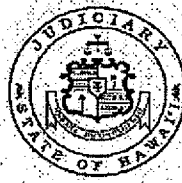


LATE



Testimony to the Twenty-Fourth State Legislature, 2008 Session

Senate Committee on Human Services and Public Housing
The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr., Vice Chair

Senate Committee on Education
The Honorable Norman Sakamoto, Chair
The Honorable Jill N. Tokuda, Vice Chair

Monday, January 28, 2008, 3:45 p.m.
State Capitol, Conference Room 225

by

Thomas R. Keller
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 3178, Relating to Juvenile Court Records.

Purpose: Provides for limited disclosure of confidential Family Court juvenile information to school officials under certain circumstances.

Judiciary's Position:

The Judiciary takes no position on the substance of this measure.

However, this bill may be overly broad and contrary to the intent of HRS Chapter 571 relating to the Family Court. Further, this bill may thwart rehabilitation efforts, which, in the long term, will compromise community strength and safety.

In addition, the Judiciary respectfully proposes the following amendments:

1. (Pages 6-7) Enlarge the time for notification from 7 days of the filing of the petition, to 7 weeks from the filing. We would not have the required information available at the time of the filing of the petition.



Senate Bill No. 3178, Relating to Juvenile Court Records
Senate Committee on Human Services and Public Housing
Senate Committee on Education

January 28, 2008

Page 2

2. Mandate the presence of the school official at every hearing for every noticed child so that: a) the official will have more direct information; and b) the Family Court and/or the Office of Youth Services will have the benefit of the official's school information and expertise in developing appropriate sanctions and disposition.
3. (Page 8) Regarding the language in the new subsection (g), while we understand the need to protect public officials from liability, perhaps there should be an exception for negligence and/or gross negligence, and/or for intentional acts that cause release of this confidential juvenile information.

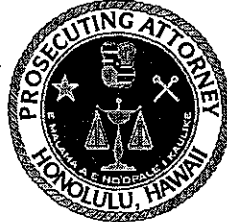
Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 527-6516

LATE TESTIMONY

PETER B. CARLISLE
PROSECUTING ATTORNEY



DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR
SENATE HUMAN SERVICES AND PUBLIC HOUSING COMMITTEE
THE HONORABLE NORMAN SAKAMOTO, CHAIR
SENATE EDUCATION COMMITTEE
Twenty-fourth State Legislature
Regular Session of 2008
State of Hawaii

January 28, 2008

RE: S.B. 3178; RELATING TO JUVENILE COURT RECORDS.

Chair Chun Oakland and members of the Senate Human Services and Public Safety Committee, Chair Norman Sakamoto and members of the Senate Education Committee, the Department of the Prosecuting Attorney submits the following testimony in support of the intent Senate Bill 3178.

The purpose of this bill is to permit limited access to juvenile records in order to provide school officials with information that has a significant impact on the health and welfare of students and school personnel. S.B. 3178 provides that family court provide a notice to school officials informing them of the filing of a petition against a minor enrolled in the school when the petition involves conduct which would constitute an offense under parts II, III, IV or V of chapter 707 and part IV of chapter 712.

The intent of this bill is not intended to further punish the juvenile, but to make school officials aware of juveniles who may need special attention, guidance or programs and to assist school officials in providing the appropriate attention, guidance or programs. In addition, if the juvenile has been acting out in a manner that may pose a danger to other students or to the faculty, school officials should be made aware of this in order to adequately protect others. We believe this bill recognizes that the juvenile's right to confidentiality in these records must be balanced against the provision of information to those who can provide support and assistance to the juvenile and who

have a duty to provide a safe and secure school environment for all students.

For these reasons, we support the intent of S.B. 3178 and thank you for this opportunity to testify.