



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2790, S.D. 1, RELATING TO THE RIGHTS OF CHILDREN IN FOSTER CARE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 27, 2018 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Erin K.S. Torres,
Deputy Attorney General, at 693-7081)

Chair Taniguchi and Members of the Committee:

The Department of the Attorney General supports this bill but suggests two 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 principles for children in foster care, and replacing it with a new section 587A- , Rights of children in foster care.

On page 4, line 14, the word “and” should be added after “guardian ad litem;” so that the line reads as follows:

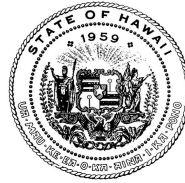
“from the child’s guardian ad litem; and”.

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

“with the requirements of Public Law 109-13.”

We respectfully recommend that the Committee make the suggested technical modifications and pass this measure.

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of SB2790 SD1
RELATING TO THE RIGHTS OF CHILDREN IN FOSTER CARE

SENATOR BRIAN T. TANIGUCHI, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 27, 2018

Room Number: 016

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (DOH) supports this bill, which is part of
3 Governor Ige’s Administrative Package.

4 The Department of Health, Child and Adolescent Mental Health Division (CAMHD) supports
5 SB2790 SD1 a measure which adds, clarifies and protects the rights of youth specifically in the
6 foster care system. Hawaii Revised Statute 587 speaks to the right for children to have a safe,
7 nurturing environment in which to thrive in. Similar bills have been established across the
8 country and are well aligned with best practices of care for young people.

9 While this bill assures that youth in foster care will have the many basic amenities for a healthy
10 life such as food and clothing or basic resources such as healthcare insurance with access to
11 medical, dental, vision and mental health services, CAMHD applauds three particular areas of
12 protection. First, is the protection of a normal life by ensuring the youth’s ability to participate in
13 extracurricular activities such as sports, cultural activities, i.e. hula, and other social activities.
14 Secondly, the bill advocates for family strengthening whenever possible. The youth’s connection
15 and sense of belonging predicts positive outcomes and is paramount to a healthy resilient future.
16 Along with family strengthening, the bill speaks to the right to life skills training which may
17 span a variety of skills from opening a bank account to developing interpersonal skills, the latter,
18 predicting more meaningful relationships, employability and greater wellbeing. Finally, the bill
19 ensures the youth’s voice in determining their own future.

1 Because of CAMHD's concern for the youth of Hawaii, we are in support of all efforts that care
2 for, protect and respect the youth and families in our communities. SB2790 SD1 adds further
3 assurance to this need.

4 **Offered Amendments:** None

5 We thank you for the opportunity to testify.

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The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Brian T. Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

Tuesday, February 27, 2018 9:30 AM

State Capitol, Conference Room 16

By

Catherine H. Remigio

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2790, Senate Draft 1, Relating to the Rights of Children in 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. (SD1)

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



Senate Bill No. 2790, Senate Draft 1, Relating to the Rights of Children
in Foster Care
Senate Committee on Judiciary
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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



Senate Bill No. 2790, Senate Draft 1, Relating to the Rights of Children
in Foster Care

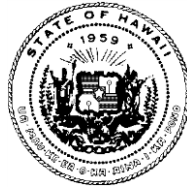
Senate Committee on Judiciary

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impressed by the resilience and grace exhibited by these children. On their behalf, we 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 26, 2018

TO: The Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 2790 SD1 - Relating to Rights of Children in Foster Care**

Hearing: February 27, 2018, 9:30 a.m.
Conference Room 16, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration bill.

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.

This administration measure is 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 economic well-being 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, and drug dependency, and incarceration.

Thank you for the opportunity to testify.



1130 N. NIMITZ HWY, SUITE C-210, HONOLULU, HI 96817
PHONE: (808) 838-7752 TOLL FREE: (866) 636-1644 FAX: (808) 838-1653

To: Senate Committee on Judiciary

Date: February 27, 2018

From: Delia Ulma, EPIC 'OHANA

Re: **Testimony in SUPPORT of SB 2790,
RELATING TO RIGHTS OF CHILDREN IN FOSTER CARE**

My name is Delia Ulma, I am a Statewide Initiative Manager for the HI HOPES Initiative at EPIC 'Ohana and I would like to testify in strong support of SB 2790-relating to the rights of youth and children in foster care.

I oversee the statewide work of the HI HOPES youth boards. These boards are made up of current and former foster youth who advocate for changes in the systems and support for young people impacted by foster care. I have worked in this field for several years, listening to and assisting young people in their advocacy efforts to transform child welfare and speak on behalf of other foster youth.

This bill conveniently codifies in one place the several federal, state and department policies that already exist to support foster youth while in care. It updates an existing statute to reflect current law and the current needs of young people in care. It is both practical and essential in that it outlines for adult supporters and key people in positions of authority like a judge, social worker or GAL-the provisions afforded foster youth. These rights are a foundation for empowerment and success for foster youth. Knowing that they have the right to attend their court hearing, play a sport, stay in the same school, see their siblings, and more, are just basic things we can provide for these young people who suffer loss, separation, trauma and are moved around and disempowered in so many ways. Having a bill of rights is the legal, ethical and sensible thing to do so we can provide a path for well-being and success for Hawaii's most vulnerable keiki.

