

HB2298

HD1



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:

H.B. NO. 2298, H.D. 1, RELATING TO NOTICE TO CHILDREN PURSUANT TO THE CHILD PROTECTIVE ACT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, April 1, 2014

TIME: 10:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Jay K. Goss,
Deputy Attorney General, at 693-7081)

Chair Hee and Members of the Committee:

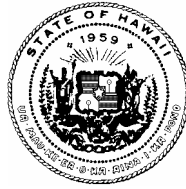
The Department of the Attorney General (Department) supports this bill.

The purpose of this bill is to allow the petitioner to provide notice to a child that a petition has been filed rather than to have the child served with a summons by a law enforcement officer.

Currently under chapter 587A, Hawaii Revised Statutes (HRS), children are required to be served with a petition and summons by a law enforcement officer like any other party. This is not the best nor is it the most therapeutic way to serve a child. Under the current law a child victim could be served at school or anywhere else without anyone there to explain what the petition means. The change recommended in this bill will allow the petitioner to give notice to a child once a chapter 587A, HRS, petition has been filed. This service by the petitioner can be done in a more therapeutic and supportive way with children who may be too young to understand.

The Department recommends that this bill be passed.

NEIL ABERCROMBIE
GOVERNOR



PATRICIA McMANAMAN
DIRECTOR
BARBARA A. YAMASHITA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

April 1, 2014

TO: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2298, H.D.1 - RELATING TO NOTICE TO CHILDREN
PURSUANT TO THE CHILD PROTECTIVE ACT**

Hearing: Tuesday, April 1, 2014, 10:30 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of H.B. 2298, H.D.1, is to amend HRS 587A-13 to provide a child friendly process of hearing notification to a minor by the petitioner rather than service of a summons by a law enforcement officer.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this Administration bill.

Currently section 587A-13, HRS, Child Protective Act, requires that children be served with the petition and summons by a law enforcement officer, like any other party, in a child welfare proceeding. This means that a sheriff would serve the child victim at school or elsewhere without anyone there to explain what the petition means.

The recommended change will require the petitioner, the DHS, Child Welfare Services Branch, to notify the child of the chapter 587A petition filed rather than having the petition served by a law enforcement officer. This method of service is more

therapeutic and supportive. Often, children may be too young to understand why they are being given 'papers' by a law enforcement official or are embarrassed by the presence of the law enforcement official at their school. Under the proposed amendment, the petitioner, the DHS, will be required to notify the child of the petition and to include the date and time of the initial hearing and the right of the child to participate in the hearing should the child choose to do so.

This proposed amendment will correct an oversight when the Child Protective Act was amended by Act 135, Session Laws of Hawaii 2010.

The Department believes that being served a summons by a law enforcement officer is not the best interests of the child nor therapeutic or supportive.

Thank you for the opportunity to testify.