

Honolulu, Hawaii

FEB 28, 2020

RE: H.B. No. 1978
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1978, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL IMMIGRANT JUVENILE STATUS,"

begs leave to report as follows:

The purpose of this measure is to provide the Family Court with jurisdiction, as required under the federal Immigration and Nationality Act (Act), to hear a motion for factual findings that an immigrant child under the age of twenty-one has been abused, neglected, or abandoned before the age of eighteen, for purposes of granting the child Special Immigrant Juvenile Status and awarding custody or guardianship of the child under the Act.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, The Legal Clinic, Filipina Advocacy Network, Japanese American Citizens League Honolulu Chapter, Pono Hawaii Initiative, and nine individuals.

Your Committee finds that Special Immigrant Juvenile Status is a designation under federal law that protects immigrant children who have been abused, neglected, or abandoned. For an immigrant child to gain the Special Immigrant Juvenile Status, a juvenile court must make findings of fact, including: that it is



not in the best interests of the immigrant child to be returned to the immigrant child's previous country of nationality; that reunification with a parent is not viable due to abuse, neglect, or abandonment; and that the immigrant child is a dependent. Once a juvenile court has completed these findings, the immigrant juvenile may apply for permanent legal residence in the United States. This measure clarifies that the Family Courts of the State have jurisdiction to make such critical determinations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1978, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