I respectfully ask that you support the well-being and empowerment of foster youth in Hawaii by passing Senate Bill 2790. Mahalo Nui Loa!



February 27, 2018

To: Senator Brian Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Judiciary

From: Mandy Finlay, Director of Public Policy
Hawaii Children's Action Network

Re: **SB 2790 SD1 – Relating to the Rights of Children in Foster Care**
Hawaii State Capitol, Room 16, February 27, 2018, 9:30 AM

On behalf of Hawaii Children's Action Network (HCAN), we are writing to support SB 2790, SD1 – Relating to the Rights of Children in Foster Care.

Children and youth in foster care represent one of our State's most vulnerable communities. Entering foster care can be a traumatic experience in which a child has their entire world turned upside-down. This can leave foster children with feelings of uncertainty about when or whether they will see their siblings or friends again, or even whether their new foster family will provide them with food to eat. Additionally, the State has a special legal relationship with foster youth and a duty to ensure that they are protected while in foster care. Establishing the "Rights of Children and Youth in Foster Youth" in statute is necessary to ensure that foster youth are aware of their rights, such as the right to be free from emotional abuse, and know to speak up if these rights are not being respected. SB 2790 would update the existing *Guiding Principles for Children and Youth in Foster Care* by renaming the section and including a more comprehensive list of rights, including rights for LGBTQ youth, clarification around vital documents, and references to case planning and educational stability.

For these reasons, HCAN respectfully requests the Committee to support this measure.

HCAN is committed to building a unified voice advocating for Hawaii's children by improving their safety, health, and education.

SB-2790-SD-1

Submitted on: 2/24/2018 11:46:29 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES
DEMOCRATIC PARTY OF HAWAII'
TO THE COMMITTEE ON JUDICIARY
THE SENATE
TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018
Tuesday, February 27, 2018
9:30 a.m.**

Hawaii State Capitol, Conference Room 016

RE: Testimony in Support of Senate Bill **2790 SD1** RELATING TO CHILD SAFETY

To the Honorable Brian T. Taniguchi, Chair; the Honorable Karl Rhoads, Vice-Chair, and Members of the Committee on Judiciary:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on Senate Bill No. **2790 SD1** relating to Child Abuse; Child Neglect; Reports; Group Child Care Home; and a Group Child Care Center.

The OCC Legislative Priorities Committee is in favor of Senate Bill No .**2790 SD1** and supports its passage.

Senate Bill No.**2790 SD1** is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it amends the Child Protective Act, chapter 587A, Hawaii Revised Statutes, by repealing the existing section, guiding principles for children in foster care, and inserting a new section, rights of children in foster care.

Specifically, the DPH Platform provides that "[w]e support legislation and best practice policies that prioritize the safety, security and well-being of our foster children, who are our most vulnerable keiki in our community. This is the paramount consideration when making decisions regarding the time frame, criteria and justification for reunification and family placement. We will always respect family and familial bonds, but reunification with every biological family is not always the safest, most secure or in the best interests of every child. This is especially true in aggravated circumstances cases involving drug use history, physical abuse, sexual abuse and unstable housing. We strongly support the efforts of parents and all people to recover and reorganize their lives for the better, but our ultimate concern must also be for the short and long term safety and wellbeing of our foster children." (Platform of the DPH, P. 4, Lines 186-187 (2016)).

Given that Senate Bill No.**2790 SD1** amends the Child Protective Act, chapter 587A, Hawaii Revised Statutes, by repealing the existing section, guiding principles for children in foster care, and inserting a new section, rights of children in foster care, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889



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PHONE: (808) 838-7752 TOLL FREE: (866) 636-1644 FAX: (808) 838-1653

I am writing in support of SB2790 Rights of Foster Children. When the State of Hawai'i steps into a family to protect children, children who have experienced abuse and neglect become OUR children. Children in foster care are among the most vulnerable children in Hawai'i. EPIC `Ohana is a non-profit organization that works with families and young people to strengthen families and young people. Part of our work is the HI HOPES Initiative. HI HOPES Board members are foster youth and former foster youth on all islands who advocate, educate and collaborate on behalf of their foster brothers and sisters. Please listen to their voices.

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, must be given a statement of their rights, and have those rights explained to them, the young people on the HI HOPES boards quickly understood the importance of fully implementing this requirement in Hawai'i. 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, looked at the current "guiding principles" and shared stories about their experiences.

Subsequently, they conducted surveys of more than 100 young people in care, they conducted numerous workshops, and they convened a meeting of stakeholders. We learned that many young people have experienced times when their rights were denied, and few young people knew about the guiding principles. We heard stories of foster parents (resource caregivers using their foster children as maids and babysitters and not treating them as members of their family. We heard stories of corporal punishment and isolation. At the same time, there were also many stories of foster parents who did treat them as a part of their family, and who did love them.

