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Senate Committee on Judiciary and Labor

Tuesday, April 5, 2016
State Capitol, Room 016

From: **Laurie Tochiki, President & CEO**
EPIC 'Ohana, Inc.
Re: **In SUPPORT of HB 2350**

I am writing in support of House Bill 2350 Relating to Foster Children. I am the President and CEO of EPIC 'Ohana, a non-profit organization that serves families and children in the child welfare system. EPIC is the lead agency of the Hawai'i Youth Opportunities Initiative which serves as Youth Advisory Council for the Department of Human Services and is a part of the national Jim Casey Youth Opportunities Initiative, and the Annie E. Casey Foundation. Our young leaders make up the HI HOPES Boards in every county.

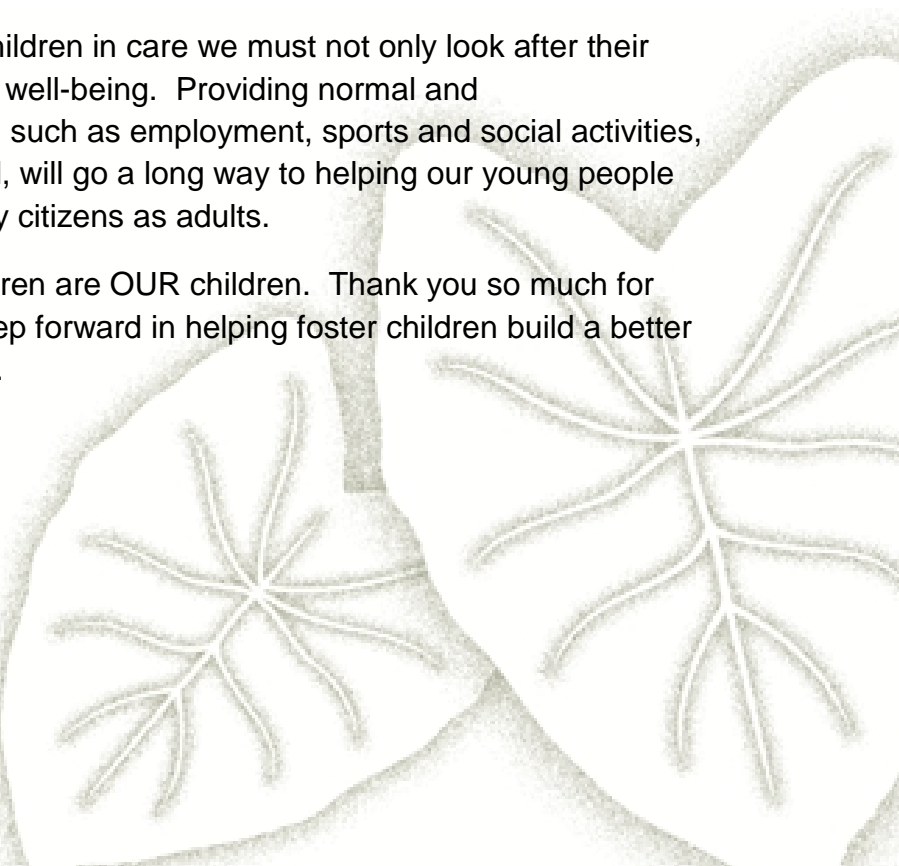
This Bill helps the Department comply with federal law, but much more important, it helps the state of Hawai'i fulfill its duty to the young people taken into care. When a young person is put into foster care, the state asks them to put their lives on hold, sometimes indefinitely. Yet, the developmental process of a child does not stop while they are in care. We know that each day, month and year in care can have negative outcomes for young people in terms of the likelihood that they will continue their education, become parents before they are ready, become homeless, or encounter the criminal justice system.

In order to support the well-being of children in care we must not only look after their safety, we also have to look after their well-being. Providing normal and developmentally appropriate activities, such as employment, sports and social activities, guided by the prudent parent standard, will go a long way to helping our young people in care become productive and healthy citizens as adults.

We have to remember that these children are OUR children. Thank you so much for your consideration of this important step forward in helping foster children build a better future for themselves, and for all of us.

Mahalo Nui Loa,

Laurie Tochiki





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Senate Committee on Judiciary and Labor

Tuesday, April 5, 2016
State Capitol, Room 016

From: **Delia Ulima, Statewide Initiative Coordinator**
Hawaii Youth Opportunities Initiative, EPIC 'Ohana, Inc.
Re: **In SUPPORT of HB 2350**

Aloha! My name is Delia Ulima and I am a Statewide Initiative Coordinator for the Hawai'i Youth Opportunities Initiative. We are the local site for the national Jim Casey Youth Opportunities Initiative and EPIC 'Ohana is the lead agency for this Initiative in Hawai'i. The Initiative works with systems, such as the Department of Human Services, Child Welfare, Family Court and other service providers and partners within the public and private sector to create opportunities and support transitioning foster youth to successfully move into adulthood and become a contributing part of our community.

I would like to submit testimony in strong support of House Bill 2350 which expands opportunities for children and youth in foster care to be able to participate equally in age and developmentally appropriate extracurricular, social and cultural activities under the "reasonable and prudent parent" standard, as outlined in federal law. In short, this standard provides qualified immunity for resource caregivers (foster parents) to make decisions for children and youth in their care, just as they would for their own children. Caregivers would be able to give permission for their foster child to play on a sports team, enjoy a sleepover with a friend, or participate in a halau, without having to ask for social worker permission first. They would be trained and required to act as a reasonable parent would, asking the right questions, getting to know the child and his/her coaches, counselors, friends and other people in their life.

I have worked with foster youth for many years and the range of their foster care experiences vary greatly. Some were afforded the same opportunities as peers their age while many were restricted from sports and hanging with friends because of fear of liability if they were injured. These activities are what help young people grow, learn and develop in every way. They not only impact how they feel while they are in foster care but they impact what kind of social capital they develop and what kind of adult they will eventually become. Statistics and research show that young people who experienced foster care who were exposed to "normal" social and extracurricular activities experienced higher levels of well-being, a stronger sense of self-worth and a larger network of support and experience better outcomes as adults. This is something we want for all of Hawai'i's children.

