

STAND. COM. REP. NO.

2653

Honolulu, Hawaii

MAR 03 2006

, 2006

RE: S.B. No. 3218
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 3218 entitled:

"A BILL FOR AN ACT RELATING TO PLACEMENT OF HARMED CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to ensure that every reasonable effort is made to place children, who are removed from the family home because of harm, with fit and willing kin.

On February 2, 2006, your Committee held a public hearing on S.B. No. 2685, which proposes the establishment of the Native Hawaiian Child Welfare Act. This Act establishes the Na Kupuna Tribunal and grants it exclusive jurisdiction over child custody proceedings involving native Hawaiian children. Testimony in support of that measure was received from the Department of Human Services, which believes that it is time to recognize and implement policies and practices that preserve the beneficial relationship between native Hawaiian children and the extended native Hawaiian community who can, and will, provide the care and support that these children need and deserve. Testimony in support of S.B. No. 2685 was also received from Blueprint for Change and several private citizens, including a hanai and lawe hanai kupuna, a native American who has had favorable experience with a similar system established for native Americans, a member of Na Kupuna O Kahana, and members of Na Kupuna O Wai'anae.

Your Committee recognizes the merits of incorporating the essential customary relations of native Hawaiian people and the

SB3218 SD1 SSCR LRB 06-2686.doc



cultural and social standards prevailing in native Hawaiian communities and families into child custody proceedings involving native Hawaiian children. However, your Committee also understands that there may be a problem with using S.B. No. 2685 as a vehicle for the proposed Native Hawaiian Welfare Act because the measure's title may be too restrictive.

Accordingly, your Committee has amended this measure by:

- (1) Replacing its contents with the proposed Native Hawaiian Child Welfare Act (Act) which grants to the Na Kupuna Tribunal established by the Act exclusive jurisdiction over any child custody proceeding involving a native Hawaiian child in this State;
- (2) Establishing a one-year pilot project that:
 - (A) Requires the Department of Human Services to coordinate with the Na Kupuna Tribunal to develop procedures and protocols to assist the Tribunal in carrying out its responsibilities under the Act;
 - (B) Allows the Na Kupuna Tribunal to handle no more than twenty-five cases in accordance with the requirements of the Act and requires the Department of Human Services and the Family Court to enter into necessary agreements and develop procedures and protocols to enable the handling of these cases;
 - (C) Requires the Department of Human Services, with input from the Na Kupuna Tribunal, to submit a final report on the pilot project to the Legislature no later than twenty days prior to the convening of the regular session of 2007.
- (3) Specifying that sections 2 to 8 of the amended measure shall not be operative except for the cases being handled by the foregoing pilot project;
- (4) Specifying that the foregoing sections become fully operational on July 1, 2007; and
- (5) Making technical nonsubstantive amendments for the purposes of clarity and style.



The pilot project established by this measure will help the Na Kupuna Tribunal develop necessary procedures and protocols to carry out its responsibilities, with the assistance of the Department of Human Services and the Family Court. Further, the measure affords the Legislature the opportunity to review the procedures and outcomes of the pilot project before full implementation of the Act.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3218, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3218, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

Suzanne Chun Oakland
SUZANNE CHUN OAKLAND, Chair



**The Senate
Twenty-Third Legislature
State of Hawaii**

**Record of Votes of the
Committee on Human Services
(Bills and Resolutions)**

Measure:* SB 3218	Committee Referral: HMS	Date: 2/16/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
FUKUNAGA, Carol				✓
HOOSER, Gary L.	✓			
KOKUBUN, Russell S.				✓
TRIMBLE, Gordon			✓	
TOTAL	3	0	1	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.