

STAND. COM. REP. NO. 436

Honolulu, Hawaii

Feb 19, 2009

RE: H.B. No. 1094
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 Judiciary, to which was referred H.B. No. 1094 entitled:

"A BILL FOR AN ACT RELATING TO PERMANENCY HEARINGS,"

begs leave to report as follows:

The purpose of this bill is to amend the Child Protective Act by, among other things:

- (1) Adding provisions related to permanency hearings to determine permanent placement of a child; and
- (2) Allowing the court to set a case for a show cause hearing if a child's family home is determined not to be safe, even with the assistance of a service plan.

The Department of Human Services testified in support of this bill. The Judiciary opposed this measure.

Your Committee understands that the substance of this measure is necessary to receive federal funds under Title IV-E but notes that the Judiciary has raised serious concerns regarding its practicability. Furthermore, your Committee notes that the proposed new section to Chapter 587, Hawaii Revised Statutes, as currently drafted does not adequately reference other sections of that chapter relating to permanent plans and permanent plan hearings.

HB1094 HD1 HSCR JUD HMS 2009-2255



Accordingly, your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2046, to encourage further discussion; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1094, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 1094, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


JON RIKI KARAMATSU, Chair



