



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339



February 11, 2015

TO: The Honorable Dee Morikawa, Chair
House Committee on Human Services

FROM: Rachael Wong, Director

SUBJECT: H.B. 1321 Relating to the Child Protective Act

Hearing: Thursday, February 12, 2015, 9:30 a.m.
Conference Room 329, State Capitol
415 South Beretania Street, Honolulu

PURPOSE: The purpose of this bill is to expand the definition of “aggravated circumstances,” as used in chapter 587A, Hawaii Revised Statutes, the Child Protective Act.

DEPARTMENT’S POSITION: The Department of Human Services (DHS) opposes this bill. Federal law requires states to demonstrate that reasonable efforts have been made to provide assistance and services to prevent the removal of a child from his or her home; and to provide assistance and services to allow the child to be reunited with his or her family. The Adoption and Safe Families Act of 1997 (ASFA), established that the child's health and safety were the paramount concern in determining the extent to which reasonable efforts should be made.

Provisions of ASFA allowed states to define the "aggravated circumstances" when a state did not have to provide reasonable efforts to preserve or reunify the family.

Currently, section 587A-4, Hawaii Revised Statutes (HRS), defines "Aggravated

Circumstances" as follows:

- (1) The parent has murdered, or has solicited, aided, abetted, attempted, or conspired to commit the murder or voluntary manslaughter of, another child of the parent;
- (2) The parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent;
- (3) The parent's rights regarding a sibling of the child have been judicially terminated or divested;
- (4) The parent has tortured the child;
- (5) The child is an abandoned infant;
- (6) The parent has committed sexual abuse against another child of the parent; or
- (7) The parent is required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006, title 42 United States Code section 16913(a).

CWS believes the current statutory provisions are adequate to address the issue of "aggravated circumstances" that would allow it to forgo making reasonable efforts to provide assistance and services to a family. CWS provides assistance and services to strengthen families so that they may safely care for their children.

CWS is particularly concerned that the inclusion of "unstable housing" as a prominent factor in the proposed additions to the definition of "aggravated circumstances." The term is extremely broad and the proposed provisions have no link in time to the conditions that accompany the "unstable housing."

In SFY 2014, 66% of children (636 children) were successfully and safely reunified with their families. If this bill became law, potentially, this percentage and number would be greatly reduced.

DHS defers to the Department of the Attorney General on any constitutional issues.

Thank you for the opportunity to testify.



HB1321
RELATING TO THE CHILD PROTECTIVE ACT
House Committee on Human Services

February 12, 2015

9:30 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend to the Board of Trustees a position of **COMMENT** for HB1321. This measure would expand the definition of "aggravated circumstances" under the Child Welfare Protection Act that would allow the Department of Human Services to terminate parental rights without a reasonable opportunity for parent rehabilitation. While OHA appreciates the concern for the welfare and best interests of our most vulnerable keiki, the breadth of this measure may result in unintended consequences relating to the unnecessary separation of children from their parents.

Under the Child Welfare Protection Act, in pursuing the best interests of a child, the Department of Human Services (DHS) is required to make reasonable efforts to rehabilitate the child's family and reunify the child with their parents. However, in "aggravated circumstances," DHS may move to terminate parental rights without first providing parents the opportunity to seek rehabilitation or other help. Currently, such "aggravated circumstances" include a parent's commission of murder, sexual abuse, torture, felony assault, or where parental rights have been terminated for a sibling.

Under this measure, "aggravated circumstances" would include a number of other situations combining "unstable housing" with events that may not necessarily warrant the termination of a biological parent-child relationship. For example, such circumstances could include a parent who has an "unstable housing" situation, and who makes the difficult decision to temporarily place a child in foster care more than once, for any reason. Similarly, a parent with "unstable housing" due to financial difficulties, and who must resort to theft to feed their child, may also have their rights terminated with no opportunity for rehabilitation, due to such "aggravated circumstances." In addition, a parent with "unstable housing" who is incarcerated on more than one occasion resulting in their child's temporary placement in foster care – including incarceration for petty offenses, such as trespassing or driving without a license – would likewise be subject to having their parental rights terminated.

