



Testimony to the Senate Committee on Human Services and Public Housing

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

Tuesday, February 5, 2008, 1:15 p.m.

State Capitol, Conference Room 016

By

Judge Frances Q.F. Wong
Deputy Chief Judge / Senior Judge
Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 3053, Relating to Sibling Visitation.

Purpose: Amends the adoption law to provide that DHS and prospective adoptive parents may enter into enforceable agreements re visitation between the minor and his/her siblings after the minor is adopted. Family Court to retain jurisdiction until the child reaches age 18, is emancipated, or the agreement is terminated.

Amends the guardianship law to provide that a guardian shall ensure that a minor ward, who requests visitation, is provided reasonable on-going contact and visitation with his/her siblings.

Judiciary's Position:

The Judiciary takes no position on this measure, but has the following comments:

First, the proposed amendments are very broad and could apply to all children. If the Legislature intends to apply this just to children who have received services from the Department of Human Services, further clarification may be necessary.

Second, the proposed amendments in Section 1 of this bill appear to require the Court to retain jurisdiction, in adoption cases, to enforce contracts between the Department of Human Services and the prospective adoptive parents regarding sibling visitation. The Court's active jurisdiction in adoption cases usually terminates upon the entry of an adoption decree. The files



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are then sealed. In both adoption and guardianship cases, active court involvement generally ends when the petition has been granted.

Last, this bill provides that the Family Court retain jurisdiction to enforce, modify, or terminate the agreement until: 1) the subject child reaches age 18; 2) is emancipated; or 3) the agreement is terminated. Should this provision be adopted, the Judiciary respectfully recommends that this language be amended to include a fourth provision "until further order of the court." (P.2, line 2). The language bill would then read:

(c) A court that enters an order or decree of adoption that incorporates an agreement that provides for post adoptive contact shall retain jurisdiction to enforce, modify, or terminate the agreement that provides for post adoptive contact until:

- 1) The child reaches eighteen years of age;
- 2) The child becomes emancipated; [or]
- 3) The agreement is terminated; or
- 4) Further order of the court.

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