

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

LATE

March 13, 2008

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 524, H.D. 2, RELATING TO CHILD WELFARE
Hearing: Thursday, March 13, 2008, 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of H.B. 524, H.D. 2, is to ensure the provision of notice of permanent plan hearings to a youth who has reached the age of fourteen years.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports H.B. 524, H.D. 2. In addition to allowing attendance and participation in Court hearings under section 587-73, Hawaii Revised Statutes (HRS), held subsequent to the permanent plan hearing, this bill will hopefully encourage youth to participate in case planning and in services necessary for a successful transition from foster care to independence.

Thank you for this opportunity to testify.

AN EQUAL OPPORTUNITY AGENCY

LATE
George J. Zweibel, Esq.
President, Board of Directors
Charles K. Greenfield, Esq.
Executive Director

TESTIMONY IN SUPPORT OF
HB524 HD2 - RELATING TO CHILD WELFARE

March 13, 2008 at 1:15 p.m.

The Legal Aid Society of Hawaii hereby provides testimony to the Senate Committee on Human Services and Public Housing on HB524 HD2 – Relating to Child Welfare, 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.

Over the last several years, Legal Aid has strongly supported bills that protect the interests of foster children in child welfare proceedings. This bill would provide notice of permanent plan hearings to foster children and require the Department of Human Service to arrange for transportation to those hearings should the foster child decide to attend.

Currently, while foster children are technically allowed to participate in their child welfare hearings (i.e. the Family Court of the First Circuit has stated that it has been court policy since 2006 that a child has a presumptive right to attend their hearings), there is no statute neither prohibiting it nor specifically requiring it. As such participation can be dependent circuit by circuit, on whether the foster child is told of the hearing and whether transportation is provided.

A foster child's participation is especially crucial when they reach the age of 14. If parental rights have been terminated they are required to agree to a permanent plan which outlines the plan for the youth given their current placement. For many of these youth, really understanding the nature of the plan, the consequences of their choices and the reality that they no longer have parents is sometimes not made very clear. The opportunity and notice to appear in court can help facilitate their involvement in this process.

By providing notice of these hearings to the youth and the option for the youth to attend the hearing, youth will be more aware of court hearings and the actions being taken by the state with regard to their well-being. As children who no longer have parents, they are now living in a system where their voice has been limited to the signing of a paper with little or no contact with the court system which will ultimately decide their fate. We believe it is critical for foster youth to provided notice of this process.

For these reasons, we support HB524 HD2. Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori
Deputy Director
527-8014