



The Judiciary, State of Hawaii

Testimony to the Twenty -Fourth State Legislature, 2008 Session

House Committee on Judiciary
The Honorable Tommy Waters, Chair
The Honorable Blake K. Oshiro, Vice Chair

Thursday, February 21, 2008, 2:45 p.m.
State Capitol, Conference Room 325

by
Judge Karen M. Radius
Family Court, First Circuit

Bill No. and Title: House Bill No. 523, H.D. 1, Relating to Children

Purpose: Provides guiding principles re foster children. Provides that the Family Court may issue necessary orders to the departments to ensure adherence to these principles.

Judiciary's Position:

The Judiciary takes no position on this measure but offers the following comments.

National research has shown that without adequate preparation, foster children who remain foster children at age 18 have a difficult time becoming productive adult citizens. The Legislature's recognition of these difficulties is heartening.

Amending the bill to authorize certain family court orders will directly benefit foster children.

Thank you for the opportunity to submit testimony on this measure.

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LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

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

February 21, 2008

MEMORANDUM

TO: Honorable Tommy Waters, Chair
House Committee on Judiciary

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 523, H.D. 1 - RELATING TO FOSTER CHILDREN

Hearing: Thursday, February 21, 2008, 2:45 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of H.B. 523, H.D. 1, is to establish guiding principles for foster children.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of H.B. 523, H.D. 1, and offers the following comments. DHS already includes protection for the rights of foster children in our Hawaii Administrative Rules regarding foster care and in our Child Welfare Services Branch (CWSB) procedures.

Our Administrative Rules, policies and procedures already specify that services shall be provided without discrimination and in a culturally sensitive manner. They further state that the child shall be provided with appropriate care, supervision,

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food, clothing and shelter, as well as medical and dental care. Our Administrative Rules, policies and procedures also support safe and appropriate contact with family, placement with relatives and kin, services to assist with the development of knowledge and skills necessary for a successful transition to self-sufficiency, participation in case planning activities and court proceedings. The Department strongly supports the guideline for direct contact with the social worker, guardian ad litem, and probation officer. This type of contact is a critical factor for proper and successful case planning and outcomes.

The proposed subsection (4), page 2, line 3, would enact the child's rights, following an adoption, to supervised visits with the child's parents and family. The DHS supports safe and appropriate contact between a child and siblings, parents, and other family members, while in foster care and following adoption and guardianship. There are currently two Administration sponsored bills before the Legislature, S.B. 3053 and H.B. 3131, that contain provisions for reasonable visitation between siblings before and after adoption or the award of legal guardianship.

The DHS supports the proposed subsection (8), page 2, line 16, relating to continuation in the same school following placement into foster care or a change in placement. There are also three other bills, S.B. 2005, S. B. 2821 and H. B. 2051, currently before the Legislature that address continuation in the "school of origin."

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Subsection (9), page 2, line 21, calls for the provision of independent living skills training and a transition plan. The Department currently provides services to support our foster youth's transition to self-sufficiency. The Department's CWSB procedures require the identification of all youth age twelve and older who are likely to remain in foster care until they attain the age of eighteen years, the referral of these youth to an appropriate independent living services program, an individualized assessment of the youth's independent living knowledge base, skills and needs, and the creation of a developmentally appropriate, strengths based, individualized independent living transition plan that is based on an assessment of the youth's needs.

DHS has purchase of service contracts throughout the State for the provision of independent living program (ILP) services to current and former foster youth. Services on behalf of youth age twelve through fourteen are focused on the development of life skills, such as self-identity, interaction with peers, emotional, psychological, spiritual well-being, decision-making, problem-solving, planning, goal setting and communication.

For youth age 15 through 18, services in addition to the above include counseling and supportive services related to: educational support and assistance in completing high school; health, hygiene, and medical insurance; money management, household budgeting, and banking services; building knowledge of community resources and how to access them, such as clinics,

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housing assistance and transitional living arrangements; development of job readiness in accordance with the individualized living plan; assessment of vocational and employment choices and community referrals, including linkage with services provided in the Workforce Investment Act (WIA) of 1998; liaison with community resources and public agencies such as the Department of Labor, the Department of Health, and other State and Federal programs providing services designed to assist the youth's transition to self-sufficiency.

For youth interested in post-secondary education and training, services include assistance with accessing scholarship and financial aid resources, supportive and directive services to facilitate the youth's attainment of academic, career, and vocational goals. Support and guidance are also provided to youth participating in the Department's higher education board allowance program through at least monthly contact between the youth and the provider.