We can do better. We MUST do better. Passing this bill of rights will provide a clear and strong statement about HOW we can do better. Thank you so much for your support.

Aloha

Laurie Arial Tochiki JD, PhD
President & CEO,
EPIC `Ohana

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

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 26, 2018

To: Senator Donovan Dela Cruz, Chair
And members of the Committee on Ways and Means

TESTIMONY IN SUPPORT OF SB 2790 SD 1 nRELATING TO RIGHTS OF CHILDREN IN FOSTER CARE

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 2790 SD 1 Relating to Rights of Children in Foster Care.

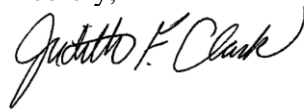
Some of the rights specified in the bill ensure that basic health and safety needs are met. Others enable and empower children and youth in foster care to participate in planning for their own futures. Efforts to keep foster children in their home schools help them to maintain their natural support systems.

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 SB 2790, SD1: Relating to the Rights of Children in Foster Care

TO: Senator Brian Taniguchi, Chair, Senator Karl Rhoads, Vice Chair, and Members, Committee on Judiciary

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

Hearing: Tuesday, February 27, 2018; 9:30 AM; CR 016

Chair Taniguchi, Vice Chair Rhoads, and Members, Committee on Judiciary:

Thank you for the opportunity to provide testimony **in support** of SB 2790, SD1, which amends the Child Protective Services Act re the rights of children in foster care. I am Terry Walsh, with Catholic Charities Hawai'i.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i 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 Hawai'i.

Catholic Charities Hawai'i supports this bill since it would bring Hawai'i'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 2790. Please contact our Legislative Liaison, Betty Lou Larson, at 373-0356, or at bettylou.larson@catholiccharitieshawaii.org, if you have any questions.



SB-2790-SD-1

Submitted on: 2/26/2018 8:39:06 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jamielee Kai	Testifying for Hale Opio Kauai	Support	No

Comments:

Aloha, my name is Jamie Kai. I work in various programs that support current and transitioning foster youth. I am writing today to encourage Senator Taniguchi to pass Senate Bill 2790. This is a no-cost bill to ensure that foster youth are provided rights in foster care that will keep them safe, informed, empowered and thriving. Thank you for considering this request and thank you for supporting Hawaii's foster children and youth.

SB-2790-SD-1

Submitted on: 2/23/2018 4:58:41 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph OConnell	Individual	Support	No

Comments:

February 26, 2018

To: The Honorable Josh Green, Chair; The Honorable Stanley Chang, Vice Chair; and Members of the Senate Committee on Human Services

Date: Tuesday, February 27th, 2018

Time: 9:30 a.m.

Place: Conference Room #16, State Capitol

From: Alyssa Carey, MSW Student at the University of Hawai'i at Manoa

Re: S.B. No. 2790 Relating to the Rights of Children in Foster Care

Chair Green, Vice Chair Change, and Members of the Committee, thank you for the opportunity to show my full support for SB2790- relating to the rights of youth and children in foster care. This is a no-cost bill to ensure that foster youth are provided rights in foster care that will keep them safe, informed, empowered and thriving. This update on existing statute will reflect the current laws and needs of young people in foster care, and is very necessary to continue to provide needed support for young people.

I ask that you support the well-being of foster youth in Hawai'i and pass Senate Bill 2790. Thank you.

Alyssa Carey

SB-2790-SD-1

Submitted on: 2/23/2018 8:47:22 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina	Individual	Support	No

Comments:

To: Senate Committee on Judiciary
Decision Making on Tuesday, February 27, 2018, in CR 016 at 9:30 a.m.

Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

Re: S.B. 2790 Relating to the Rights of Children in Foster Care

Testimony of Josephine Chang, in strong support of S.B. 2790

Dear Chair Taniguchi, Vice Chair Rhoads, and Committee Members,

I am writing in strong support of S.B. 2790 Relating to the Rights of Children in Foster Care, that seeks to update the Child Protective Act by incorporating the existing guiding principles of children in foster care currently set forth in section 587-3, HRS, of the Child Protective Act, into a replacement section that provides rights for children in foster care, strengthens protections, and gives clearer guidance for the care of children and youth in foster care. The amendments in this bill also makes clear that culturally diverse children and youth in foster care, who are among the most vulnerable and often fall through the cracks in the “system”, also have rights and protections. These strengthening provisions will help to assure that all foster children and youth in the State’s care will be supported towards healthy and positive outcomes. Enacting rights for children in foster care is in keeping with federal law and with an increasing number of states across the nation, as reported by the National Conference of State Legislatures. Hawaii, too, should provide the strongest support possible for our foster children.

I respectfully ask all of you for your support for S.B. 2790.