OHA notes that the expansion of the grounds in which parental rights may be terminated due to financial hardship may have a disproportionate impact on the Native Hawaiian community. OHA notes that Native Hawaiians face economic hardships and housing insecurity at higher rates than other communities in our state. The impact of separation from one's biological family can also be particularly detrimental to Native Hawaiian children, insofar as it may include terminating a child's connection to his or her Native Hawaiian genealogy and culture. A measure that expands the circumstances when DHS does not have to make reasonable efforts for reunification prior to terminating parental rights, to include many economic- and criminal justice- related criteria not necessarily warranting parent-child separation, may therefore cause disproportionate and significant harm to Native Hawaiian children and their families.

OHA notes that there is no data to show the need for the changes proposed by the bill, or a need for family reunification to be removed as a goal in the circumstances covered by this measure.

Mahalo nui loa for the opportunity to testify.

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 07, 2015 2:02 AM
To: HUS testimony
Cc: cariagacora@yahoo.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/7/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|--|---------------------------|---------------------------|
| Maria Corazon E. Cariaga | Big Island Adult foster home operators | Support | No |

Comments: Good AM to everyone, thank you for allowing us to support the HB1321.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 2:51 PM
To: HUS testimony
Cc: carl.campagna@kamakagreen.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

Categories: Orange Category

HB1321

Submitted on: 2/9/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--------------------------------|---------------------------|---------------------------|
| Carl Campagna | Hawaii Friends of Civil Rights | Support | No |

Comments: Hawaii Friends of Civil Rights in support of HB1321 and the companion bill SB271. We do recommend that "Houselessness" be removed from items #8-11. 1.We have Federal Authority to make this change. 2.This will not cost the state any additional money. 3.This language is consistent with near 50% of the other US States and territories. a.And trending upward 4.This bill agrees with reunification with reasonable efforts. 5.This bill is intended to be in collaboration with the Department of Human Services, Child Protective Services. 6.This language is consistent with the Guiding Principle of the Democratic Party of Hawaii Platform. 7.This bill seeks to help protect children in the rare cases where such circumstances exist. 8.South Carolina is currently being sued by a couple dozen foster children based on a reunification policy consistent with Hawaii's current language. 9. This bill is intended to protect children from repeated and chronic abusing, abandoning, neglectful and drug using parents.

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February 9th 2015

COMMITTEE ON HUMAN SERVICES

Rep. Dee Morikawa, Chair
Rep. Bertrand Kobayashi, Vice Chair
Rep. Della Au Belatti
Rep. Jo Jordan

Rep. Richard P. Creagan
Rep. Marcus R. Oshiro
Rep. Mark J. Hashem
Rep. Beth Fukumoto Chang

NOTICE OF HEARING

DATE: Thursday, February 12, 2015
TIME: 9:30am
PLACE: Conference Room 329
State Capitol
415 South Beretania Street

**RE: TESTIMONY IN STRONG OPPOSITION OF HB1321
RELATING TO CHILD PROTECTIVE ACT**

Dear Committee on Human Services:

While we support the intent of this measure to protect children, the Pacific Alliance to Stop Slavery (PASS) strongly opposes **HB1321**. We provide services to houseless families in Kakaako, a population of about 400 persons in need. A substantial percentage of this are families with young children. PASS is also Hawaii's leading agency solely focused on serving survivors of human trafficking.

HB1321 would harm houseless families which children who have been recently criminalized simply for being poor. The selective enforcement of current City Ordinances, making their presence in public spaces illegal, lead to the incarceration of mothers and fathers whose only crime is poverty. Taking away children of parents who have fallen into houselessness is morally wrong. PASS is certain that this was not the intent of this measure but it would be a result in practice if this bill were to pass into law.

By definition under **HB1321**, if houseless parents are incarcerated multiple times for the petty offenses of Sit-Lie, Sidewalk Nuisance, Park Closure, Stored Property, or if they simply cannot pay their fines because they are houseless and then are incarcerated, this proposed measure would further harm these families by taking their children away. Most houseless families are loving households. While the state and city struggle to provide best solutions for helping alleviate poverty for the houseless, we cannot pass measures that would aggravate or prolong their poverty or harm their pursuit of happiness. This bill in practice would do just that.

Passing **HB1321** would epitomize the injustice and unconstitutionality of criminalization laws which some of Hawaii's policy makers have imposed on the houseless. Please be a part of the solution.

Please defer indefinitely **HB1321**. Mahalo for your consideration and time.