Our CWSB procedures already require that an individualized independent living transition plan (ILTP) be developed with each foster youth age fifteen and older. The ILTP is to focus on the programs and services needed for a youth to make a successful transition to self-sufficient including plans for the completion of high school, higher education and vocational training, as appropriate. This plan is to be reviewed and updated at least every six months and is to be provided to Family Court as part of the case plan. Information about our ILP services are shared

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with the youth, DHS staff and public in many ways, including the DHS website's independent living program webpage located at http://hawaii.gov/dhs/protection/social_services/child_welfare/ILP, the Hawaii Foster Parent (HFPA) Annual Conference and HFPA newsletters, and outreach by ILP providers. The DHS also provides support for the Hawaii Foster Youth Coalition (HFYC), an organization comprised of current and former foster youth, and its active outreach to youth.

Thank you for this opportunity to testify.

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TESTIMONY IN SUPPORT OF
HB523 HD1 - RELATING TO CHILDREN

February 21, 2008 at 2:45 p.m.

The Legal Aid Society of Hawaii hereby provides testimony to the House Committee on Judiciary on HB523 HD1 – Relating to Children, in strong support of the bill.

The Legal Aid Society of Hawaii is the largest non-profit provider for direct civil legal services in the State. Further, since 1996, we have assisted over 2,000 children as guardian ad litem on Oahu, Maui, Hawai'i, Moloka'i and Lāna'i, a significant number of whom have aged out in foster custody.

Since 2005, when the first Foster Children Bill of Rights was introduced, we have been concerned about the need to protect foster children and improve the quality of life for foster children. As wards of the state their well-being is in the hands of, not their parents, but a system of rules and regulations which at times balances the liability to the state over the interest of the child. This bill would establish guiding principles, in one place, by which the state would need to abide by in caring for children in the foster care system.

The bill helps promote the stability of placements and respects the dignity of children who have been removed from their parents' care by enabling them to maintain their important religious, school, and familial ties. Further, it promotes responsibility by giving children more voice in their cases and promoting the development of independent living skills.

We realize that the Department of Human Services, Department of Education and Department of Health may already provide many of the protections listed in this bill administratively and while some protections are not provided, currently there is pending legislation addressing sibling visitation after adoption (HB3131 and SB3053) as well as educational rights of foster youth (HB2051 and SB2005). However we believe that the articulation of these principles in one statute is critical to assisting foster children understand the protections available to them when they enter foster custody.

Many children in care feel disempowered, uninformed, and lost. The protections in this bill, providing for greater stability of placement, increased information, increased participation in the decision-making process, greater independent living skills, and maintenance of important personal connections will improve their experiences.

For these reasons, we support HB523 HD1. Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori
Deputy Director
[REDACTED]

030063



E-Mail: JUDtestimony@Capitol.hawaii.gov

Regarding: House JUD Hearing

Hearing on: February 21, 2008 @ 2:45 p.m. in room 325

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Executive Director

Eva Andrade
Director of
Communications &
Administration

Date: February 20, 2008

To: House Committee on Judiciary
Honorable Tommy Waters, Chair
Honorable Blake Oshiro, Vice Chair

From: Kelly M. Rosati, JD
Executive Director, Hawaii Family Forum

Re: Oppose HB 523 HD 1 Unless Subsection (4) is Removed

Honorable Chair and members of the House Judiciary Committee, I am Kelly Rosati representing Hawaii Family Forum (HFF), a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii.

I have been an advocate for Hawaii's foster children for 8 years, both personally and professionally. Each of my four children was adopted from Hawaii's foster care system and one of our organization's top priorities is finding forever adoptive families for waiting children in Hawaii's foster care system.

We are supportive of many of the tenants of this proposal and recognize that they are only guiding principles. We believe the overarching priority of all child welfare actions must be the best interests of the child. The application of such a standard can be complicated as there are often differing perspectives regarding what is or is not in a child's best interest. Hence the professional perspectives of social workers, guardian ad litem, and attorneys are important with final determinations made by Family Court judges.

There can be no doubt that many of the items identified in HB 523 will advance the cause of the best interest of the child.

Subsection 4, however, is completely inappropriate and would likely be an unconstitutional violation of the substantive due process rights of parents to direct the upbringing of their children. We ask that it be removed from this bill.

Please allow me to explain.

FOSTER CARE BACKGROUND

When children have been abused and/or neglected or are in imminent threat of such abusive or neglect, they are removed from their birthparents and placed in foster care.

