

Honolulu, Hawaii

Feb 15, 2008

RE: H.B. No. 2596
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Human Services & Housing, to which was referred H.B. No. 2596 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this bill as received is to make amendments to the State's child visitation laws.

For purposes of receiving public input, your Committee circulated a proposed draft prior to the hearing. The purpose of the proposed draft is to protect children in households where drugs are being used by requiring:

- (1) The Department of Human Services (DHS) to conduct an investigation within 24 hours of receiving a report of alleged drug use in the home of a child;
- (2) A parent or legal guardian to be free of drug use for at least 60 days prior to being allowed visitation rights with a child; and
- (3) A parent or legal guardian to successfully participate in substance abuse treatment for at least one year prior to being awarded full custody of a child.

DHS did not support the proposed draft.



Your Committee has amended this bill by replacing its contents with the provisions in the proposed draft. The proposed draft was further amended by:

- (1) Expanding its scope to include cohabitants or caregivers;
- (2) Requiring DHS to contact the police who will determine whether the child should be removed from the home;
- (3) Requiring DHS to file for a temporary restraining order on behalf of the child against the individual who tested positive for drug use;
- (4) Defining "illegal drug use" to mean the use of crystal methamphetamine, heroin, cocaine, phencyclidine (PCP), and morphine;
- (5) Adding a severability clause;
- (6) Requiring DHS to submit a report no later than 20 days prior to the convening of the Regular Session of 2009 on its efforts to prevent harm to children in homes where parents or caregivers are using illegal drugs; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2596, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2596, H.D. 1, and be referred to the Committee on Judiciary.

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



MAILE SHIMABUKURO, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: HB 2596	Committee Referral: HSH, JUD	Date: February 5, 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SHIMABUKURO, Maile S. L. (C)	X			
2. RHOADS, Karl (VC)	X			
3. AWANA, Karen Leinani	X			
4. BELATTI, Della Au				X
5. BERTRAM, Joe, III	X			
6. CABANILLA, Rida T.R.				X
7. GREEN, Josh, M.D.	X			
8. MIZUNO, John	X			
9. TOKIOKA, James Kunane	X			
10. WARD, Gene, Ph.D.		X		
TOTAL (10)	7	1	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Karl Rhoads</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				