



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 12, 2008

LATE TESTIMONY

MEMORANDUM

TO: Honorable Tommy Waters, Chair
House Committee on Judiciary

FROM: Lillian B. Koller, , Director

SUBJECT: H.B. 1895 - RELATING TO NATIVE HAWAIIAN CHILDREN

Hearing: Thursday, February 12, 2008, 2:05 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of H.B. 1895 is to create the Native Hawaiian Child Welfare Act (Act) that establishes the Na Kupuna Tribunal and grants it exclusive jurisdiction over child custody proceedings involving native Hawaiian children. The bill also proposes to establish a pilot project as a trial run prior to the full implementation of the Act in 2008.

DEPARTMENT'S POSITION: The Department supports this bill, provided that its passage does not replace or adversely impact the priorities in the Executive Supplemental Budget.

This bill includes initiatives supportive of the Administration's goals and objectives. We must make every effort to provide culturally competent and effective services to all of our customers. In as much as more than 50% of the children in

- 3) Collaborated with the non-profit Partners In Development Foundation to enhance the recruitment of Native Hawaiian foster homes through the Kokua Ohana project, that reaches out to faith-based organizations to recruit, train and license Native Hawaiian foster and adoptive homes.
- 4) Sponsored legislation in previous and current Legislative sessions that would allow the Department to honor the traditional "hanai" relationship between a child and appropriate caregivers.
- 5) Continued collaboration with the member agencies of the Family Finding Consortium to support aggressive search and outreach to locate and engage family and kin as family connections, support and placement options for children and youth currently and formerly under the placement responsibility of the Department.

The Department will continue its efforts to make our child welfare system as culturally competent as it can be. Having a Native Hawaiian Child Welfare Act may offer an effective option for Hawaiian children in need of child welfare protection that promotes the children's natural families, "kin" and "Ohana" to provide the care and support that these children need and deserve. We must all take a stand that the child's natural family, "kin" or "Ohana" are an important and vital resource for the child, the community and the State. We must demonstrate that we support enlisting those who know and love a child to provide

the task force and report to the Legislature. We would also suggest that the report be due prior to the convening of the 2009 session to allow time for the one year pilot project.

We would suggest that the dates contained on page 35, in line 3 and line 8, be changed from July 1, 2008 and October 1, 2008 to July 1, 2010 and October 1, 2010, respectively, to allow time for the one-year pilot project proposed in Part III.

In as much as the establishment of a new child welfare system for Native Hawaiian children, similar to the one created by the Federal Indian Child Welfare Act, will have legal implications, we defer to the Department of the Attorney General.

Thank you for this opportunity to testify.

Rep. T. Waters, Chair
Rep. B. Oshiro, Vice-Chair
Judiciary Committee

LATE TESTIMONY

Kanani Kaaiawahia Bulawan
Kanaka Maoli, Kupuna, Private Citizen

February 12, 2008, 2:00pm Rm. 325

SUPPORT THE INTENT OF HB: 1895 Relating to Native Hawaiian Children

Aloha Chair and members of the committee:

My name is Kanani Kaaiawahia Bulawan, a Kanaka Maoli, a Kupuna, a previous foster parent and guardian at liem and what you would call a private citizen. I'm testifying in Support of the intent for HB:1895 relating to Native Hawaiian Children.

For varies reasons I believe this bill is necessary in order for the protection of Ohana and keiki be considered. When a child is removed from a family home, it is most often at the detriment of the child as well as other members of the extended family. This bill will allow the provision for a council to intervene in the removal of a child and place in a more familiar setting than an institutional setting by way of an unfamiliar home. I also would like to point out that there are currently measures being introduced that points out the rights of grandparents and other family placement possibilities through SB 2730 with an attachment measure for notifying grandparents of hearings with SB 2731. I support that these measure be jointly considered and insert this bill allowing a council review along with preference of placement to the grandparents or kin of the child when removal is being considered.

Our community has many needs and challenges. The bill identifies the concerns and solutions in addressing the barriers to assuring we have a healthier community and thereby reducing the need for continued government interventions. Again this measure will allow for the creation of a "council" that will help with familiar placement of a child when the child is removed from their home for risk of abuse or danger.