Sincerely,



Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 06, 2015 7:53 PM
To: HUS testimony
Cc: mjgolo@email.phoenix.edu
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/6/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mike Golojuch | Individual | Support | No |

Comments: Please support this measure to protect the keiki.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 1:30 PM
To: HUS testimony
Cc: kahanakitty@gmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

Categories: Orange Category

HB1321

Submitted on: 2/9/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Kahana | Individual | Oppose | No |

Comments: Re: Opposition to HB1321 RELATING TO THE CHILD PROTECTIVE ACT. (H HUS Hearing 2/12/2015) Aloha Mai, Esteemed Chair Morikawa, Vice-Chair Kobayashi, and members of the House Committee on Human Services: As a life-long resident of Hawai'i, I am writing to express my OPPOSITION TO SB 271 RELATING TO THE CHILD PROTECTIVE ACT.", which "Expands the definition of "aggravated circumstances", as used in chapter 587A, Hawaii Revised Statutes, the Child Protective Act." The aim of this bill is laudable, and I have no opposition to the proposed §587A-4 (12)-(14). but it has considerable flaws that place homeless families, (absent any Homeless Bill of Rights that protect such families) at considerable risk of unnecessary, and even unjustifiable disintegration, with its concomitant effects on the children of such families. I wish to express my opposition specifically to the unqualified inclusion in Section 2, of new statutory material that may adversely affect houseless/undomiciled families. This includes the additions to §587A-4 defining "Aggravating circumstances" in §587A-4 (5), and §587A-4 (8) - (11). In particular, unstable housing often is linked to all of the other conditions indicated in these proposed amendments, but is not necessarily an indicator that the housing situation warrants removal of the child. A person may have been convicted of a petty offense of possession of marijuana, lose her/his job, and subsequently, domicile, and yet be working to the best of her/his ability within the limits of the existing services to ensure adequate and appropriate care for her/his child)ten). A worse example is if a family, through no fault of the parents, finds itself undomiciled, is subsequently cited and convicted for violation of various anti-homlessness statutes and ordinances, then qualifies as subject to the proposed amendments regarding "Aggravating circumstances". I believe that the individual situation of each family should be assessed carefully, rather than using a blanket statutory definition. In such cases, guardians-ad-litem, DHS social workers, Child Welfare Services workers, Homeless Services providers, Homeless advocates, and other professionals as may be necessary and/or appropriate, and above all, the family itself, should be involved in creating a comprehensive plan of action and services for such families, Unless either A) specific provisions for protecting the rights and welfare of undomiciled families and youth including individualized case assessment and services are added, or B) proposed additions §587A-4 (5) and (8)-(11) a re struck, I believe that the bill will inflict undue harm on undomiciled families by creating overly broad definitions of "Aggravating circumstances". Therefore, I respectfully request that the members of the Committee vote to defer HB 1321 in its original form, or else to add draft amendments that address my concerns noted above. Me ke aloha pūmehana, Ms. Kahana H.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 9:26 AM
To: HUS testimony
Cc: aaron@s4xton.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

Categories: Orange Category

HB1321

Submitted on: 2/9/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Aaron Landry | Individual | Support | No |

Comments: As a friend of a family – as well as a child – who have both been directly impacted by the issues this Bill strives to resolve, I strongly support this. Thank you for working to address this for future families and for Hawaii's future. Mahalo for the opportunity to testify.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 1:59 PM
To: HUS testimony
Cc: isislovesdolphins@yahoo.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

Categories: Orange Category

HB1321

Submitted on: 2/9/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Isis Usborne | Individual | Oppose | No |

Comments: I oppose this bill because it is an extension of existing policies criminalizing houselessness, and it would break apart families harmfully and unnecessarily. It is hard enough to live without a home, so why do you want to take their children away? Why not focus on helping instead of hurting these human beings? This bill would punish those who are often merely the victims of unfortunate circumstances, and it will not fix nor even meaningfully alleviate the problem of houselessness, nor improve their children's quality of life in the long run.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 1:37 PM
To: HUS testimony
Cc: ken.ordenstein@olomea.org
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

Categories: Orange Category

HB1321

Submitted on: 2/9/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kenneth Ordenstein | Individual | Support | No |

Comments: In a previous submission I used the companion senate bill designation, SB271. I apologize for the mix up. I support HB 1321 that expands the definition of “aggravated circumstances” as used in chapter 587A, Hawaii Revised Statutes. It increases the level of protection for our children in foster care, and will not cost the state additional money to extend these protections. Further defining “aggravated circumstances” can make a positive, life changing difference for a child and for the community that supports that child. I am executive director of Olomea, a non profit formed to provide all young people, particularly Native Hawaiians, leaving foster care the chance to become self sufficient, successful adults.

