

STAND. COM. REP. NO. 2991

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2422  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 2422, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require certain persons to immediately submit a written report to the court if the person has reason to believe that a child in foster custody has suffered an injury that may arise to a tort claim; and
- (2) Establish procedures for the Family Court to follow upon receipt of the written report, including with regard to an order appointing a master.

Your Committees received testimony in support of this measure from the Judiciary, Hawaii Family Advocacy Team, and four individuals. Your Committees received comments on this measure from the Department of Human Services and Department of Budget and Finance.

Your Committees find that if a child in foster care suffers an injury caused by a third party, the State will cover the child's medical costs. However, the child is unable to obtain legal representation to file a tort claim to seek any additional



damages, such as damages for pain and suffering. This measure will allow children in foster care to seek these additional damages by requiring certain persons to immediately submit a written report to the court if the person has reason to believe that a child in foster custody has suffered an injury that may arise to a tort claim and establishing procedures for the Family Court to follow upon receipt of the written report, including with regard to an order appointing a master.

Your Committees have amended this measure by:

- (1) Requiring a declaration attached to a motion rather than a non-specified writing, to avoid delays and ensure consistency throughout the State;
- (2) Requiring a motion rather than a writing, to ensure more timely notice to all the parties under the rules of the court;
- (3) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2422, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2422, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,



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DONOVAN M. DELA CRUZ, Chair



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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2422, SDI	HMS, JDC/NAM	03-03-22

The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312      Pass, with amendments 2311      Hold 2310      Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris				✓
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>6</b>	<b>-</b>	<b>-</b>	<b>1</b>

Recommendation:  Adopted      Not Adopted

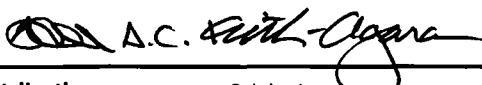
Chair's or Designee's Signature: *Karl Rhoads*

**Distribution:**     Original     Yellow     Pink     Goldenrod  
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\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>SB 2422, SD1</b>	Committee Referral: <b>HMS, JDC/WAM</b>	Date: <b>3/3/22</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
INOUE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MISALUCHA, Bennette E.	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.				X
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>10</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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