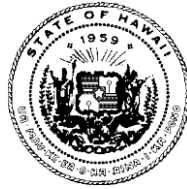


DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

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

March 16, 2018

TO: The Honorable Josh Green, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SCR 102 / SR 61 - REQUESTING THE HAWAII STATE JUDICIARY AND
DEPARTMENT OF HUMAN SERVICES TO NOT USE BLINDNESS AS A BASIS
FOR DENYING PARENTAL RIGHTS**

Hearing: Monday, March 19, 2018, 3:45 PM
Conference Room 016, 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.

If the Senate plans to move forward to adopt this resolution, given the lack of evidence of bias within DHS, the Department respectfully suggests that lines 6 through 9 on page 1 of the resolution be stricken, or the word “nationally” is added to line 6, after “WHEREAS.”

Another area of concern is the recommended use of “clear and convincing evidence” on page 2, line 32. The resolution requests that blind parents be held to a different standard of proof than all other parents when the Department and Family Court are making determinations regarding a child’s safety. The use of this higher burden of proof would result in creating unintended inequities, and most crucially would impede the ability of DHS to protect children from abuse and neglect, which is contrary to the purpose of the Child Welfare Services.

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 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.



Chair Green
Vice Chair Chang
Senate Committee on Human Services

Monday, March 19, 2018
3:45 PM

TESTIMONY IN SUPPORT OF SENATE RESOLUTION 61 SENATE CONCURRENT RESOLUTION 102

Aloha Chair Green, Vice Chair Chang, Members of the Senate Committee on Human Services,

My name is Jun Shin. I am a freshman at the University of Hawaii at Manoa, and I serve as a board member at-large for Young Progressives Demanding Action - Hawaii.

I would first like to thank Chair Green and the other senators for introducing this resolution, and the Senate Committee on Human Services for taking the time to hear this. It is really awesome that this committee already has familiarity with the subject of this resolution, also passing SB2208 unamended, which is basically the same as this resolution.

Here is why I as a community member support this resolution:

-To give blind parents the opportunity to be equal under the eyes of the law when it comes to custody battles

-So many blind parents have raised amazing kids so I don't see why there still needs to be this stigma

-Blind people have the right as individuals to raise a family, and that should not be any different from people who can see as people who are blind are able to function just as well in society in innovative ways

-Love between a parent and a child transcends all boundaries

Thank you for this opportunity to testify on this measure,

Jun Shin,
Board Member At-Large
Young Progressives Demanding Action – Hawaii
1561 Kanunu St. #2106 Honolulu, HI 96814
Cell: 808-255-6663
Email: junshinbusiness729@gmail.com

SR-61

Submitted on: 3/18/2018 4:12:49 PM

Testimony for HMS on 3/19/2018 3:45:00 PM

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

Comments:

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

Good afternoon. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SR61** REQUESTING THE HAWAII STATE JUDICIARY AND DEPARTMENT OF HUMAN SERVICES TO NOT USE BLINDNESS AS A BASIS FOR DENYING PARENTAL RIGHTS.

The OCC Legislative Priorities Committee is in favor of **SR61** and supports its passage.

SR61 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requests the Hawaii State Judiciary and Department of Human Services not to use

(1) a parent's blindness as a basis for denial or restriction of visitation or custody in family or dependency law cases when the visitation or custody is determined to be in the best interest of the child; (2) a prospective parent's blindness as a basis for the prospective parent's denial of participation in public or private adoption when the adoption is determined to be in the best interest of the child; or (3) an individual's blindness as a basis for denial of foster care or guardianship when the appointment is determined to be in the best interest of the child.

The DPH Platform states that "[t]he inherent dignity and equal and inalienable rights of all human beings are the foundations of freedom, justice, and peace. We support affirmative action, the full implementation of the Civil Rights Acts of 1964 and 1990 and the Americans with Disabilities Act of 1990.

We believe that the concept of "Family" includes people regardless of sexual orientation, blood relation, marital status, or gender, gender identity or gender expression, who choose to join together to offer one another moral, spiritual and economic support.

We support initiatives that enhance access and equity in education, employment, and business opportunities intended to lift families and individuals out of poverty and remove existing barriers to equal opportunity in our communities." (Platform of the DPH,

P.3, Lines 159-165, 189-191 (2016)).

Given that **SR61** requests the Hawaii State Judiciary and Department of Human Services not to use (1) a parent's blindness as a basis for denial or restriction of visitation or custody in family or dependency law cases when the visitation or custody is determined to be in the best interest of the child; (2) a prospective parent's blindness as a basis for the prospective parent's denial of participation in public or private adoption when the adoption is determined to be in the best interest of the child; or (3) an individual's blindness as a basis for denial of foster care or guardianship when the appointment is determined to be in the best interest of the child, 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, Tel.: (808) 258-8889

SR-61

Submitted on: 3/18/2018 5:26:08 PM

Testimony for HMS on 3/19/2018 3:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Casandra Certeza	Testifying for National Federation of the Blind of Hawaii	Support	Yes

Comments:

TESTIMONY IN SUPPORT

SENATE RESOLUTION 61

SENATE CONCURRENT RESOLUTION 102

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair

Senator Stanley Chang, Vice Chair

Monday, March 19, 2018

3:45 PM

Conference Room 016

Hawaii State Capitol

To the Senate Committee on Human Services:

Mahalo to Chair Green for introducing this resolution, and mahalo to the committee for taking the time to hear it. Furthermore, mahalo to the committee for voting to pass Senate Bill 2208, unamended, on January 31, 2018, which was essentially the same as this resolution.

Here is why I support this resolution:

- Reason 1: Medical professionals and social workers can use blindness and claim that a person or a couple is unfit to raise a child.

When new parents meet their new baby in the delivery room, it is always a powerful emotional experience. For blind parents, there are extra emotions, which are not inherent consequences of blindness. Blind parents in Hawaii face the reality that their child can legally be taken away from them at birth and placed in the care of the state, simply because they are blind.

When parents take their children to a doctor's office for a regular checkup or maybe a sick visit, the results of the visit can always create emotions. For blind parents in Hawaii, these visits often entail interrogation from allied health professionals and social workers, who often do not believe that a blind parent can raise a child safely and effectively. A sighted parent has the privilege of being able to leave when it's time to go, but a blind parent must face the gatekeeper, who might not let them leave.

- Reason 2: For blind prospective parents in Hawaii, blindness can be used to deny them the opportunity to serve as foster parents or adopt a child.

Adoption and foster care programs are also potential ways of building a family. The parents and children alike can benefit from having an ohana if we let them.

In family law proceedings, for blind parents in Hawaii, courts can determine that a blind parent is unfit for custody rights without proving anything beyond blindness. A sighted parent has an unfair and baseless advantage over a blind parent in a process which is supposed to be fair. This judgment is flawed. Custody decisions should be carefully examined in many dimensions, but eyesight is irrelevant.

- Reason 3: Daily lives of sighted people do not require them to understand how blind people function, but this should not lead to prejudiced assumptions about what blind people can and cannot do. Blind people have been raising children forever, and I respectfully ask you to give them/us the right to continue.

I am a blind parent and I support this resolution. I experienced this firsthand when my own mother told me that I need somebody cited to raise my son. Yes, I need a cited doctor to do a medical check up on my son and a cited driver to take my groceries home but I don't need a cited partner or a cited caretaker to help me take care of my son. If I was able to graduate with a masters degree and was able to work at a lot of different competitive jobs, I am definitely qualified to raise my son.

In addition to my own mother, the Filipino culture, one cook at a restaurant in particular believes the same way. For instance, I overheard one of the cooks at Richie's Drive Inn made a very demeaning comment that really bothered me. She said in Tagalog, that she felt sorry for my son because both of his parents are blind. I wanted to say something to her the minute I heard her say this things but I decided to just let her go and possibly educate her and the public in the future. Lack of education and ignorance really does lead to misguided judgments. We love our son unconditionally and make extra efforts to make sure that he is healthy, happy and safe.

When we took our son for a routine medical check up, our son's pediatrician transferred to a different clinic. So we were seen by a different pediatrician. He decided to call a social worker after he asked us some questions. He claimed that it was a normal procedure for doctors to call in a social worker after a medical check up. But in my opinion that wasn't normal. He had lots of doubts about us because he saw that we were blind. We allowed the social worker to come in and talk to us. It was an awkward conversation. We felt like the conversation was unnecessary. Because I guarantee they wouldn't do this

to a sighted parent.

These incidents and probably other upcoming incidents are the reason why I support this resolution.

Name: Casandra Certeza, MS, CRC

Member (or other title): National Federation of the Blind of Hawaii

Chapter or Division Affiliation, if applicable:

National Federation of the Blind of Hawaii

Street Address: 1250 Richard Ln. Apt 203.

City, State, ZIP: Honolulu, HI 96819

Phone: [\(808\) 797-7495](tel:8087977495)

TESTIMONY IN SUPPORT

SENATE RESOLUTION 61

SENATE CONCURRENT RESOLUTION 102

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

Monday, March 19, 2018

3:45 PM

Conference Room 016

Hawaii State Capitol

To the Senate Committee on Human Services:

Mahalo to Chair Green for introducing this resolution, and mahalo to the committee for taking the time to hear it. Furthermore, mahalo to the committee for voting to pass Senate Bill 2208, unamended, on January 31, 2018, which was essentially the same as this resolution.

Here is why I support this resolution:

- We often hear people say, "There is no test for parenting," meaning you can't get a degree in this most important and often challenging field, and even if you could, it would not necessarily make you a good parent. There are no minimum qualifications, no test of knowledge, skills or ability. So how can it in any way be just to consider sight as the determining factor in whether individuals should be allowed to parent their own children? This is an uninvestigated, unsupported assumption which has no place in determining a person's rights.

Respectfully submitted,

Rita Porter

Member

National Federation of the Blind of Hawaii

45-577 Waikalua Place

Kaneohe, HI 96744

TESTIMONY IN SUPPORT

SENATE RESOLUTION 61

SENATE CONCURRENT RESOLUTION 102

COMMITTEE ON HUMAN SERVICES

Senator Josh Green, Chair
Senator Stanley Chang, Vice Chair

Monday, March 19, 2018

3:45 PM

Conference Room 016

Hawaii State Capitol

To the Senate Committee on Human Services:

Mahalo to Chair Green for introducing this resolution, and mahalo to the committee for taking the time to hear it. Furthermore, mahalo to the committee for voting to pass Senate Bill 2208, unamended, on January 31, 2018, which was essentially the same as this resolution.

Here is why I support this resolution:

- Blindness, whether partial or complete, should not be used as criteria for taking away parental rights. Blind individuals are human beings capable of providing the same loving, responsible care to their children, just like sighted persons.
- The right for blind persons to parent their children needs to be stated and protected. Separation of parents from their children, merely because they are blind, is unjustified, unnecessary and devastating to parents and children.
- As a blind person who raised three children who are now successful professionals, I speak from experience when I say blindness is not a barrier to raising children. Low vision and total blindness change the way we do some things, but do not change the way we lovingly care for our children's health, education and welfare throughout pregnancy, birthing, and all the stages of infancy, child development, adolescence, young adulthood and forever. Blind people adapt and are fully functional human beings, and should be treated as such under the law.

Thank you for your support.

Respectfully,

Khamtoun Porter, Member

National Federation of the Blind of Hawaii

45-577 Waikalua Place

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