



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Health and Human Services**

Representative John M. Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair

Tuesday, February 6, 2018 at 8:30 a.m.  
State Capitol, Conference Room 329

By

Catherine H. Remigio  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 2527, Proposed H.D. 1, Relating to Foster Care.

**Purpose:** Amends the Child Protective Act, chapter 587A, Hawai‘i Revised Statutes, by deleting the existing section 587A-3, Guiding Principles for children in foster care, and replacing it with a new section 587A - Rights of children in foster care.

**Judiciary's Position:**

The Judiciary writes in strong support of this bill because it expresses the Legislature’s strong support of foster children—their welfare and their independence.

This bill codifies best practices; practices that were developed with significant input from foster children and former foster children. In our own state, these practices have been discussed at annual gatherings among foster youth, former foster youth, the family court, and child serving public and private agencies. These practices garnered strong consensus among all of the participants. Whenever possible, the Family Court applies best practices that are within our control. For example, at page 5, from line 13, the bill affords a foster child the right to “meet with and speak to the presiding judge in the child’s case.” For years, the Family Court of the First Circuit has required that foster children are informed of the court’s invitation to them to come to court. When the system began, we had very few “takers.” However, as the entire system became accustomed to this requirement, more and more children and youth came to court



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to talk to “their” judge. Just recently, in a morning calendar for one judge, 22 children claimed this right and each spoke to “their” judge individually.

We respectfully offer one amendment to the bill.

At page 4, from line 12, the bill recognizes the importance of equipping the aging out youth with basic documents that we all take for granted, including, certified birth certificates and social security cards. However, as it is drafted, there may not be enough time for these documents to be gathered. The bill requires that the youth be in foster care for at least 6 months before the section is activated. If a youth goes into foster care at 17.5 years, this section becomes effective at the same time the youth “ages out.” This section also appears to place the burden of collecting these documents on the youth. This task calls for the ability to navigate different and sometimes labyrinthine bureaucracies. We respectfully suggest the following changes:

~~“(14) If the child ~~has been~~ in foster care ~~is 17 years old, for more than six months, and is aging out of care, receive assistance in the department shall~~ obtaining for the child prior to aging out of care certain personal records such as an official or certified copy of the child's United States birth certificate, a Social Security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records or information to access the child's medical records free of charge, immigration documents, a driver's license or state identification card issued by the State in accordance with the requirements of the REAL ID Act of 2005, Pub.L. 109-13, 119 Stat. 302;”~~

[the proposed changes without Ramseyer formatting]

“(14) If the child in foster care is 17 years old, the department shall obtain for the child prior to aging out of care certain personal records such as an official or certified copy of the child's United States birth certificate, a Social Security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records or information to access the child's medical records free of charge, immigration documents, a driver's license or state identification card issued by the State in accordance with the requirements of the REAL ID Act of 2005, Pub.L. 109-13, 119 Stat. 302;”

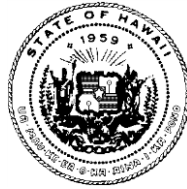
We commend the Legislature for its care and support of one of the most vulnerable populations in our community. These children have very few family resources and are ill equipped to move toward adulthood. And yet, in our courtrooms, we are consistently moved and impressed by the resilience and grace exhibited by these children. On their behalf, we



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respectfully ask for favorable consideration of our proposed amendments and we urge passage of this bill.

Thank you for the opportunity to submit testimony on this measure.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96808

February 2, 2018

TO: The Honorable John M. Mizuno, Chair  
House Committee on Health and Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2527 - Relating to Foster Care**

Hearing: February 6, 2018, 8:30 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this bill which is consistent with administration measure HB 2363.

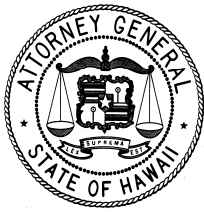
**PURPOSE:** The purpose of this bill is to amend the Child Protective Act, chapter 587A, Hawaii Revised Statutes (HRS), by deleting the existing section 587A-3, Guiding Principles for children in foster care, and replacing it with a new section 587A- , Rights of children in foster care. This aligns with Federal Public Law 113-183 which requires that the rights of children age 14 and older regarding education, health, visitation, and court participation to be documented in the child's case plan, as well as a signed acknowledgement of the provision of these rights.