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Aloha legislators, mahalo for your time and consideration.

I am Carl Campagna and I am in strong support of HB1321 and the companion bill SB271.

1. We have Federal Authority to make this change.
2. This will not cost the state any additional money.
3. This language is consistent with near 50% of the other US States and territories.
 - a. And trending upward
4. This bill agrees with reunification with reasonable efforts.
5. This bill is intended to be in collaboration with the Department of Human Services, Child Protective Services.
6. This language is consistent with the Guiding Principle of the Democratic Party of Hawaii Platform.
7. This bill seeks to help protect children in the rare cases where such circumstances exist.
8. South Carolina is currently being sued by a couple dozen foster children based on a reunification policy consistent with Hawaii's current language.

My wife and I have been licensed Foster Parents for over two years and have seen and experienced both good and difficult cases.

We had one placement of three siblings from a larger total sibling set of seven, between the ages of 3 and 13. Another foster family had the other four. Of the three that we had, one, the 5 year old, was medically dependant. She needed a full blood transfusion every 3 to 4 weeks at Kapiolani Hospital, she was at least one year behind on her cleft pallet and cleft lip repair surgeries and all of her molars were rotted and black. When we got her, she was also ashen-gray in color due to a need of a blood transfusion and not taking her medication to help remove iron from her blood. We also had her twin siblings, 9 years old.

The conditions of the case included houselessness, drug use and addiction, domestic violence and short term imprisonment for the father. The mother opted out of services and was excluded from the service plan. The father, released from prison 30 days after foster care placement, was given a service plan that included parenting, domestic violence and substance abuse classes as well as getting a job and a requirement to find a suitable place for all eight of them to live. The father indicated that he could get a job as a laborer, but needed hernia surgery before he could go to work, and not having a vehicle, he would be taking the bus to and from.

Over the period of the next 53 days, he did attend some classes and then with the help of the State, he found a 9 month transitional housing program in Kapolei where all eight could live, paid for by the state. He had not yet had his surgery, did not begin working and was still without a vehicle. It was at this time that the Department of Human Services, Child Protective Services decided to reunify all seven children with the father and within a week they did – a total of 90 days from date of initial intake.

We asked the questions, “why rush?”, “Why not give the father more time to complete his service plan, get organized, have his surgery and begin his job?” The answer we got was “the housing opened up and we do not know when the next opening will be.” We were concerned about the ability to get the children to and from school, get the 5 year old to all of her doctors appointments – which amounted to at least one per week, and then be able to find a place to live after the 9 months and maintain those conditions...not to mention having the children attend their 3rd or 4th school in a year. We are not aware of the circumstances of that family at this time. We hope that they are all well and that the now 6 year old is receiving all of her medical care.

Our most recent placement began last year, February 2014, the infant girl was 4 months old at the time. We were told that it would only be for a couple of days because extended family will eventually take her. Well, they did not, they declined, in fact. The conditions of the case include the father, currently in federal prison for the next 20 years on murder charges and the mother, pregnant with the child while in prison for theft and drug use. The mother was released to a transitional home to care for the child, but then was subsequently kicked out for an inappropriate relationship - whatever that means. This is when we were placed with the child. We then came to learn through the ohana conferences that there were two other siblings, one 7 year old and one 5 year old - all with different fathers. The 7 year old has already gone through the foster care process and was officially adopted by her grandmother, who takes care of her to this day. The 5 year old was apparently never placed in foster care until around the same time as the mother gave birth to the new born. However, the stories we heard were that the 5 year old would be regularly handed to friends as they drove by while the mother disappeared for several days or longer. She has been bounced around different places and has seen and heard things that no child should. It has been since determined that she is dangerous to children younger than her and has significant attachment and emotional issues. Six weeks after we received the infant, the mother was arrested again and placed in jail.