As a professional who works with current and former foster youth and an adoptive mother of a former foster child, I believe this bill supports the resource caregivers, children and youth in foster care and all those who serve them. I strongly encourage this committee to support the passage of HB 2350.

Mahalo Nui Loa,

Delia Ulima



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TO: COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

HEARING: Tuesday, April 5, 2016
9:05 AM
Conference Room 016

FROM: Judith Wilhoite
Family Advocate
It Takes An `Ohana

RE: HB2350 - Relating to Foster Children

Thank you for the opportunity to testify. I am the Family Advocate for Family Program Hawaii's It Takes An Ohana (ITAO) program and a resource caregiver. The ITAO Advisory Committee, made up of resource caregivers (formerly called foster parents) and adoptive parents support HB2350.

This bill will bring Hawaii in compliance with the Preventing Sex Trafficking and Strengthening Families Act (HR 4980) that was signed into law on September 29, 2014. It will give qualified immunity for resource caregivers and child caring institutions when they use reasonable and prudent parent standards when authorizing children in foster care to participate in NORMAL activities. Normalcy is crucial to healthy development in children and adolescents and includes engaging in age and developmentally appropriate experiences, opportunities, and activities.

Normalcy is important because foster children need the same experiences as biological children in order for them to succeed as they progress through their lives. Examples of crucial life skills children and teenagers develop when participating in age appropriate activities include responsibility, time-management, independence and resourcefulness.

HB2350 will also change the age from sixteen to fourteen years of age for children in foster care to be involved in their foster care plans. We support this change as it gives youth 2 additional years to plan a successful future.

Thank you for this opportunity to support HB2350.

We help kids

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) SUBMITTING COMMENTS ON H.B. NO. 2350,
H.D. 2**

Date: Tuesday, April 5, 2016
Time: 9:05 am
Room: 016

To: Chairman Gilbert Keith-Agaran and Members of the Senate Committee on Judiciary and Labor:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) with comments on H.B. No. 2350, H.D.2, relating to Foster Children.

The Hawaii Association For Justice initially opposed the immunity from liability provision in section 3(m) on page 10, lines 3 – 12, of the original bill because immunity from unreasonable conduct is unwarranted and bad public policy in the context of Foster Children. Foster children are especially vulnerable and, if anything, should be given extra protection not less protection. However, the House Judiciary committee modified this section of the bill and HAJ now has no opposition to the language in subsection (m) on page 10 of this House Draft 2.

Likewise this committee in the companion bill, S.B. No. 2879, S.D 1, added the terms “unreasonable, negligent, grossly negligent” to the conduct prohibited as set forth below:

“(m) Except as provided below, any entity or person issued a certificate of approval pursuant to this section shall be immune from liability in a civil action to recover damages for injury, death, or loss to a person or property for any act or omission made in connection with and under the authority of the certificate of approval. This subsection shall not apply if:

- (1) The act or omission was outside the scope of the certificate of approval; or
- (2) The act or omission was unreasonable, negligent, grossly negligent, intentional, with malicious purpose, in bad faith, or in a reckless manner.”

It is the opinion of HAJ that either version is acceptable.

Thank you very much for allowing me to testify regarding this measure. Please feel free to contact me should you have any questions or desire additional information.

To: Senate Committee on Judiciary and Labor

From: Billie-Ann Bruce, HI H.O.P.E.S. Youth Leadership Board (East Hawai'i-HILO)

Re: Testimony in SUPPORT OF HB 2350

Hello, my name is Billie-Ann Bruce, I'm 19 years old and I am a former foster youth. I am a member of the HI H.O.P.E.S Youth Leadership Board of the Hawaii Youth Opportunities Initiative in East Hawaii. HI H.O.P.E.S stands for Hawai'i Helping Our People Envision Success. The HI H.O.P.E.S Youth Leadership Boards provides the youth voice for the Hawaii Youth Opportunities Initiative and serves as the Youth Advisory Council for DHS-Child Welfare Services. Our work involves us advocating for changes within the foster care systems and increased opportunities for young people transitioning from foster care to adulthood.

I would like to submit testimony in support of House Bill 2350 which will help expand the opportunities for children in foster care to be able to participate in the same age or developmentally appropriate extracurricular, social and other cultural activities as children who are not in care do. This is according to the "reasonable and prudent parent standard".

Foster youth already have a difficult time, knowing themselves and where they stand with the world, their families and in their peer group. My hope is that with this bill there may be a much needed change.

In closing, I ask that you give foster youth the same opportunities that you and I would give our own children. I ask that you please pass House Bill 2350. Thank you for your time!



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: Brayden Santiago, HI H.O.P.E.S. Youth Leadership Board (Kauai)

Re: Testimony in SUPPORT OF HB 2350

Good afternoon, my name is Brayden Santiago and I am a former foster youth. I am 23 years old and I am the vice president of the HI H.O.P.E.S Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Kauai. HI H.O.P.E.S stands for Hawaii Helping Our People Envision Success. The HI H.O.P.E.S Youth Leadership Boards provides the youth voice for the Hawaii Youth Opportunities Initiative and serves as the Youth Advisory Council for DHS-Child Welfare Services. Our work involves us advocating for changes within the foster care system and increased opportunities for young people transitioning from foster care to adulthood.

I would like to submit testimony in support of House Bill 2350. This bill will help young people in foster care be treated more fairly and have more opportunities to act like a normal kid. It provides foster parents, or resource caregivers, with the chance to make decisions for the foster youth in their care like a normal, reasonable, caring parent would without being afraid of liability. This helps to promote healthy lifestyles choices for youth in care. It is important for foster youth to go out and participate in social activities and recreation during their time in care. It is also important for a foster child to be a part of their case plan at the age of 14 and to allow the foster youth to speak on their behalf when something is not going right in their lives. Having permanency or adoption as a goal before leaving foster care is part of this planning.