Mahalo,

Josephine L. Chang, Esq. (Ret.)
LGBTQ Consultant and Trainer,
Community Resource and Parent Support

JUDITH WILHOITE · KAILUA · HAWAII · 96734

To: Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
COMMITTEE ON JUDICIARY

Hearing: Tuesday, February 27, 2018
9:30 a.m.
Conference Room 016

From: Judith Wilhoite

RE: SB 2790 Relating to the Rights of Children in Foster Care

Aloha,

My name is Judith Wilhoite. My husband and I have been foster parents for over 20 years. I thank you for this opportunity to voice very strong support for SB2790.

Reading this bill, I am struck by how comprehensive it is and I support each and every article in it. I would like to comment specifically on rights 5, 6, 7, and 10.

(5) Family is the most important thing for most of us. Our foster youth are no exception. Committing to making sure our youth have regular visits with their parents and siblings is, in most cases, the right thing to do and can result in better outcomes for all. Research shows that when visits begin early in a case and are consistent, there is a much higher rate of reunification for the family. This benefits the family and the community at large. In addition, I have seen many youth age out, only to become licensed resource caregivers themselves so that they are able to care for their younger siblings. This is the perfect example of just how important family is to our youth.

(6) When youth attend their court hearings, they can get information about what is happening with their parents and other family members, can ask the judge for help with something that is important to the youth, can have a say in planning for educational or vocational goals and in planning for their future. The state of Hawai`i has made great strides in making the court room a welcoming, supportive environment for our youth, in part by the creation of an In-Court Youth Facilitator. The facilitator greets youth when they come to court, describes the type of hearings that take place, goes over the guiding principles and resources, and encourages youth to talk to the judges about needs, concerns, wants. These important and wonderful things can only happen IF the youth receives notice of court hearings and is transported to the court hearings. Thus I strongly support Right # 6.

(7) Having consistent, in-person contact with their child welfare services worker is paramount to the youth's needs being understood and met. However, for this to happen, we need to be sure

that the Department of Human Services staff has a manageable case load and the tools they need to help our youth and families.

(10) Being able to participate in extracurricular, enrichment, cultural, and social activities helps to instill a sense of self in youth by encouraging them to be active in dance, music, art, student government, clubs on campus, sports teams, etc. These are all meaningful ways to develop a sense of identity. Learning new skills will lead to greater self-confidence, which will in turn help youth make good life choices.

Each and every Right in this bill is important and can help our youth grow into healthy, productive adults. I thank you for hearing this bill and strongly support its passage.

SB-2790-SD-1

Submitted on: 2/26/2018 10:23:16 AM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Gao	Individual	Support	No

Comments:

Aloha, my name is Jenny Gao. I am writing today to encourage Senator Taniguchi to pass Senate Bill 2790. This is a no-cost bill to ensure that foster youth are provided rights in foster care that will keep them safe, informed, empowered and thriving. Thank you for considering this request and thank you for supporting Hawaii's foster children and youth.

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR



LEONARD HOSHIJO
DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
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Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 27, 2018

To: The Honorable Brian T. Taniguchi, Chair;
The Honorable Karl Rhoads, Vice Chair; and
Members of the Senate Committee on Judiciary

Date: Tuesday, February 27, 2018
Time: 9:30 a.m.
Place: Conference Room 16, State Capitol

From: Leonard Hoshijo, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 2790 SD1 Relating to the Rights of Children in Foster Care

Chair Green, Vice Chair Chang, and Members of the Committee, thank you for the opportunity to comment on SB 2790 SD1. SB 2790 SD1 proposes to amend the Child Protective Act, chapters 587A, Hawaii 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).

DLIR supports the intent of this measure. DLIR has been a part of the community partnership with the Department of Human Services (DHS) and its providers and defers to DHS for technical issues.

Foster youth who age out of the foster care system as working age adults are a vulnerable group with a high risk for homelessness, substance abuse, and mental health issues.

The Department supports the intent of this measure to keep foster youth in the same school to the extent possible and otherwise give youth a more positive foster care experience that enables them to learn how to take care of themselves in productive ways and sustain good relationships during their childhood and teen years. Brain research has shown how having positive role models and greater connections with supportive adults can shape young people at risk into successful adults who contribute to society and the economy.

From: [Stephanie Batzer](mailto:Stephanie.Batzer@familyprogramshi.org)
To: [JDCTestimony](mailto:JDCTestimony@familyprogramshi.org)
Cc: KKuboyama@familyprogramshi.org; cweaver@familyprogramshi.org
Subject: SB 2790 - Strongly Support - Foster Child Bill of Rights
Date: Monday, February 26, 2018 8:13:30 AM

Dear Chair Taniguchi and Judiciary Committee Members:

My name is Stephanie Batzer, and I am a Court Appointed Special Advocate Volunteer Guardian ad Litem. I have served in this capacity for the past six years, and have worked with ten children in five different cases. I also serve on the Board of Directors for Hawaii Women Lawyers, and am the Chair of the Board of Family Programs Hawaii. Family Programs Hawaii helps foster children, resource caregivers, and families at risk. I am writing in **STRONG SUPPORT of Senate Bill 2790** (Foster Youth Rights), a no cost bill currently before the legislature that will update current policies and law to meet existing federal laws.

