

STAND. COM. REP. NO.

223

Honolulu, Hawaii

FEB 12 2008

RE: S.B. No. 3058  
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 S.B. No. 3058 entitled:

"A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES,"

begs leave to report as follows:

The purpose of this measure is establish procedures whereby abused or neglected children can be placed by the Department of Human Services with caregivers who are not the child's legal or physical custodian, under specified conditions.

Your Committee received testimony in support of this measure from the Department of Human Services. Comments were received from the Family Court.

This measure clarifies that our local customs of caring for children outside of the family home by relatives and friends and other diversion and supportive services are, where appropriate, available alternatives to the Department of Human Services and the court assuming custody of children. The federal Child and Family Services Review of Hawaii's child welfare system recommends the use of culturally sensitive and family strengthening diversion and other supportive services to improve the safety and well-being of children and families. This Act seeks to comply with the Child and Family Services Review's recommendations.

Under current law, the Department of Human Services is required to make assessments of the home of the child's legal guardian, which is presumed to be where the child in fact lives.

2008-1190 SSCR SMA.doc



However, oftentimes, the child lives with other people, in accord with the common local practice of "hanai". This measure allows for the continuation of that arrangement in the best interest of the child.

The paramount concern of your Committee is the welfare of the child. Alternative arrangements must be safe and appropriate for the child. The intent of your Committee is that the Department of Human Services comply with the intent of the Child Protective Act, as stated in section 587-1, Hawaii Revised Statutes, in pertinent part:

"The legislature finds that children deserve and require competent, responsible parenting and safe, secure, loving, and nurturing homes.... The policy and purpose of this chapter is to provide children with prompt and ample protection from the harms detailed herein, with an opportunity for timely reconciliation with their families if the families can provide safe family homes, and with timely and appropriate service or permanent plans to ensure the safety of the child so they may develop and mature into responsible, self-sufficient, law-abiding citizens."

Your Committee has amended this measure by making a technical, nonsubstantive amendment.

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. 3058, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3058, 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*  
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.:*<br><b>SB 3058</b>  | Committee Referral:<br><b>HSP, JDL</b> | Date:<br><b>2/10/08</b> |          |          |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                         |          |          |
| The Recommendation is:<br><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>   | <b>4</b>                               | <b>0</b>                | <b>0</b> | <b>1</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                         |          |          |
| Chair's or Designee's Signature:   |  |                         |          |          |
| Distribution:            Original    Yellow    Pink    Goldenrod<br>File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy   |  |                         |          |          |

\*Only one measure per Record of Votes