Those birthparents are then provided a service plan, a roadmap by which they can regain physical custody of their children. They are offered the services they may need in order to provide a safe family home: substance abuse counseling, parenting classes, anger management, whatever it may be. They are provided regular, supervised visits with their children and a whole system of support is available for them to be able to reunite with their families. As it should be, it is practically and constitutionally difficult to terminate parental rights.

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PAGE TWO

For many children in the foster care system, their parents are unwilling or unable to accomplish what they must in order to give them the family life they deserve. In those cases, parental rights may be terminated by the Family Court.

It is very important to remember that because of the abuse and neglect these children have suffered for years at hands of their birthparents, many are very wounded emotionally and face significant challenges. This is a fact that often is glossed over in Legislative conversation about child welfare issues. Some of the abuse and neglect faced by these children is so horrific it is difficult to even describe.

IF BIRTHPARENTS RIGHTS ARE TERMINATED

If the Family Court determines birthparents are not willing or able to provide a safe family home in the reasonably foreseeable future, their parental rights are terminated and DHS must develop a plan for permanency for the child.

Having children living in limbo with the temporary status as a foster child is an unacceptable failure on the part of the community. ALL CHILDREN DESERVE PERMANENT FOREVER FAMILIES.

SUBSECTION (4) INAPPROPRIATE -- ADOPTIVE PARENTS HAVE THE EXACT LEGAL STATUS AS BIRTHPARENTS

It is at this point that many children receive the only chance at a future that they've ever had -- they are able to be adopted and experience the love, stability and permanency of a forever family.

Those adoptive parents are full legal parents with rights no different than all other parents. Subsection 4, which attempts to direct the upbringing of these children by requiring contact with the abusive birthparents whose rights have just been terminated, is inappropriate and out of place in the context of the bill related to foster children.

Children who were adopted from foster care are no longer foster children – that is the whole point of providing them with forever adoptive families. As such, this bill should have no application to them whatever.

Subsection 4 of this bill represents a regressive view of adoptive parents as somehow second class parents. It purports to take the determination about what is in the best interest of their children away from parents in favor of a legislative 'guiding principle.' It tries to set a legislative and DHS default position in favor of a certain type of upbringing for children – one that is often confusing and harmful.

That determination is the purview of their adoptive parents. Period.

Please know that my comments come from a perspective that is open and favorable to certain levels of openness and birth family contact – as determined by the adoptive parents based on what is in each child's best interest. Some children will benefit from this while others will have their emotional healing stunted by the confusion and fear caused by seeing the people who have abused and neglected them to that point. The determination of the matter is for the adoptive parents to decide based on what is best for their child.

RECOMMENDATION

Please remove subsection 4 from this measure. It has no place in a bill relating to foster children, it is totally inappropriate public policy and it would be unconstitutional as applied as a violation of the substantive due process rights of parents to direct the upbringing of their children – a right that belongs equally to all legal parents, including adoptive parents.

Mahalo for the opportunity to testify.



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Katie Alston

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Katie Alston and I am the Vice President of the Maui Chapter of the Hawaii Foster Youth Coalition. I am both a foster youth and an advocate for my younger foster youth peers. I am in support of the Bill H.B. 523 relating to The guiding Principles for Foster Children. I feel that it is important for youth to be treated equally and respected in their foster homes. I have experienced sexual, psychological, and physical abuse rom permanent foster homes. This did not make me feel safe, respected, or loved. This Bill would help foster youth merge with society better. Former in care youth would come out less violent and scarred and more loving and caring. I have encountered starvation, molestation and other kinds of abuse from foster families. On top of all of that, sometimes, my social worker either takes months to check on or call me or doesn't do it at all. This makes me feel alone on top of the feeling of violation. We need this Bill so that foster children can be treated like real humans and not dogs.

Please vote in favor of Bill H.B 523 relating to The Guiding Principles for Foster Youth. I think that it really would make a difference.

Katie Alston



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HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Joseph Fichter, President

Judith F. Clark, Executive Director

Acadia Hawaii Residential Treatment
Center (Formerly Children's
Comprehensive Services)

Adolescent Services Program, Kaiser
Permanente Medical Care System

Aloha Pride Center

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI
Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Foster Family Programs of Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Foster Parent Association

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihi Valley

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (FACT)

Planned Parenthood of Hawaii

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

Turning Point for Families

Waikiki Health Center

Women Helping Women

YWCA of Kauai

February 20, 2008

To: Representative Tommy Waters, Chair
And members of the Committee on Judiciary

Testimony in Support of HB 523 HD1 Relating to Children

Hawaii Youth Services Network (HYSN), a statewide coalition of more than fifty youth-serving organizations, supports HB 523 HD1 Relating to Children.

