



HB 1895 RELATING TO NATIVE HAWAIIAN CHILDREN
House Committee on Judiciary

February 12, 2008
Conference Room 325

2:05 P.M.

The Office of Hawaiian Affairs opposes HB 1895 in its present form. Our interest in this legislation is primarily based on our concern that 52% of the children placed in foster care in Hawai'i are of Native Hawaiian ancestry.

Through our work over the past three years with the Governor's Advisory Board on Native Hawaiian Foster Parents and Kokua Ohana, a non-profit organization that is actively recruiting and providing support services to Native Hawaiian foster parents, we have become acutely aware of the myriad of problems relating to placement of Native Hawaiian foster children. Most problematic is that the trauma experienced by a Native Hawaiian child who is removed from the care and custody of his or her parents is often compounded when he or she is placed in a Non-Native foster home. Differences in cultural values and practices, or the lack thereof, diet, the general home environment, and other social factors can, in some cases, contribute more harm to the psychological, physical, and emotional well-being of the child.

However, while we support the intent of HB 1895 and applaud the drafters of this bill for their foresight and commitment, we cannot support it for two basic reasons. First, the bill names an entity called, "The First Hawaiian Nation," as the administrative overseer of the pilot project and proposed act, without defining or clarifying who or what it is. To our knowledge, an entity called, "The First Hawaiian Nation," does not exist.

Also problematic for us is the lack of criteria in the bill to determine how Kupuna will be qualified and selected to sit on the Kupuna Tribunal by the Na Kupuna Council. The duties that the Kupuna Tribunal members will assume in terms of legal intervention in Native Hawaiian child custody and placement hearings is a very heavy *kuleana* (responsibility), and we want to ensure that there is an inclusive process in place that is able to select Kupuna who have the knowledge, wisdom, and spirituality to perform this work. One of our concerns is that there are, unfortunately, people who have claimed themselves as Kupuna but do not have the aforementioned attributes to be considered as such. Having unqualified people on the tribunal could lead to

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decisions made by the tribunal in placement interventions that are dangerous and damaging with respect to the welfare of the children.

We would like to recommend that this bill be amended to provide for the establishment of a legislative task force that would explore all aspects of a proposed Native Hawaiian Child Welfare Act and make recommendations to the Legislature regarding its content. The term of the task force should be at least two years to allow it to conduct its work properly.

Mahalo nui loa for the opportunity to present testimony.

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IRON WORKERS STABILIZATION FUND

February 11, 2008

Tommy Waters, Chair
Judiciary Committee
House of Representative
State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Honorable Chair Waters and Members of the Judiciary Committee:

Re: Support for HB1895 – Relating to Native Hawaiian Children

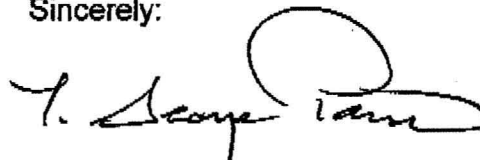
We wish to offer our support of HB 1895, Native Hawaiians; Child Welfare Act; Child Custody.

We believe that it is essential to allow native Hawaiian children to be taken care of by individuals who understand the children's needs, culture and traditions. In Hawaii as well as other locations around the globe, such as Samoa, Philippines, etc., it is the elderly who assist in the decisions of the family. In the Hawaiian culture, it is with respect that the Kupuna leads the family and they have the most knowledge and history of the issues surrounding the area.

As such, there is a need for a Kupuna Tribunal that will assist in keeping the child's well being as number one. They are in the position to maintain a semblance of continuity in this child's chaotic life. Consequently, we believe that this Kupuna Tribunal will assist in helping the children of Hawaii and easing the overloaded child welfare cases in the Judiciary.

We support this very important measure for the children of Hawaii.

Sincerely:



Mr. T. George Paris
Managing Director

Cc: Kapuna Caucus

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