

Honolulu, Hawaii

MAR 20 2008

RE: H.B. No. 2596  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Human Services and Public Housing, to which was referred H.B. No. 2596, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to address the grave issue of children being injured or exposed to unreasonable risk of injury or neglect by parents, guardians, or caregivers who test positive for illegal drug use.

Specifically, this measure:

- (1) Requires the Department of Human Services to investigate reports of drug use on a home where a child resides within twenty-four hours;
- (2) Requires a parent, legal custodian, cohabitant or caregiver to participate in substance abuse treatment for at least one year before being awarded custody or supervision of a child; and
- (3) Establishes a system for the Department of Human Services to allow children to continue to reside in a pre-existing caregiver's safe home rather than enter foster care under certain conditions.



Testimony in support of this measure was submitted by one private citizen. Testimony in opposition to this measure was submitted by the Community Alliance on Prisons, the Drug Policy Forum of Hawai'i, and the American Civil Liberties Union of Hawai'i. Comments on the measure were submitted by the Department of the Attorney General, the Department of Health, the Department of Human Services, the Judiciary, and the Legal Aid Society of Hawai'i.

Your Committee finds that, although it is in the community's interest to seek to protect children from every harm possible, as commented on by several testifiers, section 1 of the measure may overly intrude on parents' fundamental rights. Your Committee finds that the other sections of the measure establish greater protections for children and that a task force can investigate, develop a plan and recommendations, and report on the conditions of children living in households in which there has been reported illicit drug use.

Accordingly, your Committee has amended this measure by:

- (1) Amending section 1 of the measure to establish a task force convened by the Department of Human Services to examine situations that have resulted in a child fatality or serious injury, develop a plan to prevent injury or exposure to unreasonable risk of injury or neglect by parents, guardians, or caregivers who test positive for illegal drug use;
- (2) Removing the severability clause;
- (3) Changing the effective date to July 1, 2008; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and style.

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



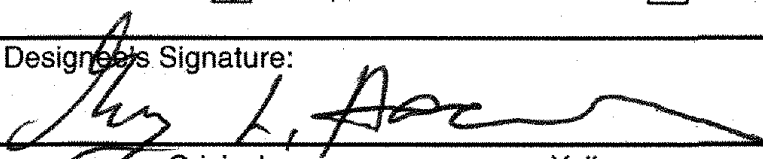
Respectfully submitted on  
behalf of the members of the  
Committee on Human Services and  
Public Housing,

  
\_\_\_\_\_  
SUZANNE CHUN OAKLAND, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Human Services and Public Housing**  
**HSP**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2096, HD3	HSP, JDL	3/18/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<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	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)				✓
IHARA, Jr., Les (VC)	✓			
HOOSER, Gary L.	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:                      Original                      Yellow                      Pink File with Committee Report                      Clerk's Office                      Drafting Agency				

\*Only one measure per Record of Votes