Even though I had a great experience for the most part in the group home I was placed in, it had its ups and down. I was able to do things that other teenagers did, for the most part. Foster youth deserve a chance to do the healthy things that other young people their age do. These may include sleepovers, playing sports, owning their own things, and being treated with the same love and care as you would your children. I had a very good experience but I know that many of my fellow foster brothers and sisters didn't have the same. I got to have phone calls, visits with family and sleepovers. I also went to my school prom, participated in choir and color guard. I had fair discipline and developed the skills needed for when I became an adult. I was always a part of my decision-making and in the loop about what was next in the steps towards permanency. Because of this, I developed a strong social capital support network. A recent survey in Hawai'i showed that young people between ages 18-20 with low social capital had lower rates of stable housing (55%) compared with young people that had higher social capital (74%).

This bill helps foster parents and foster youth. It can provide opportunities that will help young people develop into healthier, happier and more successful adults. I humbly ask this committee to please pass House Bill 2350. Mahalo!



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: CATALINA LANDON, HI H.O.P.E.S Youth Leadership Board (Kauai)

Re: Testimony in SUPPORT of HB 2350

My name is Catalina Landon and I am a former foster youth. I am the Historian on the HI HOPES youth leadership board on Kaua'i. I am 18 Years old. The HI H.O.P.E.S. Youth Leadership Board is part of the Hawai'i Youth Opportunities Initiative, which is a national and local effort to create and support successful outcomes for transitioning foster youth. We are also the Youth Advisory Council for DHS-Child Welfare Services in Hawaii.

I would like to submit testimony in support of HB 2350 and its intent to expand opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the "reasonable and prudent parent standard"; and requires children in foster care, fourteen years of age and older, to be included in case planning and be informed of their rights and options available to them.

Did you know only 12% of youth in foster care have their driver's license? I believe it is honestly so important for young people in foster care to participate in activities and be a part of their case plan mostly because that's what normal kids do, they participate in activities whether it's sports or clubs. That's how kids learn what it's like to come out of their shell and what it's like to be around other kids their age.

It is also very important because youth in foster care get to learn about social capital and young people in foster care should have friends and other mentors and adults supporters because it also contributes to their healing. I know and strongly believe that caregivers should have the automatic right to make day to day decisions for their foster kid(s) without consulting a social worker. The first reason being that is what normal families are like. No normal kid should have to go through two or three different people to get permission for a sleepover or to participate in an after school activity. I hated having to tell my friends I couldn't sleep over because I had to ask my social worker first. I hated it because they'd always ask me "why?"... and they were right, "why??" It isn't normal. Every foster youth deserves to feel normal even if their current situation is not.

In closing, I humbly ask this committee to pass HB 2350 and give foster youth the opportunity to feel normal and be able to take safe risks while in foster care.

Thank you very much.

To: Senate Committee on Judiciary and Labor, April 5, 2016

From: GERNANI YUTOB JR., HI H.O.P.E.S Youth Leadership Board (Oahu)

Re: Testimony in SUPPORT of HB 2350

Aloha and Good Afternoon! My name is Gernani Yutob, Jr. I am 25 Years old and I am the President of the HI H.O.P.E.S. Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Oahu. HI H.O.P.E.S. Stands for Hawaii Helping Our People Envision Success. As a Youth Leadership Board we advocate, educate and promote changes for young people transitioning from foster care to adulthood by working with youth and community partners.

I am writing in support of HB 2350 which promotes Prudent Parenting and Normalcy for foster youth in care. This opportunity promotes the well-being and developmental growth for young people in care by allowing youth to participate in age or developmentally appropriate activities.

When I was 15 years old I was sent to Central O'ahu Youth Services Association (COYSA), a group home on the North Shore. Youth are supposed to stay here for up to 90 days but I ended up staying for about 16 months because I wanted to remain in Leilehua High School (I finished the rest of my freshman year and ended up staying for my entire sophomore year). Group homes are typically strict and require permission from your social worker to do things such as going on visits with family, putting someone on your call list, etc. They feel a bit like jail because of such restrictions even though youth are typically placed in foster care through no fault of their own (they're either a victim of abuse and/or neglect).

During my sophomore year I had a crush on a girl in my Biology class. We spoke for a bit and I was able to get her number. Unfortunately I was not able to call her the same night because I had to explain to her that I live in a group home and that I needed permission from my social worker to put her on my "call list." It was a bit embarrassing but she understood. I then called my social worker, left a voicemail, and explained to her that I met a girl in my Biology class and asked if I could put her on my call list so that I could talk to her during "phone time." She called me back the next day and understood, but it felt really awkward explaining that situation to my female social worker. A lot of youth go through these same experiences of asking their social worker for the simple things that others take for granted. It feels really shameful. Youth should be able take healthy risks while they're in care so that it can help them when they become successful adults. If we hinder our youth with these skills how do we expect them to think for themselves when they become older?

In closing, I ask that you help support foster youth so they can be afforded the same opportunities and experiences as you would provide for your own children and I humbly ask that you pass House Bill 2350. Thank you for your time.



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: Kaitlyn Anderson, HI H.O.P.E.S. Youth Leadership Board (Kauai)

Re: Testimony in SUPPORT OF HB 2350

Aloha members of the Senate Committee on Judiciary and Labor,

My name is Kaitlyn Anderson, I am 16 years old, I am a former foster youth and I am the secretary of the HI H.O.P.E.S. Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Kauai. HI H.O.P.E.S. stands for Hawaii Helping Our People Envision Success and we are comprised of current and former foster youth between the ages of 14 and 26. Our work includes educating others on the needs of foster youth, collaborating with community partners, and most importantly, advocating for current and former foster youth.

I would like to submit testimony in SUPPORT of House Bill 2350, which promotes the federal reasonable and prudent parent standard and the well-being and normalcy for foster youth in care. It also “expands the opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the ‘reasonable and prudent parent standard’”, as stated in the bill.

Many youth in foster care aren’t allowed to participate in age-appropriate activities. As a result of this, young people feel like they can’t “fit in” and be normal and this affects their social development which can impact them well into adulthood. Simple extracurricular activities like joining a club or participating on a sports team can play a huge role in providing appropriate and healthy development opportunities for young people and many foster youth are restricted from these opportunities because foster parents and social workers are afraid they’ll get hurt.