The guiding principles lay out expectations for humane treatment of children in foster care. They give youth opportunities to participate in decisions about their lives by empowering them to participate in court hearings, communicate with their case workers, and participate in transition planning. The guiding principles assure young people the right to their own religious beliefs and practices.

We have heard from many youth in foster care about the importance of maintaining contact with siblings who are placed in different foster homes. When parents are abusive or failing to provide proper care for their children, the older children often take on the role of caregiver for the younger siblings and the children develop especially close bonds with each other. When the children are placed in care, it is often the separation from their brothers and sisters that generates the strongest feelings of grief and loss. HYSN believes it is important for children to have ongoing relationships with their siblings and applauds this provision of the guiding principles.

We urge your support of the guiding principles for foster care.

Sincerely,

Judith F. Clark, MPH
Executive Director

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Joshua Ambeau

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

I, Joshua Ambeau, am supporting H.B. 523 because we as foster youths should have the right to visit and see our siblings because our family and siblings is one of our closets loved ones we have in our lives. We as foster youth should see our siblings because they mean the world to us. I also highly believe that us as foster youth should be able to have the same care as any other child in this world. I also believe that we foster youth should have better clothing because we are still normal people but just in a harder situation than other kids that is in a foster care system. I also believe that the foster youth should have privacy just as much as any one else. I say this out of experience.

Joshua Ambeau

Mililani, HI 96789

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To : Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair
Committee on Judiciary

From: Kathleen Ball, University of Hawaii at Manoa - Master's of
Social Work Student

Date: Thursday, February 21, 2008 at 2:45pm, Conference Room
325

Subject: Support of H.B. 523 H.D. 1, Relating to Children

I strongly support H.B. 523 H.D. 1, which would help to support foster children by requiring the Department of Human Services to ensure a standard of care provided to foster children guided by certain principles.

We, not only as citizens, but as a community have an obligation to all children, but particularly those in foster care to insure their welfare and safety. Many of these children have been taken from their home due to serious events that have occurred beyond their control. As a result many of these children experience trauma and confusion being separated from their families and homes, no matter how destructive it was. As a community we need to assure these children that their well-being, care, and safety are of the utmost concern. As such these institutions that are now providers for these children should be held accountable for a certain standard of care that are guided by seemingly inherent principles.

Many other states have enacted guiding principles for children in foster care such as California, Maine, Florida, and New York. Each of these states has written these principles that stem from a 1973 Act in Philadelphia which created the Bill of Rights for Children in Foster Care. According to the National Foster Parent Association, this bill established that children in foster care have inherent rights, many of which are included in Hawaii's bill.

We must not let children, who have already suffered, continue to not be protected by those that make a promise to them to keep them safe. We have an obligation to these children, the children of Hawaii, to ensure that there is a standard of care that are centered around guiding principles that will protect them and ensure their well-being.

Thank you for this opportunity to testify.

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Kelly Bance

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

I, Kelly Bance, am supporting bill H.B. 523, which is the bill stating that children in foster care or children that have a sibling in foster care should have visitation rights. This bill, if passed, would be very helpful & useful to many youth in foster care. It can help the foster youth become more comfortable while in the system. And maybe be more open to the families. I think that in some cases, maybe it's in the best interest of the foster child to not see their siblings, but they should have their rights if they want to see their siblings. I think that all foster children should get a say in decisions determining visitations & housing.

A specific reason I am supporting this bill is because it relates to something I have gone through and am currently living. Before my younger brother (Bryan, 15, Blind & Autistic) went into foster care, I basically would be taking care of him like an older sister would. I would help feed & bathe Bryan. We were basically inseparable. We got taken into foster care in February '99. I was 11 years old and was never away from my brother for more than 10 hours a day. Then they ended up splitting us apart. I was not used to this. We would only see each other at school, where I would skip all social activities to spend time with him in his classroom. I saw him without parent visitations, but under close supervision. It went on like this for a year and a half. In '00, I was returned to my father and my case was closed. Yet my younger brother was still in the system. We started getting more visitations and sleepovers since I was returned home. Then my mother's rights were taken away but the reason is unknown. Slowly visitations became scarcer, month by month. It went from every weekend sleepovers, to every holiday sleepover, to weekend one day visit, then to holidays, and finally to rarely ever.

It's 2008 and my brother is still in foster care. Basically in 2005, there was a mis-communication between my Mother & his foster mom. I saw my brother a total of once, the whole year. Even if my mother was out of the picture, not even my older brother, nor could my father, who was dying of throat cancer, visit him. I guess that my mother was a big factor of this, still I would've visited him on my own. It took my father being in the hospital in January '06 to be able to visit him. And still it was for about an hour long. I think that this is too much time lacking visitations.

My brother is now a sophomore at Castle High School and is doing great. But it would bring me great pleasure to see H.B. 523 be passed. It is not easy not seeing your siblings. I sure don't like knowing that children had to go through the same thing as me. I want there to be a change so that they can feel closer with family rather than complete strangers. And it may even help the child put in foster care to open up faster or more. I want the children who can't advocate feeling that there are still chances to live happily without struggle. Thank you for reading my testimony.

Sincerely, Kelly

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: The Hawaii Foster Youth Coalition

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

Hi, my name is Amber Carson and I support the Bill relating to Guiding Principles for Foster Children. I have experienced some bad treatment in some foster homes. I have lived in a home where my foster parents would feed their family really good food and us as foster youths just got pork and beans and rice. I have also heard of stories where the foster parents would abuse the foster child. In a specific home I was treated different like I was some kind of disease. I would have to use disposable plates, cups, and utensils while the natural family ate off the regular silver ware. If you pass this Guiding Principles for Foster Children, I personally will appreciate it.

Thank you,

Amber Carson

Hilo, HI 96720

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Daralynn Delacruz

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

As a former foster youth in Hawaii, I support H.B.523, the Bill relating to the Guiding Principles of Foster Youth.

I am writing this testimony on behalf of all the foster youth whose voice has not yet been heard. Passing H.B. 523 not only will affect present foster youth but future youth's as well. I feel that this bill will help foster youth be able to adjust and deal with their problems much easier without fear of having someone judge or neglect their feelings or rights.

One Selection in the Bill states, "The right to live in a safe and healthy home, free from physical, sexual, emotional, or other abuse;" As a past foster youth on Maui, I know how hard it is to live in a brand new foster home and not feel comfortable because of mistreatment. In my past experiences, I have always felt abandoned and unwanted. So many foster parents say they care and want to make a difference but when it comes down to it, all they want is the money. I always wanted to fit in and feel like I was one of their own real children, but my foster parents didn't receive the proper training on how to listen and communicate with me in a positive way. They ended up not doing what right number one would help me have. I think this bill would help them understand more what we foster youth need.

I also feel very strongly on passing the bill because it would give me an opportunity to contact the department confidentially and to make complaints regarding alleged violations of rights; and to be free from harassment and retaliation regarding such actions. In the past I have been put into foster homes, which in my opinion have not been appropriate ones, and I was afraid to speak up and say something. I was afraid that my foster parents would get mad at me or treat me differently if they found out how I felt. So I acted out in ways that would get me kicked out of the foster home, and I wouldn't have to deal with my fears. Many foster children feel this way and are afraid to speak out. How do I know this? We talk, we listen to each other, and we understand. I'm not saying you have to have been a foster child to understand this but I do know that you have to see and hear both sides of the issue and so many adults in their ignorant ways don't have this skill. Please support H.B. 523.

Thank you,

Daralynn Delacruz

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Meghan Haiku

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Meghan and I support the Bill relating to The Guiding Principles for foster children. I am part of the Hawaii Foster Youth Coalition in East Hawaii. I think the Bill is important because a child shouldn't be treated different just because they don't have a permanent legal guardian. When a foster youth enters a home where the parents have a biological child, there is a possibility the foster youth will be discriminated upon and may not receive the care they deserve. I had a friend that was in foster care and had to eat out of a different ice box and had to eat pork and beans while everyone else in the house got shrimp and lobster. I know other stories about youth who were treated unfairly due to being in foster care. I talk story with them offering care and support but can not do anything to make their situation better. Please support the Guiding Principles for foster children. With your help, we can make a difference.

