



Testimony to the Twenty -Fifth State Legislature, 2009 Session

House Committee on Human Services
The Honorable John M. Mizuno, Chair
The Honorable Tom Brower, Vice Chair

Thursday, January 29, 2009, 9:00 a.m.
State Capitol, Conference Room 329

by
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Senior Judge / Deputy Chief Judge
Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 726, Relating to Child Welfare Services

Purpose: Establishes a task force to examine situations resulting in a child fatality or a serious injury due to drug use by a parent, guardian, et al, and develop a plan to prevent such situations from occurring. Amends HRS Chapter 587 to include provisions under which DHS may permit a child to remain with caregivers who are not the child's legal custodian but with whom the child has been residing for at least 6 months with consent from the child's legal custodian.

Judiciary's Position:

The Judiciary takes no position on this measure. However, we have the following specific concerns relating to Part II of this bill:

1. Notice to the department 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.



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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, the department must determine how these consents will be provided.

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