Currently, only 12% of foster youth have a driver’s license. Most youth in care aren’t able to obtain a driver’s license due to liability factors. When I was in foster care, all my peers were coming to the age where they could obtain a permit and I was denied the opportunity. I felt like I was being held back from a normal and age-appropriate opportunity. Other than that, I was very fortunate to have supportive foster parents. Although obtaining permission from my social worker did take time, I was able to get approval for things like joining my school’s soccer team and to join different clubs. This gave me a sense of feeling normal and helped my social development which I know will be a positive impact on my adulthood. If foster parents can make those reasonable decision without having to wait for social worker approval, it would make things much better for them and the foster youth they care for.

In closing, I would like to ask that foster youth be given the same opportunities as their peers and classmates. I ask that this committee support and pass House Bill 2350. Mahalo.



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: KAREN HAGOPIAN, HI H.O.P.E.S Youth Leadership Board (Kona)

Re: Testimony in SUPPORT of HB 2350

My name is Karen Hagopian and I am the President of the HI H.O.P.E.S. Youth Leadership Board of the Hawai'i Youth Opportunities Initiative, which is a national and local effort to create and support successful outcomes for transitioning foster youth. I would like to submit testimony in support of HB 2350 and its intent to expand opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the "reasonable and prudent parent standard"; and requires children in foster care, fourteen years of age and older, to be included in case planning and be informed of their rights and options available to them.

While I was in foster care I had two different placements. At the first home I was in, I felt like my foster mom was in it just for the money she would receive from the State to have me in her home. I felt like she really didn't care about me and didn't have my best interests in mind. Any free time I had when I wasn't studying was used to do yard work and chores around the house—if I wanted to hang out with my friends, I was only allowed to do so on my foster mom's time, which was rarely, and I was only allowed to hang out at certain places. When I wanted to join sports, I couldn't because it didn't work out with her schedule. When she finally did let me join sports, I had to coordinate and find my own rides to and from practice. She would let her biological teenage son come and go as he pleased and he was never forced to do chores to "earn" going anywhere. It was a really restrictive environment and I felt like I couldn't be myself around her. I could barely open up and talk to her.

When things got really bad in this foster home, I decided to say something to my social worker, who really listened to me and worked with me to find me another foster home where I would feel comfortable and supported. My social worker told me there was a possible placement for me in Hilo, but this would mean I would have to leave everything I was familiar with growing up in Kona. I was given the opportunity to stay with this family for a week, and even though they were a great family and it was a good experience, I decided that I didn't want to move to Hilo. I didn't want to lose my best friend, I didn't want to start over at a new school, and I didn't want to sacrifice the weekly visits I was having with my mom. My social worker and I got to talk about how I felt after I came back from Hilo and she agreed that it wouldn't be in my best interests to move to Hilo either so I stayed in the home I was currently in until she could find another place for me in Kona.

When another placement opened in Kona, I was moved. The experiences I had at my new foster home were the complete opposite of what I had experienced in my first foster home. My new foster mom treated me like I was part of her family. She built a trusting relationship with me and I was able to do the normal things that other teens my age were doing. She would let me hang out with my friends as long as she could meet them and their parents. She would give me rides to hang out with my friends and to and from sports practice. She advocated for my needs and pushed me to succeed in whatever I wanted to do. She never forced me to do anything I didn't want to do or and she didn't force me to do anything I didn't feel comfortable doing. I felt like a normal teenager for once. Even after I decided to move out when I turned 18, she still supported me and told me that I'll always have a place in her home.

In closing, I humbly ask this committee to pass HB 2350 and give foster youth the opportunity to feel normal and be able to take safe risks while in foster care.

Thank you very much.



To: Senate Committee on Judiciary and Labor, 4-5-16

From: KEOLA LIMKIN, HI H.O.P.E.S. Youth Leadership Board (Oahu)

Re: Testimony in SUPPORT OF HB 2350

Good afternoon distinguished members of the Senate Committee on Judiciary and Labor. My name is Keola Limkin. I am 24 years old and I am the Vice-President elect of the HI H.O.P.E.S Youth Leadership Board on O‘ahu. HI H.O.P.E.S stands for Hawai‘i Helping Our People Envision Success. The HI H.O.P.E.S Youth Leadership Boards provides the youth voice for the Hawai‘i Youth Opportunities Initiative and serves as the Youth Advisory Council for DHS-Child Welfare Services. Our mission includes advocating for positive changes within the foster care system and to increase opportunities for young people transitioning from foster care to adulthood.

I would like to submit testimony in strong support of House Bill 2350 which expands the opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the “reasonable and prudent parent standard.” This is a great opportunity to promote appropriate and healthy development for youth in foster care.

Although there are many great foster homes, there are many foster parents who don’t allow their foster children to do things like play sports or go to a friend’s house because they are worried about liability if something happens to the child. These activities are part of a child’s healthy upbringing and impact what kind of adults we become. Our well-being is impacted when we aren’t afforded the same opportunities as our peers. This bill helps to provide foster parents the chance to feel comfortable and supported in allowing the children and youth in their care to be treated like their own.

During my stay in foster care, my foster dad did a lot to allow me the privilege of a very normal life. He encouraged me to join a variety of sports such as soccer, judo, and wrestling. I was also able to join the Leo club at my local high school in Hilo. My foster dad went as far as to provide me with adequate transportation even though we lived far away from my high school. I felt blessed to have had these activities to develop my health, strengthen my communication, and increase my social capital of peers, classmates, teachers and coaches. My foster dad’s unconditional love toward me was one of the best benefits of my life.

As I come to a finish, I ask that you support new generations of foster youth in experiencing the best amount of well-being and as normal a life as possible. Let’s move forward with creating a stronger community and pass House Bill 2350. Thank you very much for your time.