Sincerely,

Meghan Haiku

Pepeekeo, HI 96783

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Blake Lanoza

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Blake Lanoza, and I am a former Foster Youth. I support H.B.523 relating to the Guiding Principles for Foster Youth because I know the value of this bill from personal experience. As a former Foster Youth I had been abused, harassed, discriminated against, and everything else you could possibly imagine. If I knew that I had rights, I would have been able to recognize the wrongs that were being committed against me. I would have been able to live a normal life. But in fact, I was not so lucky, and I was abused for a third of my life by the same family. I was beaten, malnourished, and hurt. I couldn't even wear decent clothes. The Social Worker only heard from us under the supervision of our abusive Foster Parents. I never heard from my Guardian Ad Litem for months at a time. I feel that if this Bill existed when I was under the care of the state, I would have never been abused the way I was. Many more children are being taken advantage of and hurt while in the Foster Care system. If this bill were to be passed into a law, even with amendments it would be a giant step for Foster Children. You will be responsible for changing and saving lives if you pass this bill. Foster Children will, for a change, have an advantage because having a good family where you are respected helps to shape you into a more responsible and productive adult. In turn, we will see less Foster Children becoming homeless and more becoming productive members of society.

Please pass H.B. 5234 relating to Guiding Principles for Foster Children. I think that this Bill looks out for Foster Children, and they have needed that for a long time.

Blake Lanoza

[REDACTED]
Honolulu, Hi 96817
[REDACTED]

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Chardell Nihipali

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Chardell Nihipali and I support the H.B. 523 relating to the Guiding Principles for foster children because I have a lot of friends in foster homes that talk to me about how their foster parent's treat them and how they make them do everything like slaves. They get yelled at like all the time. They can hardly use the phone like only for 10 minutes and I really support this bill even though I haven't been in foster homes but I have been in MYFS, DH, HYCF, FTC, and some other places too. But I support this bill because of what I went through and what my friends tell me they go through. I would like other children to have a better life than what my friends go through and what I've been through with all the placements I've been in.

Chardell Nihipali

Hilo, HI 96720

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To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Chelsea Pali

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Chelsea Pali and I am a foster youth. I am strongly in support of H.B 523 regarding The Guiding Principles for foster Youth. I would really appreciate it if you guys could support this Bill. I support it because I don't think that it's fair when the state gives our families money to support us and they end up spending it on themselves and their biological children. I also don't think its fair when foster families take in babies and make the older foster children take care of them. I really think that the system needs some changes. I think that any monies that are supposed to go to the rearing of foster children should be written out to the state. They should have a worker come out and shop with the family for food and clothes.

Please support H.B. 523 involving The Guiding principles for Foster Chidren.

Chelsea Pali (16 Years Old)

000076



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Kamani Pali

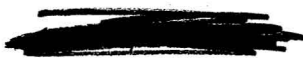
Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Kamani Pali, and I strongly support H.B. 523 involving The Guiding Principles for Foster Youth. I was in the foster care system for two and a half years. My foster parents were very mean to me. They used their money that they got from the state to take care of us on themselves and their biological children. If you pass this Bill, the overall lives of all of the foster children in the state will improve drastically because it will be mandated for us to be treated equally. We want this Bill to pass because we feel that we have the right to be comfortable in our homes. Please pass this Bill. Foster children need a better living environment that will give us the nurturing that we need. For example, good meals and wearable clothes are essential for us. I don't think that foster parents should ever have the right to strike or sexually abuse any of their foster children for any reason. This is not right; they should listen to what the child has to say. The reason I say this is because you could say that you were sexually abused or struck and nobody will believe you. I don't think that foster children should be locked up in a room; they should be entitled to free time and a life. We need to be loved. We need people that we can look up to. We need people that we can trust to be there when we need them.

Pleas support H.B. 523 regarding to The Guiding Principles for Foster Children.

Kamani Pali (14 Years Old)



000077



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Richard Potter

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Richard Potter and I support H.B. 523, Guiding Principles for Foster Children. I was taken in to DHS custody when I was 6 months old until the age of 17 when I emancipated. My parents came from Mexico and were deported when I was 6 months. California State law says no child under the age of 2 can be deported out of the country. So my entire life I've been in foster care. I've been in 2 treatment facilities and 27 foster and group homes. This is the first time I've ever seen or even heard of a Bill such as the one stated above and I am happy to know that California passed a similar bill some years ago.

I can name experiences from different homes where every single one of these rights were violated and no actions taken from higher authority. One major instance that happened twice to me was violation of sexual acts preformed by foster parents. When brought to the attention of my case worker I was the one called a liar and I was placed in a treatment facility as punishment for my "bad" behavior. Five years later the same foster parents were charged and convicted of 107 cases of sexual molestation. Yet I was the one punished and thought of as "bad".

I am 24 now and I have to honestly say if this bill passed then I really wonder how many of us in foster homes would not do half of the "bad" stuff we did as juveniles. People don't understand how hard it is to live in some other family's home. Most of us don't have families. We've all been mistreated and abused, in one form or another, while in foster care. But I guarantee if this Bill were passed, we would be more willing to not act out. It is a proven fact juvenile's act out only when they are unhappy. All foster children are already unhappy because they are not living at home with their parents. They have no rights and we are being violated everyday and everywhere.

