

STAND. COM. REP. NO. 984 -08

Honolulu, Hawaii

Feb 29, 2008

RE: H.B. No. 2596
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2596, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this bill 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, legal guardian, cohabitant, or caregiver to be free of drug use for at least 60 days prior to being allowed visitation rights with a child;
- (3) Substance abuse treatment for at least one year prior to a parent or legal guardian being awarded full custody of a child, or before a cohabitant or caregiver is allowed to supervise a child alone; and
- (4) DHS to submit a report to the Legislature on its efforts to prevent children from being injured or exposed to unreasonable risk or neglect by parents, guardians, or caregivers who test positive for illegal drug use.



The Hawaii Foster Youth Coalition and a concerned individual opposed this bill. DHS did not support this measure. The Judiciary and Department of Health provided comments.

Illegal drug use by parents and other caregivers or cohabitants in a child's home is a serious issue in Hawaii. Your Committee received important and compelling testimony from former foster children on this measure who stated that any denial of visitation would result in serious psychological harm to a child, even if the parent had previously engaged in or continued to engage in the use of illegal substances.

Accordingly, your Committee has amended this bill by, among other things:

- (1) Deleting the provision that would have prohibited visitation for a minimum of 60 days;
- (2) Inserting an unspecified time period prior to investigation by DHS during which a positive test for illegal drug use would trigger a police investigation and possible restraining order;
- (3) Inserting as Part II provisions from H.B. No. 3136 that require DHS to establish a supervised system of safe homes in which a child is allowed to live with a caregiver, upon meeting certain conditions; and
- (4) Changing the effective date to January 1, 2112, to encourage further discussion.

Other technical, nonsubstantive amendments were made for clarity, consistency, and style.

Your Committee encourages discussion and input with regard to the time period prior to the DHS investigation in which a positive drug test would trigger a police investigation and possible restraining order.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2596, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2596, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