Thank you for allowing me this time to submit my testimony and request your favor to support this measure with purposed suggestions. For more information I can be contacted at 783-9302. Mahalo....

**Sen. Suzanne Chun Oakland, Chair
Human Services and Public Housing (HSP) Committee**

**Kanani Kaaiawahia Bulawan
Private Citizen, Grandparent
Member of the Na Kupuna Council O Waianae**

January 31, 2008 Time: 1:30pm Rm: 016

**FULL SUPPORT OF SB2730: CHILD PROTECTION ACT; OHANA
PREFERENCE; GRANDPARENTS
FULL SUPPORT OF SB2731: CHILD PROTECTIVE ACT; NOTICE OF
HEARINGS**

Aloha Chair Chun Oakland and members of the committee:

My name is Kanani Kaaiawahia Bulawan, a member of this community, a mother and a proud grandmother. I'm here testifying in Full Support of SB:2730 and SB: 2731, both relating to child protection act and providing inclusion of grandparents as preference for placement of our grandchildren as well as providing notices of hearings for court intervention regarding the situation of our Ohana.

It has been my experience as a community member that over the past decade the department of human services, child welfare services has taken steps in changing current practices of how and when our children are removed from their homes and how and when placement is considered. Over the period an emphasis has been made to locate "Kin", this is define as to the relationship with the child or children being considered in harms way. This bill will actually allow the process of Kinship placement a priority and consider by hierarch the grandparents' right to take responsibility for the child. Without this measure in place, "Kinship" placement is only put a process that can be considered.

Our community has many needs and challenges. The bill identifies the concerns and solutions in addressing the barriers to assuring we have a healthier community and thereby reducing the need for continued government interventions. As a grandparent I would definitely appreciate the ability for preference in placement of my grandchild and have notices of actions that involve them.

Thank you for allowing me this time to submit my testimony and request your favor to support these measures. For more information I can be contacted at 586-7091.

Mahalo,

LAIIE TESTIMONY**JUDtestimony**

From: colleen tinoga [legacycoalition@hotmail.com]
Sent: Tuesday, February 12, 2008 10:08 AM
To: JUDtestimony
Subject: HB1895
Attachments: NATIVE HWN NA KEIKI A NA OHANA SVCS.doc

Testimony to the House Judiciary Committee
Hearing Date: February 12, 2008
Room 325 @ 2:00 pm HB1895

Aloha!, Representative Waters and other Committee Members,

My name is Maile Kehaulani Ka'uhane Hallums, a graduate of Kamehameha Schools, a veteran of the United States Navy, a hanai and lawe hanai kupuna and a lawe hanai tutu and have been given the privilege to testify further on behalf of Na Kupuna O Wai'anae in the matter before us today, HB1895, re: The Native Hawaiian Child Welfare Act. The following is brought to your attention for serious consideration and to help facilitate the passage of this bill:

1. The precedent has already been set for an Act such as this, indicated by its inclusion in Section 583A-104, and 104(a) HRS.

Congress has included "Native Hawaiians" in the Administration for Native Americans:

"The Administration for Native Americans (ANA) promotes the goal of social and economic self-sufficiency of American Indians, Alaska Natives, Native Hawaiians, and other Native American Pacific Islanders, including Native Samoans".

And with this inclusion, we help to promote ANA's goal for Native Hawaiians.

2. The highest concentration of Native Hawaiians in the world is within the western region of Oahu, the Leeward Coast.

Four years ago, the Coalition Against the Involuntary Termination of Parental Rights was created and its members number over 5,000 from this region alone - every family, individual having been affected by the practice of involuntary termination of parental rights! According to DCWS, more than 50% of foster children are Hawaiian or native Hawaiian. With a homestead population on the leeward coast of approximately 10,000, activate the numbers and see how devastating this practice has been to Kanaka Maoli families and the threat this poses to our existence!

3. Paraphrasing one of our most prominent ancestors, Reverend Akaiko Akana:

Change must be gradually progressive in order that we can take full advantage of the intent of that change. Secondly, we must be able to deal with the stress and frustration that change creates. And finally, we must be able to sustain change once it occurs.

We present to you our Project Design Service System matrix, copies attached, which is one of four components of the "suitable service plan" included in this bill.