Higher authorities can't expect foster youths to not act out when their being abused and mistreated then told they are the ones at fault for foster parents mistreating them. I strongly believe if this Bill were passed, there would be a lot less juveniles in jail and placements because life wouldn't be so hard on them. Remember most foster youth don't have a family. So think how you'd feel being told by a complete stranger how to live your life. Then being mistreated or abused. And then to top it all off, punished for misbehaviors when you're being abused and mistreated to begin with. Thank you for hearing my testimony.

Richard Potter

Hilo, HI 96720

C30078



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Nicole Rubens

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

My name is Nicole Rubens, and I am writing this testimony in favor of the Bill H.B. 523 relating to the Guiding Principles for Foster Children. I have been placed in various alternative foster placements such as crisis beds, therapeutic foster care, and group home settings. While residing in custody at these placements, I have heard horror stories concerning foster children and their placements. These stories varied from being forced to wear used clothes, to actually being beat by the foster parents.

A few months ago, a friend of mine was confronted by a situation of abuse in her foster placement. She felt "forced" to run away because of her life being in danger. She told me she would rather sleep on the streets than stay with her foster home. This is just one of many examples of abuse and neglect of children in the foster care system that I hear about in the treatment places. I began to realize that these youth need treatment cause of the abuse and terrible situations they had to live in while in foster care. I think if that changed and our situations were better having nice homes to live in, we would not need so much therapy. Quite frequently, these situations appear in the media, yet rarely anything major is done. So youth give up and feel hopeless. They don't care about their self cause they think nobody cares.

Youth deserve the same respect regardless of their living situation. Passing Bill GH.B. 523 will show youth somebody does care and improve the lives of hundreds of Hawaii's youth.

Sincerely,

Nicole Rubens

Hilo, HI 96720

030079



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Ryan Santos

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

I Ryan Santos am supporting H.B. 523 because I think foster kids should be able to see their siblings. It will encourage them to stay or to get on the right track. Some kids are put into foster homes not cause of themselves but of others and to take away family from them is heart breaking. Why take something away when it was not required to be taken away? I think that's how you destroy and break up families. I have learned from experience the hard way. I didn't get to see my siblings for nine years. It was not ordered by anyone. It was just because I was in a foster home. After all that time, I got to see them. That helped me shape up. I am off drugs, not fighting, and I, am attending culinary training and being promoted. My life has changed.

Another thing that happened was not getting the right medical care and because of that I'm losing my eye sight. If I was treated while in foster care, it would have saved my eyes. I say these words out of experience and ask you to support this bill, Bill H.B. 523.

Ryan Santos

[REDACTED]
Aiea, HI 96701
[REDACTED]

000080



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Mark Spiegel

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

I am a supporter of H.B. 523 for many reasons. I live on Maui and although I am 45 years old now, I was in foster care for my entire childhood. It would have really changed who I am today if there had been a Bill such as this back then, this is for sure. I have needed years of therapy just to heal from cold, uncaring, mean foster parents who did a great job of putting on a good face in front of the social worker, and then once the social worker was out the driveway, reverted back into a shaming tyrant. I experienced this behavior in at least three foster homes. I was in 7 homes. I would be a much better person today, if I was guaranteed certain rights back then.

Why foster youth are treated like second class citizens leaves me scratching my head when they are truly victims in the first place, being separated from their Mommies and Daddies through no fault of their own. We have all heard of human rights, what about foster youth rights? Currently I work professionally with foster youth as an Independent Living skills trainer and serve as the adult mentor for the Hawaii Foster Youth Coalition on Maui. Many times, foster youth are subjected to truly unfair and egregious treatment, usually for the expediency of their social workers, who it seems, are usually more interested in making their job easier and not for the best welfare of the child. Now there are many great foster parents out there and caring righteous social workers, but unfortunately, there are too many negligent ones who make passing of H.B. 523 important.

Because I currently work with about 27 teenagers in foster care on Maui, I see and hear a lot of what goes on in these homes and it is unconscionable, from verbal shaming and abuse, to forced babysitting of younger foster youth while the foster parent is at a boyfriend's house, to militant coldness and strictness and grounding for the most trivial transgressions. Some of these foster homes are shoving their brand of religion down these youth's throats and forcing them to religious services they do not subscribe to, making the bill particularly relevant for these foster youth in my experience and observations. Social workers need to be forced by law to do what is right by these innocent victims, because if not, they will do what is convenient for themselves, which is do nothing to force foster parents to conduct themselves appropriately for these youth. Let's stop adding salt to the wounds of these victims and do what is right for our young friends. H.B. 523 will help social workers to do their jobs right. Please pass this bill.

