



TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011

ON THE FOLLOWING MEASURE:

S.B. NO. 954, RELATING TO FOSTER CHILDREN.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, February 10, 2011 TIME: 1:45 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Jay K. Goss, Deputy Attorney General

Chair Chun-Oakland and Members of the Committee:

The Department of the Attorney General supports this bill with amendments.

"The purpose of this Act is to give children in the foster care system the option to remain under the jurisdiction of the family court system until they reach the age of twenty-one, and to amend current law to require a transition plan for children once they have reached the age of fourteen."

The Department of the Attorney General does not take a position on the policy of extending or retaining court jurisdiction under chapter 587A, Hawaii Revised Statutes, from age nineteen to age twenty-one. The Department of the Attorney General does, however, have some serious concerns about how this bill implements this policy.

Section 2 of this bill provides for a process to extend jurisdiction under chapter 587A after the family court has already terminated jurisdiction. If a child wishes to remain under the jurisdiction of the family court until he or she reaches the age of twenty-one, that child, or the child's guardian ad litem, must make that request prior to the court terminating jurisdiction. The family court cannot extend

jurisdiction over a matter over which it does not have jurisdiction. Chapter 587A, Hawaii Revised Statutes, currently contains a provision to allow the family court to extend or retain jurisdiction until a child reaches the age of nineteen. Section 587A-35 provides that "[e]xcept as otherwise provided in this chapter, the court may retain jurisdiction under this chapter until the full term for which any order entered expires or until the child attains nineteen years of age, whichever comes first." To accomplish the intent of this bill, the Department of the Attorney General would suggest that section 587A-35 be amended to provide as follows:

§587A-35 Retention of jurisdiction. (a) Except as otherwise provided in this chapter, the court may retain jurisdiction under this chapter until the full term for which any order entered expires or until the child attains [nineteen] twenty-one years of age, whichever comes first. The extended jurisdiction of the court shall terminate on the earlier of:

- (1) The child's twenty-first birthday; or
- (2) The date the child withdraws consent to the extension of the court's jurisdiction in writing or in court.

(b) Notwithstanding an extension of jurisdiction, the child shall attain the age of majority at age eighteen.

Section 3 of this bill provides that "persons under age twenty-one who were committed to the court pursuant to section 571-11(9)" would be defined as children. This section is unclear about to whom it would apply, because children are not "committed to the court pursuant to section 571-11(9)."

Section 3 also conflicts with section 577-1, Hawaii Revised Statutes, which provides that persons who have achieved the age of eighteen shall be regarded as adults. For these reasons, the Department of the Attorney General recommends that section 3 of this bill be deleted.

We respectfully ask the Committee to pass this bill with the recommended amendments.

HAWAII YOUTH SERVICES NETWORK

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American Civil Liberties Union of Hawaii
Assistive Technology Resource Ctrs. of HI
Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

College Connections

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Foster Family Programs of Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Foster Parent Association

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Hui Malama Learning Center

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihi Valley

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Queen Liliuokalani Children's Center
Kona Unit

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

Turning Point for Families

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

February 1, 2011

To: Senator Suzanne Chun Oakland, Chair
And members of the Committee on Human Services

TESTIMONY IN SUPPORT OF SB 954 RELATING TO FOSTER CARE

Hawaii Youth Services Network (HYSN), a statewide coalition of more than 50 youth serving organizations, strongly supports SB 954 Relating to Foster Care.

Many youth who age out of foster care at age 18 are not fully prepared for the responsibilities of adult living. Some have not even graduated from high school; most lack the employment skills and experience to earn a living wage. Like most 18 year olds, they may not have learned how to manage their time and money, prepare nutritious meals, or manage an apartment.

Approximately 30% of former foster youth become homeless before age 21 and most live in poverty.

Other states that have extended foster care benefits on a voluntary basis to age 21 have found that this is effective in increasing educational attainment, developing independent living skills, and reducing homelessness among this population. Hawaii's foster youth need and deserve this additional assistance to help them become healthy and productive citizens.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark
Executive Director

Feb, 10, 2011

1:45 pm

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
HMS Committee
Conference Room 016

Dear Senator Chun Oakland,

I would like to express my support for SB 954 to give children in Hawaii's foster care system the option to remain under the jurisdiction of the family court system until they reach age twenty-one. In addition I support the amendment to require a transition plan for adulthood between age fourteen and sixteen.

I believe this bill is crucial in ensuring that youth exiting the foster care system are prepared to live independently. This bill is a sign that the government is committed to foster care youth, and will not neglect them once they age out of the system. Aging out of foster care leads to many problems for the youth involved as well as society. The social services system continues to be impacted once youth are emancipated because these individuals may be "more open to asking the child welfare system to meet their needs, and they expect to rely on the system in the future" Courtney, Cusick, and Keller, 2007, p. 13.

Atkinson's (2008) study found that the lack of family ties and government support places many youth who age out on a path toward criminal activity, homelessness, low academic achievement compared to youth who remain in the system until age 19. The youth who age out are more likely to face medical problems with out proper health care, as well as family challenges in adult hood p. 186. The characteristics they develop while in the system offer a greater risk for health, relationship, and behavioral issues later in life. A transition plan will allow foster youth to have control over their future and will create sense of stability to their normally unpredictable lives. A plan will also help to secure a plan of action for acquiring health care, housing, and continuing education.

I am passionately committed to the contents of this bill because I recognize the importance of continued family support after age eighteen. I am a twenty-two year old graduate student and I owe my success thus far to my parents. With out their unconditional financial and emotional support after high school it is highly unlikely I would be where I am today. It is unjust that children ageing out of foster care do not have a support system to turn to in times of crisis or to help them transition to adulthood. I imagine a day when foster care youth have a smooth transition to adulthood so that they are provided the same opportunities to education as I was. I strongly believe that this bill will benefit foster youth and our community as a whole.

Mahalo,

Brooke Kemsley

District # 50

References:

Atkinson, M (2008). Aging out of foster care: towards a universal safety net for former foster care youth. *Harvard Civil Rights-Civil Liberties Law Review*, 43 (1), 183-212.

Courtney, E, M., Cusick, R, G., Keller, E, T (2007). Approaching the transition to adulthood: distinctive profiles of adolescents aging out of the child welfare system. *Social Services Review*, 1; 81 (3): 453-484. DOI: 10. 1086/519536.

SB 954

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1:45 PM

This bill will give the children in the foster care system the option to remain under court jurisdiction until the age of 21. This would give children time to better transition into the world and reduce problems encountered with aging out. Many children in the foster care world when they become of age lack the skills needed to do well. A large number of them turn to homelessness, substance abuse, etc. Which also add to the burden of the communities they live in. With these few added years they would have time to pursue a job, or education to better acclimate themselves to society within the structure of the system. This is especially important for those foster children who no longer have family members or contact with family members. They need a sense of belonging or purpose to really succeed in life. When children reach the age of 18 and are "legal" adults, they are responsible for the decisions and actions they make. That is the prime time for opportunities in a person's life. And if given the adequate time and transition services, they will more likely make more educated decisions and be better prepared to face the world outside of the foster care network. Having this option will sustain a fairly good amount of time to make important decisions that will affect their lives. Requiring a transition plan compels the potential aging out issues to be addressed. I support this bill and hope that you all will vote yes. Thank you for your time.

Kristen Salakielu