Similar Bill of Rights for Children in Foster Care have been enacted in 14 states and Puerto Rico. Many of these rights are included as Guiding Principles for Children in Foster Care, in statute, 587A, HRS. Some of the new rights include culturally responsive services, requests for an attorney, and transportation to attend the school of origin.

The administration measure was a collaboration developed with youth formerly in foster care, partners, and stakeholders, and especially honors the voice of the young people we serve. Increased support and guidance for the care of children and youth in foster care will facilitate the young person's continued development, well-being, and permanency options. Positive outcomes, such as an increase in educational achievement and employment stability, will

contribute to the social and economical of the youth as well as the well-being of the State. Studies show that with increased support and guidance children and youth in foster care have additional positive outcomes which include decreases in homelessness, dependency on public welfare benefits, drug dependency, and incarceration.

Thank you for the opportunity to testify.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2527, H.D. 1, RELATING TO FOSTER CARE. (Proposed HD1)

**BEFORE THE:**

HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

**DATE:** Tuesday, February 6, 2018                      **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Russell A. Suzuki, Acting Attorney General, or  
Erin K.S. Torres, Deputy Attorney General

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Chair Mizuno and Members of the Committee:

The Department of the Attorney General would like to note that with the amendments made in Proposed H.D. 1, the contents of this bill are now identical to the contents of H.B. No. 2363, which is part of the Governor's Package. We support this bill, but prefer the passage of H.B. No. 2363 instead. If the Committee intends to pass this bill, we suggest some modifications to address technical issues.

The purpose of this bill is to amend the Child Protective Act, chapter 587A, Hawaii Revised Statutes, by deleting the existing section 587A-3, Guiding principals for children in foster care, and replacing it with a new section 587A- , Rights of children in foster care.

On page 4, line 1, the word "and" should be added after "organizations," so that the line reads as follows:

"living programs, foster youth organizations, and".

On page 4, line 13, the word "and" should be added after "guardian ad litem;" so that the line reads as follows:

"the child's guardian ad litem; and".

On page 5, line 1, the word "and" should be added after "records," so that the line reads as follows:

"records, and a driver's license or state identification".

On page 5, line 4, the semicolon should be replaced with a period so that the line reads as follows:

“13, 119 Stat. 302.”

On page 6, line 10, the word “and” should be added after “school;” so that the line reads as follows:

“new school; and”.

On page 6, line 12, the semicolon should be replaced with a period so that the line reads as follows:

“all other students.”

We respectfully recommend that the Committee consider passing H.B. No. 2363 instead of this bill. If it is not inclined to do so, we recommend that the Committee make the suggested technical modifications and pass this measure.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/06/2018  
**Time:** 08:30 AM  
**Location:** 329  
**Committee:** House Health and Human Services

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 2527, HD1 Proposed RELATING TO FOSTER CARE.

**Purpose of Bill:** Replaces the guiding principles for children in foster care with the rights of children in foster care.

**Department's Position:**

The Department of Education (Department) supports HB 2527, HD1 Proposed. This measure recognizes the unique needs of children in foster care by codifying children rights, increasing educational stability, and improving educational outcomes for these youth.

Further, HB 2527, HD1 Proposed, better aligns Hawaii statute to key elements of the foster care provision under the federal Every Student Succeeds Act (ESSA), including but not limited to: dispute resolution process, transportation procedures, and immediate enrollment and records transfer, as well as identifying key points of contact at each school.

The Department, in collaboration with Hawaii Department of Human Services, has also worked to develop guidelines for implementation of statewide guidance that will provide information about the significance of educational stability in the life of a foster child.

Thank you for the opportunity to provide testimony on HB 2527, HD1 Proposed.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



# HAWAII YOUTH SERVICES NETWORK

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Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of  
Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of  
West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action  
Network

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together  
(PACT)

Planned Parenthood of the  
Great Northwest and  
Hawaiian Islands

PHOCUSED

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community  
Center

The Catalyst Group

February 2, 2018

To: Representative John Mizuno, Chair  
And members of the Committee on Health and Human Services

## **TESTIMONY IN SUPPORT OF HB 2527 RELATING TO FOSTER CARE**

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 2527 Relating to Foster Care.

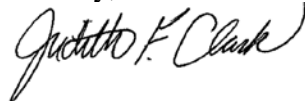
Some of the rights specified in the bill ensure that basic health and safety needs are met. Others enable and empower children and youth in foster care to participate in planning for their own futures. Efforts to keep foster children in their home schools help them to maintain their natural support systems.

