

SB 2848

Measure Title:	RELATING TO NOTICE TO CHILDREN PURSUANT TO THE CHILD PROTECTIVE ACT.
Report Title:	Child Protective Act; Notice to children
Description:	The court, after a chapter 587A, Hawaii Revised Statutes, petition has been filed, shall issue a summons requiring the presence of the parents and other persons to be parties to the proceeding, except the child. The petitioner is to notify the child of the hearing no less than twenty-four hours prior to the hearing.
Companion:	<u>HB2298</u>
Package:	Governor
Current Referral:	HMS, JDL
Introducer(s):	KIM (Introduced by request of another party)



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Human Services

The Hon. Suzanne Chun Oakland, Chair

The Hon. Josh Green, Vice Chair

Tuesday, February 4, 2014

1:00 p.m.

State Capitol, Conference Room 016

by

R. Mark Browning

Senior Judge, Chief Deputy Judge

Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2848, Relating to Notice to Children Pursuant to the Child Protective Act.

Purpose: Provides that instead of a summons, the petitioner give the child notice of the proceedings no less than 24 hours prior to the hearing.

Judiciary's Position:

The Judiciary respectfully submits the following comments on this bill:

1. This bill will require promulgating a new series of rules of court to govern this newly created "notice." For example, the court will have to dictate the form of this notice and the filing requirements so that DHS will be able to prove their compliance with this new statutory mandate.

2. The person at the center of the court action, i.e., the children and youth who the state alleges to have been abuse and/or neglected and who are often already taken from their home, *deserve* more than a minimum of 24 hours notice. We are unaware of any other civil cause of action with a 24 hour minimum for notice of the complaint or petition, other than a temporary foster custody hearing, under this law. A mere one day notice to the beginning of a court action that could change the entire course of your life certainly is inadequate notice.

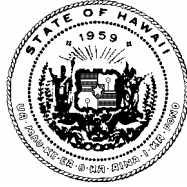


Senate Bill No. 2848, Relating to Notice to Children Pursuant to the Child
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3. This bill appears to be contrary to the ABA recommendations requiring more information and notice, not less, to abused and neglected children and youth.

Thank you for the opportunity to submit comments on this bill.



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

February 4, 2014

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2848 - RELATING TO NOTICE TO CHILDREN PURSUANT TO
THE CHILD PROTECTIVE ACT**

Hearing: Tuesday, February 4, 2014, 1:00 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 2848 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.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2848, RELATING TO NOTICE TO CHILDREN PURSUANT TO THE CHILD PROTECTIVE ACT.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, February 4, 2014

TIME: 1:00 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 (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.