We do not come before you to pleading for justice. We compel you to do *something*, now, to stop this atrocity; you are in a position to do that. We, Na Kupuna O Wai'anae, demand justice in defense of our children and our people. We accept our responsibility as matriarchs of our Nation and will no longer stand idly by while these things continue to happen. Presenting this bill to the legislature is our first step toward finding solutions together.

Na Kupuna Tribunal and Na Kupuna O Wai'anae have already adopted and exercised this law with success over the past 4 years and continue to do so today.

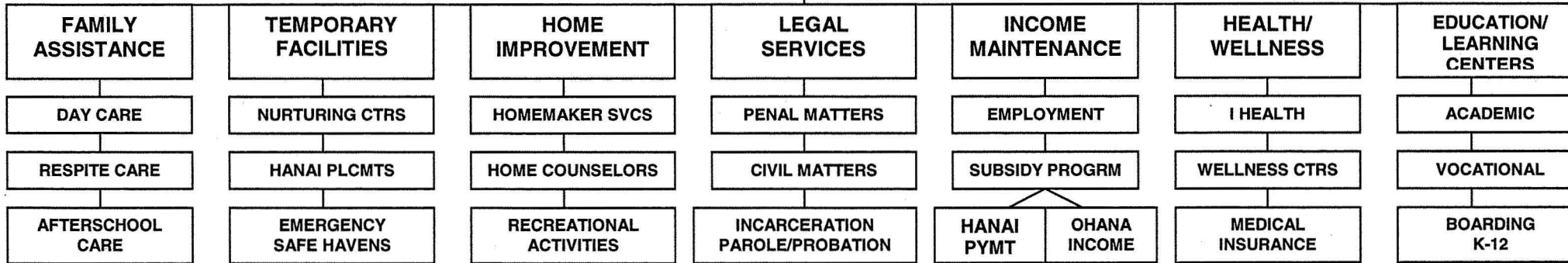
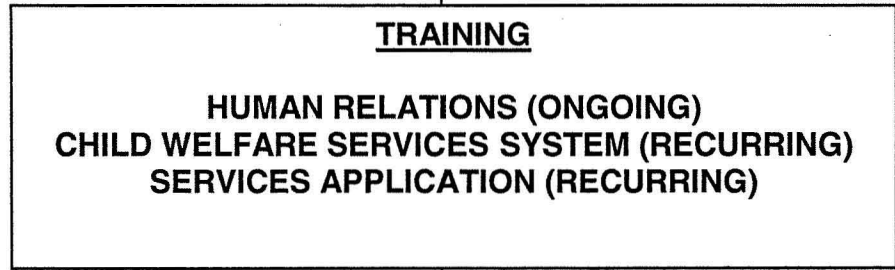
Your support of this bill is an opportunity to initiate reconciliation efforts toward Native Hawaiians as mentioned in U.S. Public Law 103-150 to make this a true *Apology*. Change is inevitable, we must be ready to accept the challenges it presents and we should face them together.

Mahalo,

Maile K Hallums, Leo Hano
Na Kupuna Tribunal

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NATIVE HAWAIIAN NA KEIKI A NA 'OHANA SERVICES



Testimony to the House Judiciary Committee
Hearing Date: Tuesday, 12 February 2008
Room 325 @ 2:05 pm HB1895

LATE TESTIMONY

Aloha! Representative Chairman Waters and other Committee Members,

My name is Maile Worsham, a concerned parent and grandparent, resident of West Oahu region and Recording Secretary of Na Kupuna O Wai'anae, in support of HB1895.

Four years ago Na Kupuna O Wai'anae was asked to intervene on behalf of a young couple who was scheduled to attend a family court hearing addressing the involuntary termination of their parental rights to their nine month old infant son. This was their ninth child. His older siblings were already separated from their parents prior to his birth through this very same process. As this young mother's story unfolded before our Council, our members immediately set things in motion to address this young couple's desperate plea for help to save them this child.

Intervention by the Kupuna Council proved successful and this young couple was able to designate a family member to hanai this child until reunification could occur, still retaining their parental rights. It was my privilege to be a participating witness to this intervention process. Today this couple is three years and ten months clean and sober, both are gainfully employed and no longer homeless. They are also childless.

