

Honolulu, Hawaii

Feb 5, 2009

RE: H.B. No. 726
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 726 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Establish a task force to examine situations resulting in a child fatality or a serious injury due to drug use by a parent, guardian, or caregiver, and develop a plan to prevent such situations from occurring; and
- (2) Establish a system for the Department of Human Services (DHS) to allow children to continue to reside in pre-existing caregivers' safe homes rather than enter into foster care, subject to certain conditions.

The Department of Human Services testified in opposition to this bill. The Judiciary provided comments.

Your Committee notes that the Judiciary raised the following specific concerns:

- (1) Notice to DHS when a caregiver intends to return the child should be mandatory;



- (2) If a caregiver's home is not in total accordance with relevant foster care licensing standards, the relevant factors should be documented;
- (3) If a caregiver and the child are entitled to the same benefits and services available to a foster parent, the reason for not providing such benefits should be documented; and
- (4) Special and general powers of attorney should be in place so that the caregiver will be able to provide consents on behalf of the child to ensure that the child receives educational, medical, and other services. If the child's legal custodian cannot be located, DHS must determine how these consents will be provided.

Upon further consideration, your committee has amended this bill by:

- (1) Making the task force provision discretionary; and
- (2) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 726, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 726, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 33

Record of Votes of the Committee on Human Services

| Bill/Resolution No.: HB 726 | Committee Referral: HUS | Date: 01/29/09 | | |
|--|-----------------------------------|--------------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| HUS Members | Ayes | Ayes (WR) | Nays | Excused |
| ✓ 1. MIZUNO, John M. (C) | / | | | |
| ✓ 2. BROWER, Tom (VC) | / | | | |
| 3. BELATTI, Della Au | | | | / |
| ✓ 4. BERTRAM, Joe, III | / | | | |
| 5. CARROLL, Mele | | | | / |
| 6. NISHIMOTO, Scott Y. | | | | / |
| 7. SHIMABUKURO, Maile S.L. | | | | / |
| ✓ 8. YAMANE, Ryan I. | / | | | |
| ✓ 9. WARD, Gene | / | | | |
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| TOTAL (9) | 5 | Ø | Ø | 4 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: <u>Tom Brower</u> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |