



**WRITTEN 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, S.D. 1, RELATING TO CHILD PROTECTION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 20, 2025 **TIME:** 10:01 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lynne M. Youmans,
Deputy Attorney General, at 808-587-3050)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

Section 1 of this bill amends section 350-1.1, Hawaii Revised Statutes (HRS), to require mandated reporters to provide the military status of a child's parents, if known, in a follow-up written report to the Department of Human Services (DHS) after an oral report of child abuse and neglect. Section 2 of this bill amends section 350-2, HRS, to require DHS to forward a report of child abuse and neglect to an appropriate authority for the military if it involves a family where a parent, guardian, or alleged perpetrator is a member of an identifiable branch of the United States military.

Consistent with testimony from the Department, the Senate Committees on Health and Human Services and on Public Safety and Military Affairs (Committees) made substantive changes to the bill. The Committees, however, did not resolve a technical issue identified in the Department's testimony regarding the effect of Act 147, Session Laws of Hawaii 2024 (Act 147). The Committees attempted to address this technical issue by changing the effective date of section 2 of the bill to June 30, 2025, the day before Act 147 goes into effect on July 1, 2025. However, this change inadvertently created a new technical issue. The bill adds an additional lettered subsection (c) to the current version of section 350-2, HRS, thereby renumbering

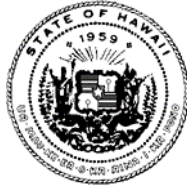
subsequent subsections, including subsection (d) that Act 147 amended, effective as of July 1, 2025.

To address this technical issue, we recommend that the effective date of this bill be **July 1, 2025**, the day after the effective date of Act 147. The Department also requests that subsection (e), on page 3, line 14, to page 4, line 5, be deleted and replaced with the amended wording to reflect the changes to section 350-2 enacted by Act 147 as follows:

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

If this Committee passes the bill, we respectfully request that our proposed changes be incorporated. Thank you for the opportunity to provide testimony.

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 LAWE LAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 19, 2025

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

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 951 SD1 – RELATING TO CHILD PROTECTION.**

Hearing: February 20, 2025, 10:01 a.m.
Conference Room 016 & 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 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 inform the appropriate authority of the United States military when, upon receiving a report of child abuse or neglect, 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. Effective 12/31/2050. (SD1)¹

DHS appreciates the Committees on Health and Human Services and Public Safety and Military Affairs amendments:

(1) Deleting language that would have defined "director" to mean the Director of Human Services;

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."

- (2) Clarifying that upon receiving a report of child abuse or neglect, 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, the Department of Human Services shall inform the appropriate authority for that branch of the military;
- (3) Deleting language that would have required the Director of Human Services to adopt or amend rules to authorize the disclosure to Department of Defense family advocacy groups any reported instances of child abuse or neglect involving a member of the United States military, as the Department of Human Services administrative rules already provide this authority;
- (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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:

- DHS requests clarification on whether "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. DHS receives far more reports than are confirmed. DHS requires clarification of the point-in-time of the report.
- DHS prefers that a central reporting line be provided instead of requiring DHS intake workers to determine "the appropriate authority for that branch of the military," 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 assistance from the Revisor to suggest a technical amendment so that the enumerated sections of section 350-2, HRS, are preserved or consistent with changes that are forthcoming per Act 147, Session Laws of Hawaii 2024. Adding a new paragraph (c) and renumbering the current (c)-(h) may cause misalignment in other

statutory references and procedures based on the current enumeration of section 350-2, HRS.

DHS, the Department of the Attorney General, and Department of Defense officials have been in discussion regarding these protocols; unfortunately, the parties have not had a chance to discuss SD1.

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



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

MANPOWER AND
RESERVE AFFAIRS

February 18, 2025

The Honorable Senator Karl Rhoads
Chair, Committee on Judiciary
Hawaii Senate
415 S Beretania Street
Honolulu, HI 96813

RE: Letter of Support – SB 951 SD1 (Relating to Child Protection)

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

On behalf of the United States Department of Defense (DOD) and military families stationed in Hawai'i, I am writing to express strong support for the policy changes provided within SB 951 SD 1. Currently, 35 states have enacted this policy and four states, including Hawai'i, have introduced bills this year to address this issue. This policy measure is particularly critical to DOD with nearly 26,000 minor children of over 42,000 active-duty military members stationed and living in Hawai'i.

DOD is required to establish the Family Advocacy Program (FAP) to address prevention of, and response to child abuse and neglect cases involving children in military families.¹ All major military installation FAPs offer wrap-around support for families at risk with a focus on prevention²:

- New Parent Support mentoring and training
- Relationship/Marriage counseling, Anger/conflict management, and Family Resiliency workshops
- Military One Source/Military Family Life Counselors: Non-medical Counseling
- Clinical Intervention including counseling and/or treatment
- Victim Advocacy for victims of domestic abuse and non-offending parents of child abuse or neglect victims

Federal law also requires all DOD covered professionals who are mandated reporters 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.

Each Military Service component has established policies to implement DOD policy directives on the response to child abuse and neglect, requiring that installation commands, military law enforcement, and the FAP coordinate with each other and with state and local CWS agencies and law enforcement, including requesting reciprocity of information-sharing requirements regarding instances of alleged child abuse or neglect involving members of the military³. Currently, there is no requirement in Hawai'i Revised Statutes 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,

¹ Code of Federal Regulations Title 32, Subtitle A, Chapter 1, Subchapter D, Part 61, "Family Advocacy Program (FAP)," <https://www.ecfr.gov/current/title-32/subtitle-A/chapter-I/subchapter-D/part-61>.

