

STAND. COM. REP. NO. **2059**

Honolulu, Hawaii

**FEB 08 2018**

RE: S.B. No. 2273  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2273 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require certain persons to immediately report to the family court when there is reason to believe that a child in foster custody has suffered an injury that may arise to a tort claim; and
- (2) Establish procedures for the family court to follow when appointing a master and when authorizing the filing of a tort claim on behalf of an injured child in foster custody.

Your Committee received testimony in support of this measure from the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and two individuals. Your Committee received comments on this measure from the Judiciary, Department of Human Services, and Department of the Attorney General.

Your Committee finds that the State serves as the legal custodian and representative for a significant number of children in foster care due to the age of those children. Your Committee



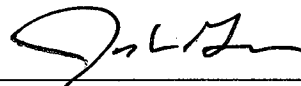
further finds that if a child in foster care suffers an injury caused by a third party, the State will cover the child's medical costs. However, that child is unable to obtain legal representation to file a tort claim to seek any additional damages, such as pain and suffering. This measure establishes procedures whereby a potential tort claim may be investigated, a tort claim may be filed on behalf of the injured child, and the child may obtain legal representation.

Your Committee has amended this measure by:

- (1) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2273, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2273, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,



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JOSH GREEN, Chair



