

Honolulu, Hawaii  
Fe 4 15, 2008

RE: H.B. No. 2708  
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. 2708 entitled:

"A BILL FOR AN ACT RELATING TO CHILD PROTECTION,"

begs leave to report as follows:

The purpose of this bill is to ensure the best interests of the child by allowing grandparents to be a party to certain child protective hearings.

The Department of Human Services (DHS), Executive Office on Aging, Office of Hawaiian Affairs, Partners In Development Foundation, Na Tutu, Catholic Charities Hawaii, Maui County Executive on Aging, Parents for Righteousness, Tutu and Me, and many concerned individuals testified in support of this bill. Foster Family Programs of Hawaii supported the intent of this measure. The Legal Aid Society of Hawaii provided comments.

Your Committee finds that current law makes foster parents the automatic parties to Child Protective Services court actions from the start. The original bill would have granted automatic party status to grandparents. The rationale for this is that Chapter 587, Hawaii Revised Statutes, requires DHS to make a bona fide attempt at parental reunification before exploring alternatives. Furthermore, a recent Supreme Court decision found that it is unconstitutional to give grandparents rights that would contravene a parent's wishes in regards to a child. Thus, your Committee believes it would be prudent to level the playing field



for foster parents and relatives as they compete with the rights of the child's natural parents. With this in mind, your Committee has amended this bill to:

- (1) Expand its scope to include relatives, including persons related by blood, lawe hanai parents, or hanai parents, who are willing and able to provide support to the child and the family;
- (2) Require DHS to identify all relatives within six months of assuming foster custody of the child;
- (3) Require DHS to consider relatives when determining child placement;
- (4) Require relatives to be notified of child protective hearings; and
- (5) Limit identified relatives to receiving notice of, participating in, and providing information to the court and all other parties during, child protective hearings.

Your Committee has also made 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. 2708, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2708, 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,



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MAILE SHIMABUKURO, Chair