Children and youth in foster care often feel that their lives are out of their control. They often feel that their voices are not heard.

This bill of rights will protect children from harm while in care, enable them to be involved in decisions that affect their lives, and is likely to lead to better outcomes for children in the child welfare system.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director



## CATHOLIC CHARITIES HAWAII

### **TESTIMONY IN SUPPORT OF HB 2527: Relating to Foster Care**

TO: Representative John Mizuno, Chair, Representative Bertrand Kobayashi, Vice Chair, and Members, Committee on Health & Human Services

FROM: Terrence L. Walsh, Jr., President and Chief Executive Officer

**Hearing: Tuesday, February 6, 2018; 8:30 AM; CR 329**

Chair Mizuno, Vice Chair Kobayashi, and Members, Committee on Health & Human Services:

Thank you for the opportunity to provide testimony **in support** of HB 2527, which amends the Child Protective Services Act re the rights of children in foster care. I am Terry Walsh, with Catholic Charities Hawaii.

Catholic Charities Hawaii (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawaii for over 60 years. CCH has programs serving elders, children, developmentally disabled, homeless and immigrants. Our mission is to provide services and advocacy for the most vulnerable in Hawaii.

Catholic Charities Hawaii supports this bill since it would bring Hawaii's law into compliance with federal guidelines on the rights of children who end up in the foster care system.

We believe that every child has inherent dignity and deserves to grow in a safe environment. This bill would enhance the Department of Human Services current rights for children/youth in foster care to ensure safety and quality of life in a nurturing environment.

Children who end up in foster care have already suffered much trauma. When it is safe, they should have the right to see or contact their siblings and parents. In fact older siblings may often have taken over the parenting role in a family with smaller children. Keeping family connections and other provisions of this bill would enhance children's ability to grow and develop their potential in a nurturing environment.

We urge you to pass HB 2527. Please contact our Legislative Liaison, Betty Lou Larson, at 373-0356, or at [bettylou.larson@catholiccharitieshawaii.org](mailto:bettylou.larson@catholiccharitieshawaii.org), if you have any questions.



**LATE**

**HB-2527**

Submitted on: 2/5/2018 4:38:46 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Tochiki	EPIC Ohana	Support	No

Comments:

Thank you for considering HB2527 Bill of Rights for Foster Children. The HI HOPES leadership has worked tirelessly for three years to bring this matter to the legislature. When the 2014 federal law that requires all young people who are old enough to understand to be given their rights and helped to understand their rights, our board members quickly understood the importance of fully implementing this requirement in Hawaii. Although we do have "guiding principles" in our statute, HI HOPES board members explored the necessity of bringing all of the rights together with language that is clear and current.

I am the President & CEO of EPIC `Ohana, the lead agency of the HI HOPES Initiative. HI HOPES serves as the Youth Advisory Council to Child Welfare Services, and is a part of the Jim Casey Youth Opportunities Initiative with the Annie E. Casey Foundation.

In the annual summit of young leaders, the HI HOPES board members discussed what the rights should be, studied the rights of young people in other states, and shared stories about their understanding of their rights. Unfortunately, they also had many stories to share about times that their rights were denied. We heard stories of foster parents (resource caregivers) utilizing methods of corporal punishment that are clearly not allowed. We heard stories of young people being taken advantage of by their foster parents as maids and babysitters. We heard stories of social workers not visiting with or even talking with them for months at a time. We heard stories of young people aging out of care without a birth certificate, or state ID, and therefore being unable to get a job.

Then the HI HOPES board members conducted large workshops and talked with young people currently in care about their rights. Foster youth statewide were asked if they knew about their rights (most did not) and they were asked if their rights had been denied while in foster care (many said there were times when their rights had been denied while in care.)

What followed these discussions was a long process of discussions with stakeholders including Child Welfare Services, the court, the Attorney General's office, and service providers. What you have before you is an earnest effort to find language that is clear and that all stakeholders believed they could embrace.

Foster children are taken into care to protect them. When the state of Hawaii takes a child into care, we become, for a time, the child's parents. This is an important responsibility that we collectively take. It is urgently critical that when we take children into foster care to protect them from abuse or neglect by their biological parents, that we protect them while they are in our care.

**LATE**

**HB-2527**

Submitted on: 2/5/2018 7:07:38 PM

Testimony for HHS on 2/6/2018 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez		Support	No

Comments: