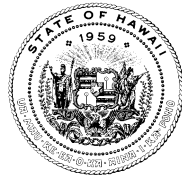


DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

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TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 1, 2022 AT 1:01PM VIA VIDEOCONFERENCE

SB 3105, RELATING TO ADOPTION

February 1, 2022

Aloha Chair Shimabukuro, Vice Chair Keohokalole, and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill allowing an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation as provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules and also allowing the adopted individual and individual's natural family to continue having the same familial relationship.

Pursuant to HRS 578-16(b), "The former legal parent or parents of an adopted individual and any other former legal kindred shall not be considered to be related to the individual as provided in the Uniform Probate Code except as provided in this section." As an unintended consequence of HRS 578-16, DHHL finds that lessees and waiting list applicants who have biological children that were adopted by another individual, cannot transfer a lease or lease award to their biological children who were adopted. In another example, DHHL finds that lessees and waiting list applicants who were adopted, cannot transfer, or succeed a lease or lease award to their natural family member(s).

The amendment to HRS 578-16 proposed in Senate Bill 3105 would allow beneficiaries to benefit from both adoptive and natural relationships without affecting the other requirements under the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules beyond recognition of relationship between individuals.

Thank you for your consideration of our testimony

February 1, 2022

Senate Committee On Hawaiian Affairs
Senator Maile S.L. Shimabukuro, Chair
Senator Jarrett Keohokolole, Vice Chair

Testimony in Support of SB-3105

Allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation as provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules. Allows the adopted individual and individual's natural family to continue having the same familial relationship.

Aloha Chair Shimabukuro, Vice Chair Keohokolole, and members of the Committee,

I'm Homelani Schaedel, a beneficiary residing in Malu'ohai, a homestead leader in Kapolei, and an advocate for the Hawaiian Home Lands Trust.

I read this bill at least three times to get the scope, intent and purpose. With that being said, I understand the need for this bill.

Having sat in many Hawaiian Homes Commission (HHC) meetings, I've heard heartbreaking stories of potential successors; natural, adopted, hanai children, and other relatives of lessees. I can't begin to tell you the various issues brought before commissioners whose hands are tied and who must follow Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (HHCA).

In our culture, ties that interconnect and bind our ohana are complicated to others who think in the western way. Adoption laws also inject a different level of familial relationships.

For example, I filed and completed the adoption process for my unmarried brother to adopt our sisters' son in order for him to become his successor. Legally this changes the familial relationship between my sisters other children, their brother is now their "cousin". However, my sisters' children still and will continue to view each other as brothers and sisters.

This bill supports our cultural sense of ohana to remain intact, while ensuring the required blood quantum is followed in accordance with the HHCA.

I appreciate the space I've been given to share my mana'o, your time and attention.

Me ka mahalo nui!