



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Judiciary**

Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

Wednesday, April 4, 2018 2:30 p.m.  
State Capitol, Conference Room 325

By

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

**WRITTEN TESTIMONY ONLY**

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**Resolution No. and Title:** House Concurrent Resolution No. 162, H.D. 1 / House Resolution No. 138, H.D. 1: REQUESTING THE HAWAI'I STATE JUDICIARY AND DEPARTMENT OF HUMAN SERVICES TO NOT USE BLINDNESS AS A BASIS FOR DENYING PARENTAL RIGHTS

**Purpose:** Requesting the Judiciary and the Department of Human Services to not use blindness as a basis for denying parental rights.

**Judiciary's Position:**

The Judiciary takes no position on these resolutions but would like to comment that we are unaware of any child welfare, adoption, or guardianship action where the condition of blindness solely controlled the custody or visitation outcome.

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

**HCR-162-HD-1**

Submitted on: 4/2/2018 7:52:06 PM

Testimony for JUD on 4/4/2018 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

DAVID Y. IGE  
GOVERNOR



**LATE**

PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

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

April 3, 2018

TO: The Honorable Scott Y. Nishimoto, Chair  
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HCR 162 HD1 /HR 138 HD1 - REQUESTING THE HAWAII STATE JUDICIARY  
AND DEPARTMENT OF HUMAN SERVICES TO NOT USE BLINDNESS AS A  
BASIS FOR DENYING PARENTAL RIGHTS**

Hearing: Wednesday, April 4, 2018, 2:30 PM  
Conference Room 325, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the resolution and offers the following comments.

**PURPOSE:** This resolution protects parental rights for blind parents or prospective blind parents in the context of child welfare, foster care, family law, and adoption.

DHS is an equal opportunity service provider and follows all federal and state laws, regulations, and rules that prohibit discrimination on the basis of disability.

DHS agrees that blindness shall not be the basis for denial or restriction of custody, visitation, adoption, or guardianship of children. DHS is also aware of national reports that parents who are deaf or blind report high rates of child removal and loss of parental rights.

However, DHS Child Welfare Services (CWS) Branch is not aware of instances of discrimination against blind individuals within our programs and services. Additionally, the DHS Civil Rights Office reports no discrimination complaints have ever been filed by blind parents or on behalf of blind parents with the Department. Clear information on how to file a complaint is available on the DHS website or is provided upon request.

DHS is fully committed to the intent of the measure and to improve our service delivery model. We will examine our staff training curriculum to include more information about

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working with parents with disabilities and blind parents, specifically, and will consult with our Division of Vocational Rehabilitation to improve the way we engage with parents who are blind.

Thank you for the opportunity to testify.

**LATE**

**HCR-162-HD-1**

Submitted on: 4/3/2018 3:26:28 PM

Testimony for JUD on 4/4/2018 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	the Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:



**LATE**

## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

April 4, 2018

### TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

House Concurrent Resolution 162, HD1/House Resolution 138, HD1 – Requesting the Judiciary and Department of Human Services Not Use Blindness as a Basis for Denying Parental Rights

The Disability and Communication Access Board (DCAB) takes no position but provides comments on HCR 162, HD1/HR138, HD1 that requests the Judiciary and the Department of Human Services not to use blindness for denial or restriction of visitation or custody in family dependency law cases. Although we appreciate concerns raised in this resolution and in House Bill 1928 and Senate Bill 2208, people with various types of disabilities (not only people who are blind) are impacted by this measure.

Blindness or any disability should not pre-dispose a judgement of incapacity because of a person's disability. We appreciate the purpose of the resolution, but there are other provisions in Hawaii law that are related to child welfare and parental rights that protect children. Protection of children is assessed with criteria that are not related to disability. This resolution singles out a group of people needing extra protection.

If the Legislature believes that current laws do not adequately offer protection, then other individuals may also face the same form of discrimination where they are deemed unfit parents solely based upon their disability. Therefore, we recommend the subject matter of these resolutions be expanded to include and protect the rights of all parents with disabilities to make this a more comprehensive endeavor.

Thank you for the opportunity to provide comments.

Respectfully submitted,

*Debra L. Jackson*

*for*

FRANCINE WAI  
Executive Director