6 corporal punishment of children by their parents or
7 other caregivers should be banned or otherwise limited
8 in Hawaii; and
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10 BE IT FURTHER RESOLVED that the Director of Human Services
11 and the Director of Health are requested to serve as co-chairs
12 of the Task Force and to invite one representative from each of
13 the following entities to serve as members of the Task Force:
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- 15 (1) The Department of the Attorney General;
- 16
- 17 (2) The School Health Section of the Department of
18 Education;
- 19
- 20 (3) The Child Welfare Services Branch of the Department of
21 Human Services;
- 22
- 23 (4) The Maternal and Child Health Branch of the Department
24 of Health;
- 25
- 26 (5) The University of Hawaii School of Medicine;
- 27
- 28 (6) The University of Hawaii School of Nursing;
- 29
- 30 (7) The University of Hawaii School of Social Work;
- 31
- 32 (8) The Judiciary's Zero to Three Court program;
- 33
- 34 (9) The United States Department of Justice;
- 35
- 36 (10) The Kapiolani Medical Center for Women and Children;
37 and
38



1 (11) Retired judges from the State Judiciary; and

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3 BE IT FURTHER RESOLVED that the Director of Human Services
4 is requested to consider inviting representatives from the
5 following entities to serve as additional non-voting
6 participants of the Task Force:

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8 (1) The Hawaii chapter of the American Academy of
9 Pediatrics;

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11 (2) The Hawaii chapter of the American Academy of Child
12 and Adolescent Psychiatry;

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14 (3) The Hawaii chapter of the American Psychological
15 Association;

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17 (4) The Hawaii chapter of the American Bar Association;

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19 (5) The Hawaii chapter of the National Association of
20 Social Workers;

21

22 (6) The Hawaii chapter of the National Association of
23 Pediatric Nurse Practitioners;

24

25 (7) A religious organization; and

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27 (8) A parent advocacy organization; and

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29 BE IT FURTHER RESOLVED that the Task Force is requested to
30 submit a report to the Legislature of its findings and
31 recommendations, including any proposed legislation, no later
32 than forty days prior to the convening of the Regular Session of
33 2021; and

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35 BE IT FURTHER RESOLVED that the members of the Task Force
36 shall serve without compensation; and

37

38 BE IT FURTHER RESOLVED that certified copies of this
39 Resolution be transmitted to the Attorney General of the United
40 States, Director of Human Services, Director of Health,
41 Superintendent of Education, Attorney General, Administrative
42 Director of the Courts, President of the University of Hawaii,



1 and the Chief Executive Officer of the Kapiolani Medical Center
2 for Women and Children.

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OFFERED BY:

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