The federal Foster Children Bill of Rights is designed to inform foster children of their rights within the child welfare system. Part of this helps inform the children why they are in foster care, how the process will proceed, their right to participate in extracurricular activities, to have educational stability, to have access to guardian ad Litem, access to mental, behavioral and physical health care, access to siblings and family members. It also requires that foster parents adopt a reasonable and prudent parenting standard, particularly when making decisions regarding extracurricular and other activities. Very importantly, the Foster Children Bill of Rights empowers children of age fourteen and older to be an active part of the development of or revision to his or her case plan.

Foster Children Bills of Rights have been enacted in fifteen states and Puerto Rico thus far.

I have worked with three teenagers as a CASA VGAL, and ensured that their voices have been heard. The knowledge that the Judge will listen and take their participation seriously is very empowering.

Hawaii's proposed Foster Children Bill of Rights will keep our keiki in foster care safe, informed, empowered, and thriving. For this reason, I ask that you pass SB 2790, and support our foster children and youth.

Thank you for this opportunity to testify.

Aloha,
Stephanie

Stephanie Batzer, Esq., MSW
Court Appointed Special Advocate Volunteer Guardian Ad Litem
Family Court of the First Circuit
Cell 808.372.0067
Fax 866.778.5831

From: [Cheyenne Kuanoni](#)
To: [JDCTestimony](#)
Subject: SB 2790
Date: Saturday, February 24, 2018 7:45:51 PM

Aloha, my name is Cheyenne Brock-Kuanoni I am writing today to encourage Senator Taniguchi to pass Senate Bill 2790. This is a no-cost bill to ensure that foster youth are provided rights in foster care that will keep them safe, informed, empowered and thriving. Thank you for considering this request and thank you for supporting Hawaii's foster children and youth.

To: Senate Committee on Judiciary

From: (Melissa Mayo, Noy Worachit, Patricia Duh, Rachel Burke, Samantha U'u, Sharla Ann-Fujimoto, Tiffany Darragh, Tuan Giang, Glenn Jade Perreira, Kapua Brock, Kapua Abel, Kekoa Abellera, Krystal Chabez, Lyu Burdett, Anastasia Neumann, Aponi Boyer, Deza Rae, Ehukai Medeiros, Elizabeth Rodriguez,) HI H.O.P.E.S. Youth Leadership Board (EAST HAWAII)

Re: **Testimony in SUPPORT of SB 2790,
RELATING TO RIGHTS OF CHILDREN IN FOSTER CARE**

My name is Melissa Mayo and I am 18 years old. I am a member of the HI H.O.P.E.S. Youth Leadership Board in EAST HAWAII. 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 Department of Human Services-Child Welfare Services and the HI HOPES Initiative. Our work includes identifying needs of transitioning foster youth, educating stake holders and advocating for public will and policy changes.