Mark Spiegel

~~XXXXXXXXXX~~

C00081



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Ellen Timko

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

I support the H.B. 523 relating to Guiding Principles for Foster Children because I worked with foster youth on the Big Island for two years and during that time, I have come to recognize the hardships youth have when exposed to inadequate care. Many youth are not receiving proper nutrition, medical care, clothing, education, guidance, or in home care. Many foster parents are getting away with giving youth this type of treatment. Also, in many cases, there is no one checking up on the youth's well being in the home or on the parenting skills of the foster parents. This is something that really needs to change. There must be a law such as this stating that these needs must be addressed and foster parents need to go through the proper ongoing training to insure the health and well being of the youth in their care. The Guiding Principles for foster children is a perfect example of what would help the situation. It would be a great way to protect the youth currently in care. Thank you for hearing my testimony.

Ellen Timko

Hilo, HI 96720

C00082



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Carrie Marie Tudor

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

I, Carrie Marie Tudor, support H.B. 523. I am a former foster youth and was in foster care from age 12 to age 17. H.B. 523 are basic guiding principles that many "normal" families take into affect during a family move or family decision. Foster youth are on an extreme outside of normalcy and this Bill will give back what the initial implementation of the system due to circumstances outside of the youth's control took away. When I was in foster care I went to 6 different high schools in four years. Although it didn't affect my academics, for many foster youth it does. It does however prevent youth involvement in sports and other extracurricular activities such as drama, choir or clubs. Many of these activities are "required" on scholarship applications when applying for college and without this revision we are setting up our foster youth for failure. Many times I didn't know who my case worker was or when they were taking a leave of absence which led me to have no idea who to contact about my concerns and needs.

Without this revision we are telling our foster youth that even though their placements were out of their control that their lives are still not in their control. This revision gives control of lives back to the owners.

Thank you for your consideration.

Carrie Marie Tudor

[REDACTED]
Waipahu, HI 96797
[REDACTED]

000083



To: Representative Tommy Waters, Chair and Representative Blake K. Oshiro, Vice Chair, and the Committee members

From: Cynthia White

Date: Hearing held on February 21, 2008 in room 325 at 2:45 p.m.

Re: Support of H.B. 523, Relating to Guiding Principles for Foster Youth

The Hawaii Foster Youth Coalition (HFYC) supports H.B. 523 that relates to the providing notice of permanent plan hearings to a child who has reached the age of 14 and allows for foster children under the age of 14 to be heard.

HFYC is a youth lead organization that assists youth in and transitioning out of the foster care system to see the infinite pathways and possibilities of their lives through advising and advocating for opportunities that will allow youth to enjoy a productive present and a successful future. As the Project Director, I am permitted by the Board of Directors, who are current and former foster youth, to represent their needs.

Foster children seek for the State of Hawaii to recognize the need for notice of permanent plan hearings. In conversations with youth between the ages of 14 and 24, HFYC has learned that many of these youth were unaware of court hearings that decide their fate. These youth expressed a need to be informed and to be able to participate in decisions that determine the course of their lives. H.B. 523 will give youth the opportunity to have a voice in their case planning.

As a former foster youth, I was allowed at the age of six to meet with my Judge and given a choice to be adopted or stay in foster care until my mother could regain custody of me. I chose to wait and stay in foster care. Even though my stay in foster care resulted in abuse and neglect, I still feel that having the choice helped me, empowered me, to cope with being in care. At least I had hope that I would be reunited, which happened at the age of eleven. My sisters were not given that choice and were adopted. We reunited as adults. Even though they were adopted by affluent families, they felt cheated and hurt by the loss of contact with their biological family.

As a specialist in children's grief and trauma, I am aware that adults tend to not involve children in difficult decisions in an attempt to protect them. I am also aware that trying to protect children by denying them the opportunities to represent themselves and have choices about their futures does not work. It leaves children feeling betrayed, powerless, hopeless, and without trust for adults. Children have the right to and deserve to be involved in their case planning no matter what their age. If children can handle the hardships of abuse, parent loss, living in foster care, they can certainly handle court hearings. Please show your faith in Hawaii's children by supporting this H.B. 523.

Sincerely yours,

Cynthia White

C00084