She immediately requested that she be let out of jail again and returned to the transitional home to care for her baby. No mention of her 5 year old. This was granted and 5 months after we received the child – now 9 months old – the Department of Human Services, Child Protective Services arranged the reunification of the infant with the mother. We requested that a two week transition period be granted to give the mother and child time to adjust. And frankly, we expected the mother to be kicked out again. The Department of Human Services, Child Protective Services allowed this request, though were not happy that we requested it. We were asked, “What if your house burns down and the child is killed and the State is sued because we allowed the transition?” We were stunned by this response, but grateful that the transition period was granted.

Well, unfortunately, we were correct. Before the two week transition period was completed, the mother was kicked out again and disappeared again, this time for 10+ weeks – when she was arrested again and placed back in jail. This time, she was pregnant again and again asked to be let out of jail to care for her baby – now 12 months old – while pregnant. Again, no mention of her 5 year old. The case was postponed for 3 months. In our minds, clearly the mother had not taken appropriate steps to improve her conditions/circumstances. There was a push for reunification still.

As of January 27th, 2015, 11 months after we first received the 4 month old, the judge granted the termination of parental rights and we have the adoption hearing set for April 23rd, 2015. We are very pleased for the outcome of this child. Not on our behalf, but on hers.

However, there are very many concerns and questions. How was this not seen or identified as an aggravated circumstances case early on? Why was this woman being given so many chances considering her 7 year plus history of drug use, theft, neglect and abandonment with no clear improvement in the conditions that led to foster care and previous parental termination to begin with? What would have happened to this infant if the reunification happened without the two week transition? How would this have impacted the poor child? How is it that we saw what was happening, but nobody else from within the Department of Human Services, Child Protective Services seem to have?

The answer: the definition of Aggravated Circumstances does not currently include these factors for consideration and the internal policy of the program seems to be “reunification at all costs”.

This bill is NOT about us or our experiences alone or the children and families that we have helped and supported. It is about all of the children that are at risk of repeated exposure, abuse, neglect, abandonment or worse.

We have all heard and read the stories in the news about children being beaten, abused or neglected; about domestic violence, sex trafficking, drug use and children seeing more than they should at young ages.

Last year I learned of young Zachary from Hilo on the Big Island who was taken into Foster Care on allegations of physical abuse by the biological parents. After a short investigation he was quickly reunified with his biological parents. We applaud the efforts and need for reunification with biological family. It is important, because where else can we feel completely safe than with our parents. However, in this case, perhaps the reunification was too soon or even unadvisable. Shortly after reunification the family left Hilo and moved to Oregon. Young Zachary was later found beaten to death by his biological parents. He was 4 years old.

Unfortunately, there are countless stories like this, somewhat rare yes, compared to the total number of children who enter the program, but still too many. Not always do they lead to death, but quite often they lead to physical, emotional and psychological scars that last a lifetime. I am all for reunification, just not at those costs.

Also last year, there was the ruling from a Hawaii State Supreme Court case where the findings of the court indicated that the Hawaii Revised Statutes do **not** require or even suggest preference for reunification with biological family as what is meant by “the best interests of the child” other than for emergency placement if possible.

This bill adds to the definition of Aggravated Circumstances as it pertains to the reunification of foster children with their biological family.

I would like to propose a few amendments to the current language:

1. add “rare” between specifying and additional - on page 2, line 11
2. add “case workers,” between support and judges - on page 2, line 15
3. add “items 8-11 are to be taken as an aggregate/combination of circumstances within each item and not have each circumstance within each item singled out. Thereby grouping those circumstances per item for consideration as a whole” - on page 2, after line 19

It is important to note that this bill agrees with the policy of reunification and that all reasonable efforts should be taken to keep families together.

It is also important to know that Aggravated Circumstances is already a trigger in the Department of Human Services, Child Protective Services process for the assessment of permanent placement of children once they enter the foster care system. However, the definition is insufficient.

What is more, there is a growing trend from state to state, now equaling near 50% of all other states and territories that have adopted language consistent with this bill. Clearly the rest of the country sees the need for these additional considerations.

According to Federal Regulations, we have the right to define Aggravated Circumstances as we see fit for our State.