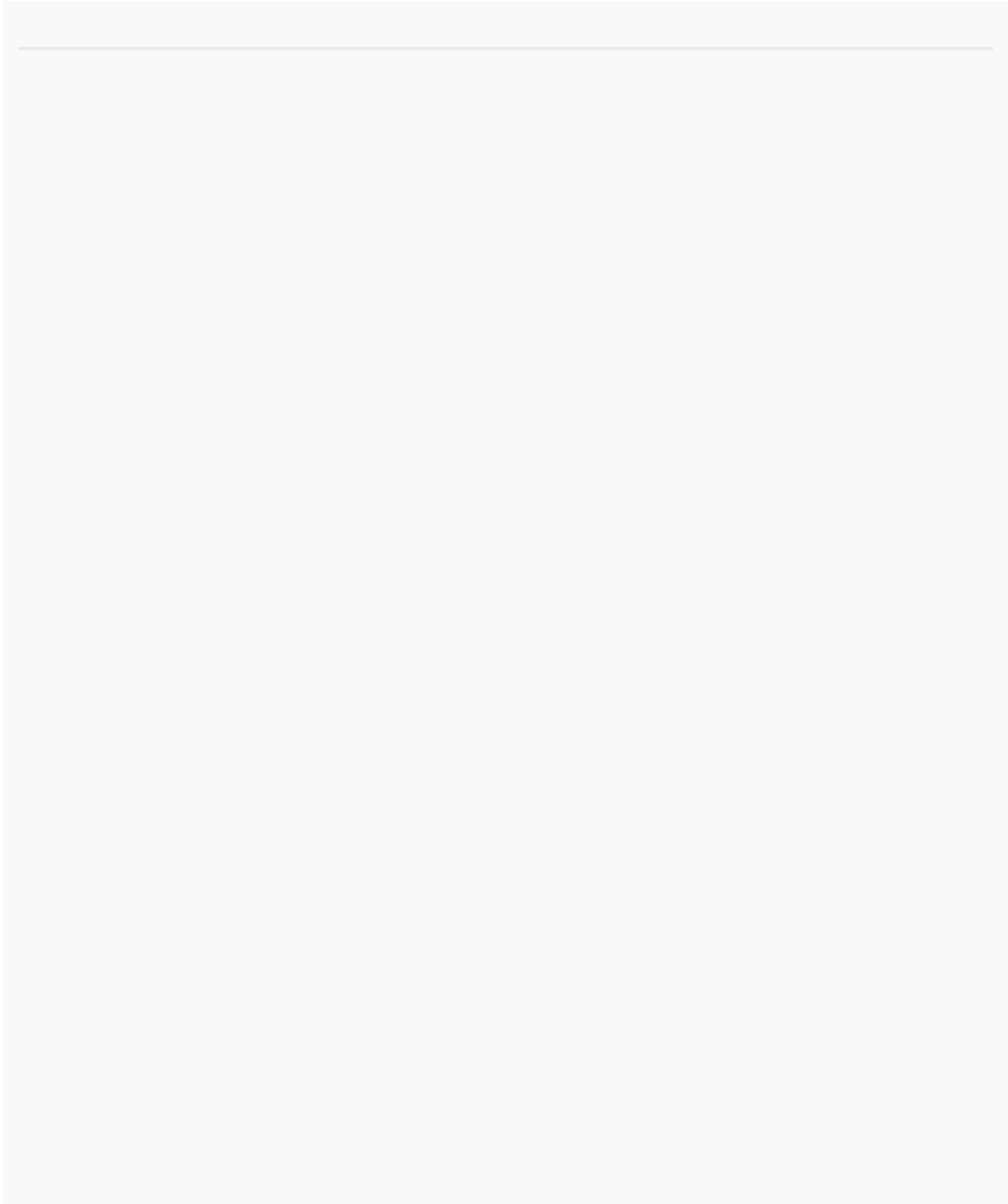
I would like to submit testimony in support of SB 2790, which promotes the rights of children in foster care. Included in this bill are supports for foster youth to receive a timely notice and encouragement to attend court hearings. Imperatively, foster youth should have the basic right of being involved in the planning for their lives and engaging in the direction of their lives. In particular, being informed of their court hearings in a timely manner and having the right to attend these court hearings. Foster youth already enter care without the stability and the knowledge of what their future holds. Therefore, foster youth should be able to have the choice to be present at court hearings that plan the direction of their lives. Along with being able to self-advocate for themselves and their future. For foster youth being able to be a part of the direction of their own life at court hearings gives the opportunity to advocate for other basic rights all foster youth should be granted. Such as, medical, employment, housing and education. Relating to education, only 4% of foster youth attain a four year degree compared to 36% of the general population. I was fortunate enough to attend, participate in many of my court hearings, and have a voice in my permanent plan and housing. I was given the support to be able to advocate to go to college and reside in the dorms while still in foster care.

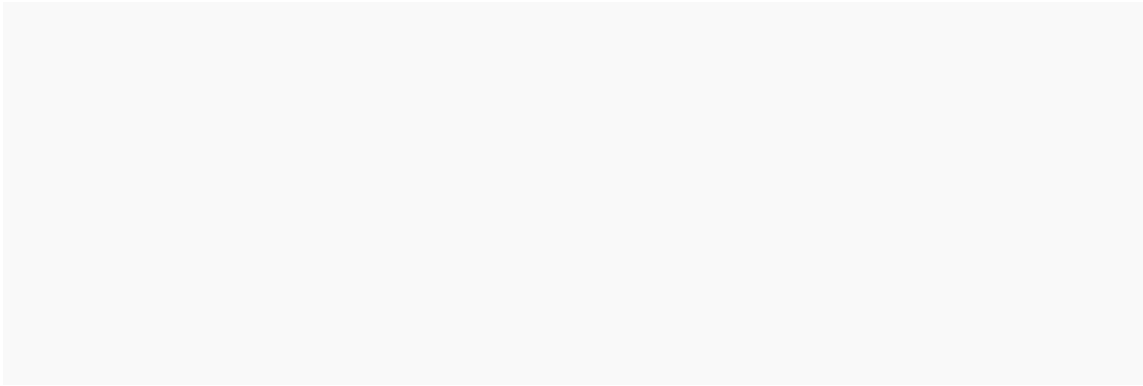
In closing, I respectfully ask that you support the well-being and empowerment of Hawaii by passing Senate Bill 2790. Thank you very much.



From: [Helen Cox](#)
To: [JDCTestimony](#)
Subject: SB 2790
Date: Sunday, February 25, 2018 10:56:04 AM

Aloha, my name is Helen Cox. I am writing today to encourage Senator Taniguchi to pass Senate Bill 2790. This is a no-cost bill to ensure that foster youth are provided rights in foster care that will keep them safe, informed, empowered and thriving. As Chancellor of Kauai Community College, I have had the privilege of working with the HI HOPES board of youth transitioning out of Foster Care, and know that this bill will be a major step forward. Thank you for considering this request and thank you for supporting Hawaii's foster children and youth.