Mom and Dad did not complete their service plan within the time required which apparently triggered the immediate termination of their parental rights and their son was adopted by his original "foster" parents. We were blindsided and shocked by this turn of events!...But this situation prompted the Council to the urgent introduction of this bill to you, our lawmakers.

This story and others like it are not uncommon in our region. As parental rights of our children are trampled upon, they see no recourse and the pain and suffering continue; not just for them as parents, but for us as grandparents as well to not have our mo'opuna or know where in the world they are.

We all need to take responsibility for the destruction of our families. We can all work together to find meaningful solutions to meaningless suffering and this bill gives us all the vehicle to end this horrific pain. Thank you for the opportunity to comment on this matter.

Aloha Ke 'Akua,

Maile Worsham, Recording Secretary
Na Kupuna O Wai'anae

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LATE TESTIMONY

JUDtestimony

From: colleen tinoga [legacycoalition@hotmail.com]
Sent: Tuesday, February 12, 2008 9:52 AM
To: JUDtestimony
Subject: HB1895

Testimony to the House Judiciary Committee
Hearing Date: February 12, 2008
Room 325 @ 2:00 pm

Good afternoon Representative Waters and other Committee Members,

Thank you for the opportunity to give testimony on the "Kupuna Bill", House Bill No. 1895. My name is Pearl Lucinda Nani Key Campbell, and I am a concerned resident of the West O'ahu region, Vice President of the Legacy Coalition and Aha Ho'oko of Na Kupuna O Wai'anae.

Na Kupuna O Wai'anae fully supports the Kupuna Bill to create the Native Hawaiian Child Welfare Act in order to stop the involuntary termination of parental rights of Kanaka Maoli in its entirety, with the additions mentioned by Pearl Lewis. The inclusion and definition of "na po'e Hawaii" is very important because we cannot leave out the people who have gone through the same suffering as we have since the overthrow of our lawful government and whose ancestors made Hawaii their home; we cannot leave out our families, friends and neighbors who know no other culture but "*Alohastyle*".

It is our mission to give *Aloha* to the world, so we have to keep its true meaning ahead of us. "Na po'e Hawaii" means "the people of Hawaii" and those of us who live "aloha" understand the kauna below the obvious and therefore, we recommend this inclusion into our bill.

I hope that your Committee will support inclusion of this bill in the appropriate chapters of Hawaii Revised Statutes as written. *Aloha Ke Akua.*

Mahalo,

Pearl LNK Campbell
Na Kupuna O Wai'anae

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2/12/2008

LATE TESTIMONY

Testimony to the House Judiciary Committee
Hearing Date: Tuesday, 12 February 2008
Room 325 @ 2:05 pm HB1895

Aloha! Representative Chair Waters and other Committee Members,

My name is Kapua Kaluhi, Cultural Coordinator of Kahana Valley Ahupua'a Cultural Living Park, Cultural Specialist of the Ko'olauloa and Ko'olaupoko Hawaiian Civic Clubs and Alaka'i of Na Kupuna O Kahana on whose behalf I speak today.

Na Kupuna O Kahana and the residents of Kahana Valley fully support the passage of HB1895 which will enact the Native Hawaiian Child Welfare Act. We are compelled as na kupuna to safeguard not only our people, but its culture and customary traditions as well, to the extent that these practices must be correct and applied in every aspect of our daily life. Furthermore, that they be made available to every Kanaka Maoli and other na po'e Hawai'i.

The components of this bill include the most reverant and important tradition of wellness for our native people and that is the system of Ho'oponopono. The breakup of our families through the involuntary termination of parental rights requires this healing process to deal with the grief that children and families experience at the "death" or loss of their loved ones. However, this is blatantly overlooked or ignored in the system of child protection as it exists today, contributing to the further devastation of the health and wellbeing of our people.

The Fourteenth Amendment of the US Constitution protects the rights of citizens when state government diminishes or violates those rights. How can we as na kupuna be asked to do any less for our people?

Please consider carefully and look favorably upon the passage of this bill. Mahalo for the opportunity to appear before you today.

Me kealoha pumehana pau'ole,

Kapua Kaluhi, Alaka'i
Na Kupuna O Kahana

Cultural Coordinator
Kahana Valley Ahupua'a Cultural Living Park

Cultural Specialist
Ko'olauloa and Ko'olaupoko Hawaiian Civic Clubs

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