Department of Human Services, Child Protective Services has, up to now, had concerns about this bill, their response has been to cite policy as best interest of the child and the constitutional right to have a child. They will also suggest that they trust the judgments of their dedicated case workers. I for one agree that the best interests of the child should be paramount when considering placement. However, I do not believe that violent, abusive, neglectful and drug addicted parents are always the best choice for placement. And I agree that the case workers are well educated and understand their cases better than anyone, along with the Foster Parents – also called Resource Care Givers. I also believe that there are far too few case workers and that they are overworked and that their decisions are subject to a more narrow view and that there are conflicting interests such that their decisions may not always be based on what they truly believe to be best.

The conflicting interests include: best interest of the child vs. parental rights to have and keep their children. I support the idea that all parents and their children who enter foster care should be kept together utilizing all reasonable efforts, but clearly there is room for closer examination for some cases.

Again, families should stay together, but we must take better care of the children who have no voice, no control and did not ask to be born into harsh conditions. All children should have the opportunity and the right to lead a long, full and healthy life in safe, secure and caring families.

I do not know how many people will testify in favor of this bill, but I am aware of the numerous people and stakeholders at all stages of the system that fear retribution in some way if they stand up in favor of this bill, which can be perceived as standing up against

Department of Human Services, Child Protective Services. I think that is wrong. I also think that this bill is not in opposition to Department of Human Services, Child Protective Services, but actually supports the agency. In fact, this should really be their bill with their language and I hope with full Department of Human Services, Child Protective Services collaboration we can advance these additions legally and concretely.

I hope you will all support and ultimately vote in favor of this bill.

Mahalo,

Carl Campagna
Citizen of the USA, State of Hawaii

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 8:28 AM
To: HUS testimony
Cc: burgharc@gmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/10/2015

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| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| cheryl | Individual | Oppose | No |

Comments: The current language of this bill needs to reflect greater understanding as This bill like many others seems designed to punish people rather than solve the actual problems. Who will determine what is abuse and who is not capable of taking care of their children? There are no parameters. This bill seems to have been designed by those of privilege and not people who actually understand. What determines child abuse? a slap on the leg, a flick on the head? I have met and helped people who are houseless who are parents and they do their very best within the situations we have put them. I am totally against this bill and hope that common sense and compassion begin to take more of a precedent than \$\$\$ on our islands soon. Who benefits from this law ? Not the children that it states. it's the for profit prisons and other agencies of profit.

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To whom it may concern,

I oppose SB271 and HB1321.

I volunteer with families in Kaka'ako who are homeless and have a difficult time raising their families. That said, nothing they have done constitutes "criminal action" and, therefore, their parental rights should not be terminated just because they are poor.

By attaching the term "unstable housing" to the definition of "aggravated circumstances" the bills require DHS to recognize houseless families as establishing extreme abuse of their children by poverty, not extreme child abuse or extreme mental trauma.

Please oppose these overly broad and sweeping bills in order to protect the most vulnerable among us from unfair and unjust criminalization of poverty.

Thank you.

Sincerely,
Lani Kwon

Founder and CEO of The Creating CoPOWERment® Center LLC
and Creating YOUR Calling® LLC
lani@coPOWERment.com
<http://www.coPOWERment.com>

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 3:40 PM
To: HUS testimony
Cc: robin.s.knox@gmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/10/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| robin knox | Individual | Oppose | No |

Comments: Please do not take parental rights away due crime of poverty and homelessness. Do not penalize parents for placing children I. Foster care.

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I vehemently oppose bill HB1321 as written [which would expand the definition of ‘aggravated circumstances’, as used in chapter 587A., Hawaii Revised Statutes, the Child Protective Act, to include situations where the parent has provided unstable housing and is a repeat criminal offender of specific crimes] if the following two (2) apply:

- 1- By “Unstable Housing” does that include Encampments?
(The City & County have not provided affordable housing projects to house lower income people and families.)
shelter children as best they can against the elements.
- 2- By “Specific Crimes” do you mean Arrests and Citations for living in Encampments?
(Local laws that criminalize the poor who have no place to live are unconstitutional and highly immoral.)

If so, when passed, HB1321 could maliciously target houseless COFA families with children living in tents at Kakaako and other houseless families on O’ahu who are subjected to criminalization because the city refuses to provide adequate affordable housing units. They are under attack through selective enforcement of City Ordinances criminalizing their impoverished state by arrest-able offenses such as: Sit-Lie, Park Closure, Sidewalk Nuisance, and Stored Property.