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Helen A. Cox, Ph.D.
Chancellor

Kaua'i Community College
3-1901 Kaumuali'i Hwy
Lihue, HI 96766
Phone: 808 245-8210 Fax: 808 245-0101
email: helencox@hawaii.edu
<http://kauai.hawaii.edu>

From: [Jayleen Pharmin](#)
To: [JDCTestimony](#)
Subject: SB 2790 Testimony
Date: Monday, February 26, 2018 10:26:43 AM

Aloha, my name is Jayleen Pharmin. I am writing today to encourage Senator Taniguchi to pass Senate Bill 2790. This is a no-cost bill to ensure that foster youth are provided rights in foster care that will keep them safe, informed, empowered and thriving. Thank you for considering this request and thank you for supporting Hawaii's foster children and youth.

From: [Katharine Wear](#)
To: [JDCTestimony](#)
Subject: Senate Bill 2790
Date: Monday, February 26, 2018 9:23:17 AM

Aloha,

My name is Katharine Wear. I am writing today to encourage Senator Taniguchi to pass Senate Bill 2790. This is a no-cost bill to ensure that foster youth are provided rights in foster care that will keep them safe, informed, empowered and thriving.

Thank you for considering this request and thank you for supporting Hawaii's foster children and youth.

Katharine Wear, MSW intern
Wellness Center
Honolulu Community College

Karen Worthington
66 Puakea Place
Kula, HI 96790

February 25, 2018

To: Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Judiciary

From: Karen Worthington, JD, CWLS
EPIC 'Ohana Board Chair

Re: SB2790-SD1 – Relating to the Rights of Children in Foster Care
Hawaii State Capitol, Conference Room 16, February 27, 2018, 9:30 AM

Position: I strongly support SB2790-SD1 Relating to the Rights of Children in Foster Care

Dear Senator Taniguchi, Senator Rhoads, and Committee Members:

I appreciate the opportunity to provide testimony in support of SB 2790-SD1, which will ensure that the state provides youth in foster care with rights that will keep them safe, informed, empowered and thriving.

In 2017, over 2,600 children were involved in our state's foster care system. These are young people who are victims of maltreatment by their parents. They experienced trauma in their homes and then experienced the trauma of being taken from the only people and places they have known. While foster care can be a life-saving intervention for some children, removing a child from his or her home is always a traumatic event.

The accumulation of trauma puts children in foster care at a much higher risk of lifelong physical and mental health illnesses, school failure, homelessness, teen parenthood and incarceration than youth who were not in foster care. Mitigating these risks requires a concerted effort by service providers, courts, and communities. Protective factors for youth in foster care include the maintenance of relationships that are important to them, including with their families of origin, extended family (blood-related and other), and home communities. Other protective factors include learning financial literacy, leadership, and life skills. Receiving educational and emotional supports also help tip the balance toward healthy, positive futures for these youth.

SB 2790-SD1 ensures that children in foster care will have as many protective factors in place as possible. The state has a federal and state obligation to protect foster children's mental and physical well-being and their spiritual and emotional health. The

state must also protect and promote other aspects of their development, such as education and socialization.

Under current law, the state's duties to children in foster care are characterized as "guiding principles" for the state rather than rights of the children. It is time for Hawai'i to acknowledge that when it assumes the role of parent for maltreated children, those children have a right to the care and protections listed in SB 2790-SD1.

My perspective on SB 2790-SD1 is informed by my 24 years as a children's law and policy attorney working with child welfare systems and the families they serve. I am certified as a Child Welfare Legal Specialist through the National Association of Counsel for Children. My view of SB 2790-SD1 is also informed by my work as chair of the board of EPIC 'Ohana, a non-profit providing crucial services to families involved with child welfare services (CWS), including 'Ohana conferencing, 'Ohana Finding, Youth Circles and 'Ohana Connections. In addition, EPIC 'Ohana facilitates the HI H.O.P.E.S. Initiative, which helps youth successfully transition from foster care to independent adulthood.

SB 2790-SD1 will improve the lives of youth in foster care in Hawai'i. It will also bring clarity to the state's role when CWS removes children from their homes to bring them into foster care. I urge you to pass SB 2790-SD1 for Hawai'i children.

Please feel free to contact me for additional information. I can be reached at 808-214-9336 or karen@karenworthington.com.

Sincerely,

A handwritten signature in black ink that reads "Karen Worthington". The signature is written in a cursive, slightly slanted style.

Karen Worthington, JD
NACC Certified Child Welfare Legal Specialist
EPIC 'Ohana Board Chair



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

Date: 02/27/2018
Time: 09:30 AM
Location: 016
Committee: Senate Judiciary

Department: Education

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

Title of Bill: SB 2790, SD1 RELATING TO THE RIGHTS OF CHILDREN IN FOSTER CARE.

