

Honolulu, Hawaii

March 12, 2010

RE: S.B. No. 2716  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2716, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose of this bill is to replace current child protective statutes with a new Child Protective Act that conforms to federal Title IV-E provisions.

The Department of Human Services (DHS) and Blueprint for Change testified in support of this bill. The National Association of Social Workers and Legal Aid Society of Hawaii supported this measure with amendments. The Judiciary provided comments.

Your Committee understands that social workers have been an integral part of the child welfare system and that a social work-educated workforce has been directly linked to better outcomes for children and families. Given that this bill currently contains no definition for "social worker," your Committee acknowledges the request of stakeholders to include amendments that:

- (1) Add a definition for "social worker";
- (2) Allow social workers other than those employed by DHS and its authorized representatives to be presumed



qualified to testify as experts on child protective or child welfare services; and

- (3) Specify that any party may request the court to qualify a specific witness as an expert upon reasonable notice to all counsel, rather than just counsel for DHS and its authorized representatives.

Your Committee also acknowledges that this measure is the result of collaboration between several stakeholders and as not all stakeholders have had the opportunity to review these suggested amendments, respectfully requests subsequent Committees to consider them should they choose to hear this bill.

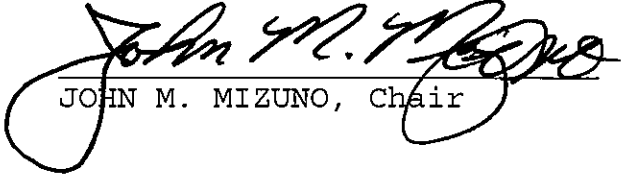
After careful consideration, your Committee has amended this bill by:

- (1) Clarifying the duties and responsibilities of a guardian ad litem with respect to representation of a child and an incapacitated adult;
- (2) Making the court's appointment of an attorney to represent an indigent legal parent permissive rather than mandatory;
- (3) Authorizing the court to appoint an attorney to represent another indigent party, if it is in the child's best interest;
- (4) Clarifying that a protective order will take effect upon service; and
- (5) 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 S.B. No. 2716, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2716, S.D. 2, 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

Record of Votes of the Committee on Human Services

Bill/Resolution No.: <b>SB 2716 SD2</b>	Committee Referral: <b>HUS, JWD, FIN</b>	Date: <b>3/8/10</b>		
<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	/			
TOTAL (9)	6	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Tom Brower</u>				
Distribution:    Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				