Whenever police RAID family encampments, occupants are penalized by citations, fines, confiscation of their possessions and arrests. The local unconstitutional laws which punish the houseless cause them to become criminalized and robbed of their meager assets and important identification documents.

And now as if the families haven’t lost enough, you want to take away parental rights to their children? Why? Seems like a scheme so that parents would be persecuted and incarcerated if they remain once their children have been stolen and put into Honolulu’s horrendous foster care system? What a way to clear out the homeless and destroy

Stop this assault on the impoverished. Please!

Respectfully submitted,

Sylvia Pope-Young - PO Box 88032 – Honolulu, HI 96830-8032

(808) 943-6449

Email: sylvias-space@att.net

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 8:35 PM
To: HUS testimony
Cc: hiipoikealoha@aol.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/10/2015

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| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Cheryl O. Ho | Individual | Oppose | No |

Comments: HB1321 re: Child Protective Act: I OPPOSE this bill if it contains the following descriptions: "(9) The parent has provided unstable housing and has been incarcerated more than once, resulting in the child's repeated placement in foster care; (10) The parent has provided unstable housing and placed the child or a sibling of the child in foster care more than once;" I am a retired social worker with a strong interest in child development and family systems. In my retirement, I help to care for my youngest grandchild. On our strolls through InHa park, I became acquainted with a Hawaiian father and mother and their two young children. Gradually, over many months, they shared their story. It traced their core loss of sovereignty, and the many successive losses of their honest, hardworking attempts to establish a stable shelter for their family at various sites on O'ahu. On two occasions, I witnessed the 5-year-old clutching her arms close to her body, head lowered, standing apart from her mother and sister, and mumbling to herself. Her mom explained to me that the girl went into this mode when the police came and arrested her dad. As a grandma interested in trauma and its effects, I was troubled to witness the after-effects of an HPD raid on houseless people. On another occasion, the mother described her extreme distress, while pacing back and forth on Ke'eaumoku St. with her daughters in tow, looking for their husband/father after his arrest at their tent site while she and the girls were on an errand. This family has disappeared from the sidewalks of these environs. My searches for them have been fruitless, but I am hopeful that perhaps they were among the lucky beneficiaries of Housing First. They will live in my memory as parents who continually amazed me with their resourcefulness, meticulous care for the girls, and incredible courage in standing up to the authorities, and in presenting their claim to the bounty of this 'āina to the Department of the Interior's representatives. They are a family who symbolized to me strength, protection, emotional nurturing, and resilience. They stood as examples of how even the flawed and conflict-ridden security provided by their parents, were central to the emotional health of their children. Respectfully submitted, Cheryl Ho, MSW

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 10:00 PM
To: HUS testimony
Cc: cariagacora@yahoo.com
Subject: *Submitted testimony for HB1321 on Feb 12, 2015 09:30AM*

HB1321

Submitted on: 2/10/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------------|---------------------|---------------------------|---------------------------|
| Maria Corazon E. Cariaga | Individual | Support | No |

Comments:

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 11:09 AM
To: HUS testimony
Cc: dana@thhwaimanalo.org
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM



HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dana Vennen | Individual | Support | No |

Comments: I feel that this is a very important addition to the law protecting foster children. I have several friends who are foster parents and they provide an incredibly positive home for these kids. Please pass this law and help protect the Keiki of Hawai'i.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 10:44 AM
To: HUS testimony
Cc: mgolojuch@hotmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM



HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael Golojuch Jr | Individual | Support | No |

Comments: We NEED this bill passed to protect society's most vulnerable our foster kids.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 11:19 AM
To: HUS testimony
Cc: micheleduff@yahoo.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM



HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michele Aucello | Individual | Support | No |

Comments: I want you to know I fully support Hawaii's foster kids and do not believe they should be reunited AT ALL COSTS. Each situation is different and should be seen as such.

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kobayashi2-Lynda

From: Santos Alvarez <kabomaotai10.bichoo@gmail.com>
Sent: Wednesday, February 11, 2015 10:15 AM
To: HUS testimony
Subject: BILLHB1321

I strongly oppose this bill against the houseless. Keeping these families together while helping them is the human thing to do. Mahalo

LATE

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 11:22 AM
To: HUS testimony
Cc: koolauwill@gmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM



HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| William Lee | Individual | Comments Only | No |

Comments: I am strongly in support of definitions and provisions that preserve the safety and well-being of foster care children. By expanding the scope of the factual circumstances in which foster care children will be protected, HB 1321 serves to further this interest. I urge the legislature to consider the plight of foster care children, and strengthen their ability to live in a safe and positive environment, which may not necessarily be with their biological parents. This bill would give such foster care children the ability to be healthy, responsible, productive, and successful as they develop into maturity.

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HB 1321

LATE TESTIMONY

LATE TESTIMONY

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 11:55 AM
To: HUS testimony
Cc: moinks@yahoo.com
Subject: *Submitted testimony for HB1321 on Feb 12, 2015 09:30AM*

HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| margaret wong mauro | Individual | Support | No |

Comments:

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 12:09 PM
To: HUS testimony
Cc: forestaf@gmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Forest Frizzell | Individual | Support | No |

Comments: I support this measure to further protect children in Hawaii's foster care system. I believe that the language of this bill needs work but support its intent and encourage DHS to come to the table for the sake of the keiki.

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LATE TESTIMONY

HB1321

This is something that I feel strongly for because it has a personal impact on my life and those of my friends. As a husband that is trying very hard to have children with his wife, it hurts me when I see birth parents of a child doing things that adversely impact them. These parents feel that it is their right to take care of their kid, regardless of how they treat them. They want all the benefits of raising their child even if it means hurting them on the way to getting what is "theirs" by right.

When a child finds a loving foster home with a family that wants to make that child their own, shouldn't we look at the best interests of the child? Why should we give the child back to their birth parents when they have "real" parents willing and able to take care of them. The goal here is to make a child's life the best it possibly can be; if that means taking them away from their birth parents then that is what needs to be done.

Please do what is right and pass this measure. Thanks.

Denver

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 12:35 PM
To: HUS testimony
Cc: talia.starkey@gmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM
Attachments: HB1321-Support-TSO

LATE TESTIMONY

HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Talia S Ogliore | Individual | Support | No |

Comments: Please support HB1321

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 1:05 PM
To: HUS testimony
Cc: mklynch@hawaii.edu
Subject: *Submitted testimony for HB1321 on Feb 12, 2015 09:30AM*

LATE TESTIMONY

HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

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|---------------------|---------------------|---------------------------|---------------------------|
| Matthew Lynch | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 1:51 PM
To: HUS testimony
Cc: wmhirsch@gmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

LATE TESTIMONY

HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Wendi Hirsch, Ph.D. | Individual | Comments Only | No |

Comments: I am strongly in support of this bill. As a child psychologist, I see far too often how little we are doing to protect our children.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 3:49 PM
To: HUS testimony
Cc: palasispuleyasi@hotmail.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

LATE TESTIMONY

HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| sam puleyasi | democratic party | Support | No |

Comments: I SUPPORT THIS MEASURE.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 6:41 PM
To: HUS testimony
Cc: b4thearts@aol.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/11/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lisa | Individual | Support | No |

Comments: I support this measure in its intent but think that the language needs work. Please pass this so that all the people who care for foster kids can make this legislation into something good that saves lives. I truly believe that for the sake of the child these cases should be looked at incident by incident and consider the long term effects on the child. I understand that the system is overloaded but we need to protect and assure the welfare of these children who are not able to protect themselves. Thank you for your consideration.

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LATE TESTIMONY

kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 8:47 AM
To: HUS testimony
Cc: brittanyamano@yahoo.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/12/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Brittany Amano | Individual | Support | No |

Comments: I support this measure to further protect children in Hawaii's foster care system. I believe that the language of this bill requires development but support its intent and strongly encourage DHS to come to the table for the sake of the kids in foster care. As a foster youth myself, it is important to ensure the safety of children and not rush reunification when the parents aren't ready yet, which can put the youth in harms way.

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kobayashi2-Lynda

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 12, 2015 12:20 PM
To: HUS testimony
Cc: patricia.blair@msn.com
Subject: Submitted testimony for HB1321 on Feb 12, 2015 09:30AM

HB1321

Submitted on: 2/12/2015

Testimony for HUS on Feb 12, 2015 09:30AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Patricia Blair | Individual | Oppose | No |

Comments: Lets don't be inhumane, mean.

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