Purpose of Bill: Amends the Child Protective Act, chapter 587A, Hawaii Revised Statutes, by repealing the existing section, guiding principles for children in foster care, and inserting a new section, rights of children in foster care. (SD1)

Department's Position:

The Department of Education (Department) supports SB 2790, SD1. This proposed 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, SB 2790, SD1 better aligns to 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 SB 2790, SD1.

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.

Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair
Senate Committee on Judiciary

Tuesday, February 27, 2018, 9:30 am
Conference Room 016
Hawai'i State Capitol
415 South Beretania Street

RE: SB2790 SD1: RELATING TO THE RIGHTS OF CHILDREN IN FOSTER CARE

Aloha kākou. My name is Meiyi Wong, and I am a social work student at the University of Hawai'i at Mānoa. On behalf of the 2,800 foster children and youth of Hawai'i, I am testifying in strong support of Senate Bill 2790 SD1.

Foster children are an extremely vulnerable population, yet resources to support them are few and policies regarding their well-being are outdated. In Hawai'i, the majority of keiki enter foster care as a result of neglect, followed by parental substance abuse. Some have suffered the additional upheaval of domestic violence or mental illness in their families. These children experience trauma in being uprooted from their families of origin and displaced, forced to adapt to a new environment and a new life. In general, foster children are at high risk for developmental delays, behavioral problems, poor mental health, difficulties in school, and health conditions. Youth "aging out" of the foster care system are often unprepared for this abrupt transition; many struggle with homelessness, substance abuse, and incarceration upon being released from care.

Senate Bill 2790 SD1 aims to reduce negative outcomes among foster keiki by enumerating and emphasizing the rights to which children-in-care are entitled. In addition to basic provisions such as food, shelter, safety, education, and healthcare, SB 2790 ensures that these children remain informed and involved regarding legal and judicial aspects of their case. This will have the crucial effect of empowering children whose life experiences have caused them to feel powerless. Mandating that older youth receive help with financial planning, life skills, and obtaining legal documents facilitates their process of becoming independent.

I urge you to pass Senate Bill 2790 SD1, a no-cost bill which will ultimately benefit society financially and by protecting and fortifying our children, who are of inestimable value. Thank you for the opportunity to testify in favor of this critical measure.

Sincerely,

Meiyi K.A. Wong

University of Hawai'i at Mānoa
Myron B. Thompson School of Social Work

Bachelor's of Social Work Candidate
Phone: (808) 681-2197
Email: meiyik@hawaii.edu

To: The Honorable Senator Brian T. Taniguchi,
The Honorable Senator Karl Rhoads, Vice Chair
Members of the Senate Committee on Judiciary

From: Brianne Lyn Nagamine

Re: Testimony in Support of S.B. 2790, Relating to the Rights of Children in Foster Care

Hrg: Tuesday, February 27, 2018 9:30 AM State Capitol, Conference Room 16

Aloha Chair, Vice Chair, & Committee Members,

Thank you for giving me the opportunity to submit testimony in **SUPPORT** of S.B. 2790 which amends the Child Protective Act, chapter 587A, Hawaii Revised Statutes, by replacing section 587A-3 “Guiding Principles for Children in Foster Care” with a new section 587A-“Rights of Children in Foster Care”. Bill of Rights for Foster Youth have been enacted in 15 states in the U.S including Hawaii. However, the state of Hawaii is the only state that refers to it as the “Guiding Principles”. Certain states like California, Florida, and Texas have similar laws in place that are referred to as “rights” of youth in foster care¹.

It important to make the necessary updates and provide specific details within the “Bill of Rights for Foster Youth” so that youth in the foster care system are able to understand it clearly. This provides young people with empowerment and a voice to advocate for themselves while in foster care. There are few things that have been added to the new section which I think are important. I appreciate the line added to section (5) in regards to visitation rights. Which states that “withholding visitation should not be used as a punishment”. As an Alumni of the State of Hawaii’s Foster Care system, I understand how not being able to see or have contact with loved ones can feel like a punishment. Going forward, I think it’s important that foster youth are informed about the specific reason(s) why visitation was not granted or arranged.

It should be required that service providers working directly with youth in the foster care system post visibly and/or provide information to their rights as a foster youth. I believe foster youth in the state of Hawaii will benefit greatly, if the recommended updates to the existing statute are made. This is why I strongly ask the committee to pass S.B. 2790.

Thank you again for the opportunity to testify in support of S.B. 2790.

Sincerely,


Brianne Lyn Nagamine

¹ <http://www.ncsl.org/research/human-services/foster-care-bill-of-rights.aspx>

SB-2790-SD-1

Submitted on: 2/26/2018 11:01:35 PM

Testimony for JDC on 2/27/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sabrina	Individual	Support	No

Comments:

I, Sabrina Lake, am in support of this bill.

Thank you for your consideration,

Sabrina Lake