To: Senate Committee on Judiciary and Labor, 4-5-16

From: Lyu Burdette, HI H.O.P.E.S. Youth Leadership Board (MAUI)

Re: Testimony in SUPPORT OF HB 2350

Hello, my name is Lyu Burdette and I am a former foster youth. I am the Secretary of the HI H.O.P.E.S Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Maui. HI H.O.P.E.S stands for Hawai'i Helping Our People Envision Success. The HI H.O.P.E.S Youth Leadership Boards provides the youth voice for the Hawaii Youth Opportunities Initiative and serves as the Youth Advisory Council for DHS-Child Welfare Services. Our work involves us advocating for changes within the foster care systems and increased opportunities for young people transitioning from foster care to adulthood.

I am in great support of House Bill 2350 which gives foster youth in care the opportunity to attend age or developmentally appropriate extra-curricular, social, and cultural activities, just as their classmates and peers would. Foster parents would have to use the "reasonable and prudent parent standard." This is an honorable way to promote appropriate and healthy development for youth in foster care.

I was in foster care for 9 months and I never got the chance to attend activities that I wanted to join, because I didn't know my rights. I only heard of the rules of foster care from others which were not always accurate. Now that I know, it makes me happy to know our state's foster youth have rights and I want them to know that they are in the same category as other normal children. It is beneficial for every child, regardless of their background, to enjoy themselves and feel like they belong in this society and not be ashamed of being in foster care.

Thank you very much for letting me voice my opinions, concerns and support for my foster brothers and sisters. Please pass HB 2350. Mahalo!



To: Senate Committee on Judiciary and Labor

From: NOY WORACHIT, HI H.O.P.E.S. Youth Leadership Board (Oahu)

Re: Testimony in SUPPORT of HB 2350

Good afternoon members of the Senate Committee on Judiciary and Labor. My name is Noy Worachit. I am 22 years old and I am the current Vice-President of the HI H.O.P.E.S. Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Oahu. HI H.O.P.E.S. stands for Hawaii Helping Our People Envision Success. The HI H.O.P.E.S. Youth Leadership Board provides the youth voice for the Hawaii Youth Opportunities Initiative. Our work includes identifying needs of transitioning foster youth, educating stake holders and advocating for public will and policy changes.

I would like to submit testimony in support of House Bill 2350 which promotes prudent parenting and normalcy for foster youth in care.

Young people are placed into foster care through no fault of their own, but are not treated as such. Why are foster children being deprived of the opportunity to become successful and healthy adults by not being afforded the same opportunities as their peers? Youth in foster care should be given the opportunity to work, play sports, date, own a cell phone, and have sleep overs at their friend's home, just like any other child. Resource caregivers should also be allowed to exercise their prudent parenting decision making on these opportunities without having to consult with a social worker. When the resource caregiver has to go through a long approval process for these things, it hinders healthy social development and ultimately the young people suffer the consequences well into adulthood.

Currently, only 11% of youth in care between the ages of 14 and 17 are employed. This is no surprise that only 52% of young people are employed as adults between the ages of 18-25. While I was in foster care, my resource caregivers not only allowed me to work, but they wholeheartedly encouraged it. They helped me to care for my daughter while I worked and would even pick me up if I was working a late shift. I was given the opportunity to learn what it meant to earn something versus being entitled to it. From a young age I was able to develop a strong work ethic, learn interpersonal skills, gained a network of supportive adult relationships, and became a contributing member to society and my community. Since I have started working, I have not gone a single day unemployed. I have been very fortunate to have worked with one employer for nearly five years and recently as an on-call employee. I am currently employed with the United States Air Force as an Aircraft Analyst. I believe that my work experience early on has made me very marketable. Having earning power is one step in the right direction to breaking the vicious cycle of poverty. Having earning power is empowering!

In closing, I ask that you afford us the same opportunities as you would for your own children and I ask this committee to support the intent of and pass House Bill 2350. Thank you very much.



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: PATRICIA DUH, HI H.O.P.E.S Youth Leadership Board (Kauai)

Re: Testimony in SUPPORT of HB 2350

Good afternoon, my name is Patricia Duh. I am 20 years old and I am the president of the HI H.O.P.E.S Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Kauai. HI H.O.P.E.S stands for Hawaii Helping Our People Envision Success. The HI H.O.P.E.S Youth Leadership Boards provides the youth voice for the Hawaii Youth Opportunities Initiative and serves as the Youth Advisory Council for DHS-Child Welfare Services. Our work involves us advocating for changes within the foster care systems and increased opportunities for young people transitioning from foster care to adulthood.

I would like to submit testimony in support of House Bill 2350 which expands the opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the “reasonable and prudent parent standard.” This is a great opportunity to promote appropriate and healthy development for youth in foster care.

When youth are placed into foster care, they already feel different because they are in an unfamiliar environment, may be moved into a new school, and are taken away from their family. What makes this situation worse is that majority of the foster youth placed into care are deprived of the opportunity to have a normal life. My reference to a normal life includes being able to have a cellphone, play sports, date, sleepovers, obtain their driver’s license, cut their hair, and so much more. On top of foster youth being given the opportunity to have normal experiences as their peers, resource caregivers should be allowed to exercise their prudent parenting decision making on these opportunities without having to get permission from a social worker or judge. When the foster parents (resource caregivers) of the foster youth have to wait for an approval of the social worker, sometimes it takes so long that the opportunity has passed.

Currently, only 12% of youth in foster care surveyed had a driver's license. Being able to obtain a driver’s license is a huge step into adulthood because transportation is important for employment, education, health, etc. I wasn’t able to obtain a permit, attend driver’s education, or get my driver’s license when I was in care. My foster parents fought for me to be able to get one but we were always turned down by my social worker due to liability factors. I feel very fortunate to only have not been able to get a driver’s license because I was able to have a cell phone, participate in after school activities such as marching band, kempo karate, and my church youth night every Fridays. I feel that because I had opportunity to have a normal experience growing up, that I was able to develop great social skills, gained strong and supportive adult relationships, and so much more. Thanks to having a normal life growing up, I will be graduating college this semester, I am raising my daughter to become a brilliant young woman, and am also able to advocate for my rights and help advocate for the rights of others.

In closing, I ask that you give us the same opportunities that you and I would give for our own children and I ask that you support the intent of and pass House Bill 2350. Thank you for your time.



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: RACHEL BURKE, HI H.O.P.E.S Youth Leadership Board (Kona)

Re: Testimony in SUPPORT of HB 2350

My name is Rachel Burke and I am the Vice President of the HI H.O.P.E.S. Youth Leadership Board of the Hawai'i Youth Opportunities Initiative, which is a national and local effort to create and support successful outcomes for transitioning foster youth. I would like to submit testimony in support of HB 2350 and its intent to expand opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the "reasonable and prudent parent standard"; and requires children in foster care, fourteen years of age and older, to be included in case planning and be informed of their rights and options available to them.

My first placement in foster care was at the emergency shelter / group home. When I got placed at the shelter the staff there informed me that I was required to ask before I did anything. I was required to ask to use the restroom, get a glass of water, turn the television on, grab something from my room, etc. In the beginning, I found this to be very odd, but over time I grew accustomed to asking for things that my peers not living at the shelter would never normally have to ask for. This placement was very similar to my first foster home, as far as the rules and expectations of me. I felt, in both placements, that I was required to fit a specific mold that they both put me in. Eventually, I adapted to what was expected of me, but I was jealous of what my peers, who were not in foster care, were allowed to do—they gained trust with their parents, an opportunity I did not have. With this trust they built, they were able to have cell phones, hang out with their friends, participate in extracurricular activities, etc.

After almost a year after being pulled into foster care, I finally accepted that this was going to be my "normal" life until I aged out. I was placed with my last foster home when I was 16 years old. At first, I was surprised at how open they were towards me, but I still made the decision to live out of my duffel bag for the first three months because I was not sure how long I would stay with them before I got moved again. I remember the first day I was there: my foster sister and I were watching TV while my foster mom was on the computer. I sat there and held out for as long as I could before I got the courage to ask my foster mom to use the restroom. I remember that she looked at me in confusion before she said, "Yes," and further told me that I didn't need to ask to go to the restroom. I was confused at first because I was so used to asking before I could do anything. It also took me a while before I felt comfortable grabbing a snack from the kitchen without asking first. After about three months, I finally got settled in and gained the courage to ask my foster mom if my friend could stop by the house to hang out for a couple hours. To my surprise, she said, "Yes". Over time, I was able to gain my foster mom's trust and began to ask for other things, such as, a cell phone and a chance to get a job. To be clear, though, she didn't approve every request that I had, but whenever she would tell me, "No," she would give me a reason. We would talk it over and eventually I would accept it because I was grateful for the freedom I had.

At 22 years old, I still have a very strong relationship with this foster family. In looking back, I am very thankful that my foster parents treated me like one of their own kids and gave me privileges, which helped me feel closer to my peers and helped me feel "normal" during this time in my life.

In closing, I humbly ask this committee to pass HB 2350 and give foster youth the opportunity to feel normal and be able to take safe risks while in foster care.

Thank you very much.



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: SAMANTHA U’U, HI H.O.P.E.S Youth Leadership Board (Maui)

Re: Testimony in SUPPORT of HB 2350

Aloha and good afternoon, my name is Samantha U’u. I am 22 years old and I am the Vice President of the HI H.O.P.E.S Youth Leadership Board of the Hawaii Youth Opportunity Initiative on Maui. HI H.O.P.E.S stands for Hawaii Helping Our People Envision Success. As a Youth Leadership Board we advocate, educate and promote changes for young people transitioning from foster care to adulthood by working collaboratively with youth and community partners. I would like to submit a testimony in support of House Bill 2350 which promotes Prudent Parenting and Normalcy for foster youth in care. This opportunity promotes the well-being and the developmental growth for young people in care.

When young people are placed in care, they have to adapt to the changes that lay ahead of them. The changes that could occur are separation from family, being placed in a new school and environment, having to make new connections, and feeling what it is like to be thrown into a world that you’re not prepared for. Youth are placed in situations that were not asked for and yet they are still deprived of opportunities where they can grow and develop. The opportunities that I am referring to is interaction with friends and community, being able to obtain a license, being able to play sports, having housing options, to be able to have a cell phone, and so on. Resource caregivers should also be allowed to make decisions like a normal parent for simple things without consulting a social worker. Having to wait for an approval by social worker could take days or even months. From just waiting for the long process to be approved it could hinder developmental growth of the youth. I played sports in school but was prevented from doing that when my resource caregivers at the time wouldn’t support my athletics and didn’t transport me to and from practice. That is something that parents would do for their own children.

Currently, only 55% of young people in care with low social capital between the ages of 18 and 20 have safe, stable, and affordable housing compared to 74% that have high social capital. When I was 18 and aged out of care I was fortunate enough to still live with my resource caregiver, but I really didn't have a choice. No one told me that after 18 you were going to be put out. I wasn't prepared for such an impact, however I am grateful to my resource caregiver for the opportunity of being housed, but I wished I could have had more options to choose from as a youth. The problem was that I had no one to rely on and no way of knowing the options that I had because my social capital was limited to only school and my resource caregiver. It taught me how important it is to keep connected with people in the community, how important it is to have and build a supportive network that will have your best interest, and to be independent. I hope that no other youth in care has to go through the experiences that I went through. Housing is a very important factor to have for keeping our youth out of the streets and being homeless. Having social capital will not only increase your network, but the housing options increases your chances in finding the right house that fits you best which leads to better decision making for your future home.

In closing, I ask that you afford us the same opportunities as you would for your own children and I ask this committee to pass House Bill 2350. Thank you for your time.



TO: ***Senate Committee on Judiciary and Labor***
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

HEARING: Tuesday, April 5, 2016
9:05 AM
Conference Room 016

FROM: Sharla-Ann Fujimoto

RE: In SUPPORT of HB 2350 - Relating to Foster Children

My name is Sharla-Ann Fujimoto. I am a resource caregiver and I work in the human services field for EPIC 'Ohana, Inc. as a facilitator, coordinator, and recorder. I am also the advisor for the Hawai'i Youth Opportunities Initiative HI H.O.P.E.S. Youth Leadership Board in West Hawai'i, which is a national and local effort to create and support successful outcomes for transitioning foster youth.

