

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 1645
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Human Services and Public Housing, to which was referred S.B. No. 1645 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to establish an Office of the Children's Ombudsman within the Office of the Ombudsman for administrative purposes, and appropriates funds for this purpose.

The Children's Rights Council submitted testimony in support of this measure. The Office of the Ombudsman submitted comments.

Your Committee finds that, at present, the Office of the Ombudsman is authorized under chapter 96, Hawaii Revised Statutes, to investigate complaints about the administrative acts of executive branch agencies in the state and county government. Complaints relating to child protective services, adolescent mental health services, child support, and public education are just a few examples of the types of complaints that are investigated by the Ombudsman that are related to the protection of children's rights.

The United States Ombudsman Association provides a Model Ombudsman Act for state governments that narrowly excludes judges based upon the existence of the system of appellate review of judicial decisions. However, the narrow exclusion contemplates that the Ombudsman would have jurisdiction to investigate



administrative or ministerial acts by employees of the judicial branch, when those acts are peripheral to the adjudication itself.

It is your Committee's intent to expand the jurisdiction of the Office of the Ombudsman to enable the Ombudsman to investigate administrative acts by employees of the Judiciary as those acts pertain to child-related matters. The Ombudsman would not have jurisdiction to criticize or review the substantive content of any judicial order, decision, or opinion. Your Committee has amended this measure by:

- (1) Expanding the jurisdiction of the Office of the Ombudsman to include the Judiciary in complaints regarding child-related matters, except for judges;
- (2) Defining "child-related matters";
- (3) Amending the purpose of the appropriation for the expansion of the Ombudman's responsibilities under this measure; and
- (4) Making technical, nonsubstantive changes for the purposes of clarity, consistency, 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 S.B. No. 1645, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1645, S.D. 1, and be referred to the Committee on Ways and Means.


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.:* SB 164E	Committee Referral: HSP, WAM	Date: 2-15-07		
<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)	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred	✓			
TOTAL	4	0	0	0
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