

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2590  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Human Services and Judiciary and Labor, to which was referred S.B. No. 2590 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to give preference to allowing a child who has been or is at risk of being abused to remain in a safe family home, and to require the perpetrator of the abuse to leave the home, in certain cases of reported or suspected child abuse or neglect.

Your Committees received testimony in support of this measure from the Department of Human Services. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that in the case of child abuse, it is important to ensure continuity and consistency for a child who might otherwise need out-of-home placement. This measure will offer an alternative to a child's placement in out-of-home care, such as foster care, that may be viable under certain circumstances.

Your Committees note that according to the Department of the Attorney General's testimony, there already exists a test for the court to determine whether a child should be left in or returned to the family home - whether it is more probable than not that the family home is a safe family home with the assistance of a service



plan. This measure creates a different test - whether it is more likely than not that a child will be safe from harm in the family home. Rather than creating two different tests and inserting the preference throughout the entire sequence of decisions by the Department of Human Services that lead to the court's determination of placement of a child, your Committees find that the purposes of this measure may be better effectuated by inserting the preference for allowing a child to remain in a safe family home within the existing statutes that describe the court's considerations in determining whether to place a child in the family home or in foster care.

Your Committees have amended this measure accordingly by:

- (1) Deleting sections 1 to 5 of the measure;
- (2) Inserting language that creates a preference for the removal of the perpetrator from the family home, rather than the child, as described in section 587A-26(c)(2)(B), Hawaii Revised Statutes, throughout various court proceedings, including the return hearing, periodic review hearing, permanency hearing, and issuing of the protective order, which makes the language consistent throughout chapter 587A, Hawaii Revised Statutes; and
- (3) Inserting language that places the burden on the child's family to establish that it is in a child's best interest to remove the child, rather than the alleged or potential perpetrator, from the family home.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2590, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2590, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Judiciary and Labor,



CLAYTON HEE, Chair

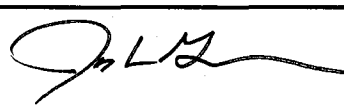


SUZANNE CHUN OAKLAND, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i


**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB 2590</b>	Committee Referral: <b>HMS/JDL, WAM</b>	Date: <b>2/13/2012</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)				✓
GREEN, M.D., Josh	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	7	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB2590</b>	Committee Referral: <b>HMS/JDL,WAM</b>	Date: <b>2/13/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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