I would like to submit testimony in strong support of House Bill 2350 and its intent to establish qualified immunity for resource caregivers and child caring institutions to expand opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the "reasonable and prudent parent standard"; and to require children in foster care, fourteen years of age and older, to be included in case planning and be informed of their rights and options available to them.

For the last seven years, I have been working with "at-risk" youth between the ages of 12 to 26 who are currently in and were formerly involved in the foster care system. Throughout my experience with the hundreds of youth I have worked with over the years (and having been a teenager myself), I can tell you that the one thing that every teen wants is to feel normal.

Everyone has a different definition of what is "normal"—especially when it comes to teenage behavior. However, there is the general sense of "normalcy" for teenagers **not** in the foster care system because their parents are able to make the sensible parental decisions based on what they feel is in the best interests of their child in terms of health and safety and are able to encourage their own child to take part in age-appropriate activities and social gatherings that will enhance the emotional and developmental growth of their child—this type of parenting is referred to as the "reasonable and prudent parent standard," which should also be a standard upheld for youth in the foster care system.

Most normal teenagers not in the foster care system have the ability to take healthy risks such as go to sleepovers at a friend's house, join sports, make phone calls to their friends on the phone, get their driver's permit and license, have a cell phone, or go on dates. My experience through my work over the last seven years has demonstrated to me that foster youth are seldom allowed to take these healthy risks and are often treated like porcelain dolls—they are "kept in a case" to make sure they "don't break". This is to say that the resource caregiver and the State are afraid to get sued by the families of the children so they choose the safest option, which is to have the youth not take part in any of these activities. Foster youth are referred to as the State's children, but it has been demonstrated to them that they are walking liabilities, which makes them stand out amongst their peers because they don't have parents to ask permission from—they have an entire team of people ranging from their resource caregiver to their social worker to the Section Administrator.

I have witnessed many times when a foster youth wants to participate in developmentally appropriate activities and they are often told that they can't by the resource caregiver, child care facility, or social worker most commonly because of the following reasons:

- **Liability issues**—again, the resource caregiver, child care facility, and State doesn't want to get sued if something happens to the youth. This is most common when a youth wants to get their driver's permit and license
- **The youth's social worker could not be reached** because the request was something that came up during non-business hours (after 4:30 pm or the weekends / holidays). Most social workers are out in the field and hardly have time to check their e-mail or messages on their phones, and often times do not get the message until the deadline has passed. Additionally, they don't return the caregiver's or youth's call in a timely manner
- **The request wasn't put in far enough in advance to the social worker**, who needs to have the proper paperwork filled out and approved by their supervisor and section administrator before approving the activity for the youth. This is most common for field trips and outings
- **The department has to get background checks done on all individuals over the age of 18 residing in someone's home before the youth can sleepover** at that person's home. This can be considered very invasive to the parents and family of the youth's friend who is asking the youth to sleep over; alternatively, the youth may be too embarrassed to ask their friend's family to go through all of this at least two months in advance before a sleepover because background checks may take up to six weeks to be verified. Additionally, if someone doesn't pass the background check, the youth cannot sleepover in that home

These are just a small amount of the reasons why a youth is told, "No," to participating in activities that would otherwise develop their social and emotional skills. Considering all of this "red tape", it's no wonder the youth and caregivers often give up on asking for permission because there is just too much paperwork, approvals to wait for from their social worker and the administrators, not to mention the liability concerns from all parties involved in the foster child's life.

The constant denial proves to be detrimental to the youth because they are kept from their sources of Social Capital, which is defined as the youth's family, school (which includes extracurricular activities), peers, and community supports—all of which are paramount in ensuring youth make a successful transition out of the foster care system and into adulthood. These sources of Social Capital are how the youth will make permanent connections throughout their life. If foster youth are unable to make or maintain their sources of Social Capital to make permanent connections in their teens, which is often an emotionally and developmentally tumultuous time in their lives, these youth are twice as likely as their peers to end up pregnant or parenting at a young age, incarcerated, dropping out of high school, and become dependent on the welfare and public assistance systems, which costs taxpayers millions of dollars each year.

As a professional that works with current and former foster youth and as the resource caregiver of several foster children, I believe that this bill supports the goal to try to provide a normal life to the youth involved in the foster care system and provides the needed support to the resource caregivers and child care facilities licensed to care for these children on a daily basis. I strongly encourage this committee to support the passage of HB2350.

With sincerest gratitude,

Sharla-Ann Fujimoto

To: Senate Committee on Judiciary and Labor, April 5, 2016

From: Stephanie Kim, HI H.O.P.E.S. Youth Leadership Board (Oahu)

Re: Testimony in SUPPORT OF HB 2350

Aloha members of the Senate Committee on Judiciary and Labor,

My name is Stephanie Kim, 21 years old, and I am a former foster youth who was in care for 6 years before emancipating at age 18. I am a board member of the HI H.O.P.E.S. Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Oahu. HI H.O.P.E.S. stands for Hawaii Helping Our People Envision Success and we are comprised of current and former foster youth between the ages of 14 and 26. Our work includes educating others on the needs of foster youth, collaborating with community partners, and most importantly, advocating for current and former foster youth.

I would like to submit testimony in SUPPORT of House Bill 2350, which promotes the federal reasonable and prudent parent standard and the well-being and normalcy for foster youth in care. It also “expands the opportunities for children in foster care to participate equally in age or developmentally appropriate extracurricular, social, and cultural activities as their classmates and peers in accordance with the ‘reasonable and prudent parent standard’”, as stated in the bill.

There are 2,231 children in foster care in Hawaii (in a given year) and of those youth in care, 335 are between the ages of 12 and 17. These youth are adolescents and should be allowed to participate in age and developmentally appropriate activities, such as sleeping over a friend’s house, joining a club or sport, and owning a cell phone. Youth should be able to take part in healthy risk-taking, which allows them to gain independence and learn from their mistakes, simply things that are a part of life. Foster youth have been so unlucky to be placed in care at no fault of their own and kept away from the experiences that their peers have.

