

ACT 137

H.B. NO. 2273

A Bill for an Act Relating to the Hawaii Children's Trust Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that public policies and programs addressing child maltreatment have developed based on an overall understanding of the extent of maltreatment and its consequences to society. Maltreatment commonly includes physical abuse, sexual abuse, neglect, and emotional abuse. The Child Abuse Prevention and Treatment Act, Public Law 93-247 (1974), defines child maltreatment as: "The physical and mental injury, sexual abuse, neglected treatment or maltreatment of a child under eighteen by a person who is responsible for the child's welfare under circumstances which indicate the child's health and welfare is harmed and threatened thereby, as determined in accordance with the regulations prescribed by the Secretary of Health, Education, and Welfare." It is clear that since 1974, abusive behavior is often perpetrated by strangers as well.

The legislature further finds that the extent of child abuse and neglect is difficult to accurately quantify because many incidences of abuse or neglect are not reported to authorities. Although the number of incidences of child abuse or neglect may be difficult to ascertain, the prevalence of abuse and neglect is indisputable. Prevalence is determined by the overall numbers of reported cases and by surveys of unreported cases, which yield percentage figures in relation to the total population.

Experts believe that the effects of maltreatment are unique to each individual child, although serious consequences often result depending on the intensity and frequency of maltreatment. The child's characteristics, relationship to the perpetrator, and access to supportive and treatment services influence the effects of maltreatment. However, children who are maltreated often experience disrupted growth and development. Adverse effects have been identified as physical, cognitive, emotional, and social development, and these consequences tend to accumulate over time. Research indicates that the negative effects on development can often be reversed with timely identification of the maltreatment and appropriate intervention.

The Hawaii children's trust fund was established by Act 336, Session Laws of Hawaii 1993, to serve as a medium for a public-private partnership for family strengthening to prevent child abuse and neglect. The trust fund makes grants to private, nonprofit organizations, public agencies, or qualified persons to provide community-based services and education, serving as an example of shared priority setting and decision making between public citizens, state officials, elected officials, and professionals. The trust fund maximizes financial resources by serving as a repository for federal and state funds, as well as private contributions from corporations and other businesses, foundations, individuals, and other interested parties.

The legislature further finds that the Hawaii children's trust fund has ameliorated poor conditions for Hawaii's most vulnerable population by identifying and funding those programs that have had effective outcomes.

The Hawaii community foundation administers the Hawaii children's trust fund. The foundation has been successfully managing charitable endowments since 1916. According to the foundation, in testimony before the senate in the 1999 session, a cost benefit analysis done in Hawaii and in other states demonstrated that

ACT 137

effective abuse and neglect prevention programs that strengthen families are less costly than treating children who have been abused or neglected.

An appropriation to the Hawaii children's trust fund would ensure that a more complete safety net is put in place for children and their families.

The purpose of this Act is to make an appropriation to the Hawaii children's trust fund from the Hawaii tobacco settlement special fund.

SECTION 2. There is appropriated out of the Hawaii tobacco settlement special fund of the State of Hawaii the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2000-2001 to be paid into the Hawaii children's trust fund to be used for the purposes under section 350B-2(c), Hawaii Revised Statutes; provided that the department of health submit a detailed financial report of the Hawaii children's trust fund to the legislature no later than twenty days prior to the convening of the regular session of 2001. This appropriation shall take precedence over the transfers to the emergency and budget reserve fund, the department of health tobacco special fund, and the Hawaii tobacco prevention and control trust fund provided for in section 328L-2, Hawaii Revised Statutes.

SECTION 3. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2000.

(Approved May 30, 2000.)