² DoD Instruction 6400.01 "Family Advocacy Program (FAP)," <https://www.esd.whs.mil/portals/54/Documents/DD/issuances/dodi/640001p.pdf>

³ 10 U.S. Code 1787 "Reporting of child abuse," <https://www.govinfo.gov/app/details/USCODE-2011-title10/USCODE-2011-title10-subtitleA-partII-chap88-subchapI-sec1787>

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 SD 1, if approved, would codify a reciprocal State requirement to 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. We have been in ongoing discussions with the Department of Human Services (DHS) and Deputy Attorney General (AG) to address potential implications of the measure and are satisfied that our collaboration has resulted in the current language that incorporates our respective requirements. We are committed to continued coordination with DHS and the AG's office to develop specific guidance on mutual policies, procedures, and responsibilities to ensure smooth implementation of the policy proposal.

The Department truly appreciates Hawaii's steadfast support of our military service members and their families. Thank you for your thoughtful consideration and to the bill sponsors for their support of this important policy measure.

Sincerely,

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



**TESTIMONY IN SUPPORT OF SB 951 SD1
Relating to Child Protection**

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, February 20, 2025 at 10:01 AM
Conference Room 016 & Videoconference

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Hawaii Military Affairs Council ("MAC") supports SB 951 SD1 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.

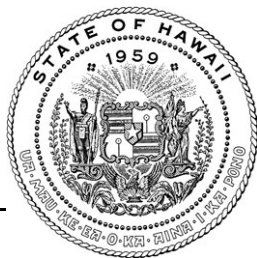
The MAC was established in 1985 when the Chamber was appointed by the State to serve as the liaison to the military. The MAC advocates on behalf of Hawaii's military, and is comprised of business leaders, academic institutions, State and County officials, members of the CODEL, community leaders, labor 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 SD1 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 information sharing 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.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKAI

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

JAMES KUNANE TOKIOKA
DIRECTOR

DANE K. WICKER
DEPUTY DIRECTOR

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Statement of
JAMES KUNANE TOKIOKA
Director
Department of Business, Economic Development, and Tourism
before the
SENATE COMMITTEE ON JUDICIARY

Thursday, February 20, 2025, at 10:01 AM
State Capitol, Conference Room 016

In consideration of
SB 951 SD1
RELATING TO CHILD PROTECTION

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee: The Military and Community Relations Office of the Department of Business, Economic Development and Tourism (DBEDT) supports SB 951 SD1 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.

SB 951 SD1 aims to address a critical gap in child protection for military families. The policy proposed within SB 951 SD 1, if approved, would codify a reciprocal State requirement to 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.

Thank you for the opportunity to testify.

SB-951-SD-1

Submitted on: 2/18/2025 6:37:10 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Amanda Ybanez	Individual	Support	Written Testimony Only

Comments:

Chairwoman of Kalihi Palama NB # 15 is in support.

SB-951-SD-1

Submitted on: 2/19/2025 9:04:26 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
April Arroyo	Individual	Support	Written Testimony Only

Comments:

**Testimony in Support of SB951 SD1
Hawaii State Legislature****To: The Honorable Chair and Members of the Senate Committee on Human Services****From: April Arroyo****Date: February 19, 2025****Subject: Testimony in Support of SB951 SD1 - Relating to Child Protection**

I am writing to express my strong support for Senate Bill 951 SD1, which seeks to enhance child protection measures in Hawaii by requiring mandatory reports of child abuse or neglect to include information regarding the military status of a child's parent or guardian. This bill would also ensure that the Department of Human Services (DHS) informs the appropriate United States military authority when reports of abuse or neglect involve a family with a member serving in the military.

Child abuse and neglect are devastating realities that affect children and families across the country, including in our own state. It is crucial that we provide every possible resource and support to identify and address these situations as quickly as possible. By requiring the inclusion of military status in reports, this bill allows the appropriate military authorities to be notified when a service member is involved, ensuring that these families receive the necessary attention, intervention, and support from both civilian and military resources.

The unique challenges faced by military families, such as deployments, frequent relocations, and the stress of military life, can sometimes exacerbate issues related to child abuse and neglect. Having the ability to immediately involve military authorities when a military-connected family is identified in an abuse or neglect report ensures that the Department of Defense can offer the appropriate services, including counseling, support programs, and potential interventions tailored to the specific needs of military families.

Moreover, this bill strengthens the collaboration between civilian agencies like the Department of Human Services and the military, creating a more comprehensive support system for children and families in crisis. With the military's involvement, families can access additional resources that might not otherwise be available through state-level services alone. It also ensures that the

military takes an active role in safeguarding the well-being of its members' children, which is particularly important given the unique circumstances many military families face.

I strongly believe that SB951 SD1 will help provide a more holistic approach to child protection by recognizing the complexities of military family dynamics and ensuring that all avenues of support are explored and utilized. This bill reflects our shared commitment to the safety and well-being of children in Hawaii, and it will undoubtedly contribute to more effective intervention and support for families in need.

For these reasons, I respectfully urge the committee to pass SB951 SD1 and continue to prioritize the protection of vulnerable children in our state, especially those connected to the military who may face additional challenges.

Thank you for the opportunity to submit testimony on this important issue.

Sincerely,
April Arroyo
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