When I was in foster care, I wasn’t allowed to join clubs or hang out with my friends after school. I simply went home right after and did my homework. I was a good kid that got good grades and was respectful, yet I wasn’t allowed to socialize with my friends and classmates outside of a school setting. It wasn’t until I moved to a different home that I was allowed to get a job after school and join a club if I wanted to. My resource caregiver, at the time, would pick me up when I finished. Because I was allowed to get a job, it prepared me for future job applications and interviews, it taught me how to act in a workplace environment, and it gave me independence skills that are absolutely necessary for a 17 year old about to become a legal adult. Foster youth today should be able to participate in activities, just like their peers, because it will help them gain skills, learn about themselves, and be able to have fun.

In closing, I would like to ask that foster youth be given the same opportunities as their peers and classmates. I ask that this committee support and pass House Bill 2350. Mahalo.



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: TIFFANY DARRAGH, HI H.O.P.E.S Youth Leadership Board (Maui)

Re: Testimony in SUPPORT of HB 2350

Aloha and Good Afternoon! My name is Tiffany Darragh, I am 21 Years old and I am the President of the HI H.O.P.E.S. Youth Leadership Board of the Hawaii Youth Opportunities Initiative on Maui. HI H.O.P.E.S. Stands for Hawaii Helping Our People Envision Success. As a Youth Leadership Board we advocate, educate and promote changes for young people transitioning from foster care to adulthood by working with youth and community partners. I am writing in support of HB 2350 which promotes Prudent Parenting and Normalcy for foster youth in care. This opportunity promotes the well-being and developmental growth for young people in care by allowing youth to participate in age or developmentally appropriate activities.

When youth are placed in care, they already feel like they are different or unwanted because they aren't with their families. Some youth are moved to new schools, some are taken away from siblings or unable to maintain any family connections. Youth in care typically aren't able to even participate in extracurricular activities or do anything that youth with their biological families would call normal. When we think of a normal life for youth it includes being able to participate in sports either in school or club sports, it includes being able to sleep over at a friends' house without having to get a full background check done and approval from social workers and everyone else who isn't with you every single day. Normalcy includes being able to cut your hair when you want to try something different, being able to get a job or even getting your driver's license. All of these things should be a decision made by parents or resource caregivers/guardians. When you have to go get approval from your social worker, at times it takes up to a month or more and by that time you don't even want to deal with it anymore.

Currently, 12% of youth in care surveyed in the opportunity passport program said they have a driver's license. That's 88% of youth in care who have not been given the opportunity to learn how to drive. I understand that driving can be dangerous and some resource caregivers may not want to be responsible for anything, but transportation is very important when transitioning from youth to adulthood. Having access to transportation not only makes the youth feel trusted but also gives the youth the access to other opportunities like getting a better job that may be a farther distance from home, going to college if they live further from campus, drive themselves to doctors' appointments and dentist appointments etc.

I was fortunate enough to have the opportunity to get my permit and participate in drivers' education when I was a junior in high school. I was able to work more days out of the week my senior year in high school because I bought my own car and was able to drive myself without having to work around everyone's busy schedule. After high school, having a car really paid off when I started college because I lived far from the college. If I was not given the opportunity and the trust that I felt I deserved, I feel that it would be difficult to do it all on my own. With the trust that allowed me to go beyond even my own expectations of myself I now have a great job that gives me great opportunities and I am able to advocate for the future generations of youth so they may have all the opportunities they deserve.

In closing, I ask that you afford us the same opportunities as you would for your own children and I ask that you pass this House Bill 2350. Thank you for your time.



To: Senate Committee on Judiciary and Labor, April 5, 2016

From: TUAN GIANG., HI H.O.P.E.S Youth Leadership Board (East Hawai'i-Hilo)

Re: Testimony in SUPPORT of HB 2350

Good afternoon! My name is Tuan Giang and I am a board member of the HI HOPES Youth Leadership Board in Hilo. As a member of the board and a former foster youth, I would like to submit my testimony for House Bill 2350.

I was born and raised in Vietnam and I was 8 years old when my mother and I immigrated to America. When I was 12 years old, my mother was deemed unfit to take care of me and I entered foster care. I entered my first foster home with a sadness that I cannot describe from being separated from my mother who independently took care of me for all of my life. I remembered that night I thought myself that I would never be normal again and that the “foster kid” status was branded upon me. In addition to the emotions that I felt, there were conflicting cultural views that made did not help my transition into foster care. Every day in my first foster home, I woke up to a bowl of cheerios and milk. This was a shock to me because I had never eaten cereal and milk before coming to America. I had asked my foster parents for one thing – saimin with an egg. They denied my request and I was very depressed. This meal is something that my mother made for me every weekend in the morning for as long as I could remember. From Vietnam to America, it was something that I could always look forward on a Saturday and Sunday morning. I am sure they meant well because it probably was not the healthiest to eat every day in the morning. But, at that time, I missed my mother very much and I was questioning whether or not my life would be normal again.

Thankfully, I was able to find a home where I felt normal. I arrived at my third foster home when I was 15 years old. My foster parents, who I now call mom and dad, have been supporting me ever since. They have supported me in various ways. They let me eat saimin in the morning with an egg. It was the first time where a family trip included me. I was able to get my driver's license with their help and I am fortunate to be in the 12% of all foster youths that is able to obtain this. They helped me pay for my senior prom and allowed me to attend it with my best friends that I still keep in close contact today. More importantly, they helped me feel normal again and forget about that “foster care” status that I branded myself.

I urge everyone to support the intent of HB 2350. The bill will help improve the conditions of foster youths in care. Give these youths the opportunity and chance to pursue the normal means of life, not limiting them, in hope of a better future. From a bowl of saimin with egg to going to senior prom, the feeling of normalcy is the same no matter how small is the act.

In closing, I ask that you help support foster youth so they can be afforded the same opportunities and experiences as you would provide for your own children and I humbly ask that you pass House Bill 2350. Thank you for your time.

