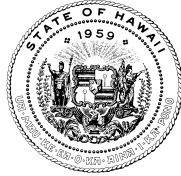


JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku 'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku 'āina
'o Hawai'i*



IKAIKA ANDERSON
CHAIRMAN DESIGNATE, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY DESIGNATE TO THE
CHAIRMAN
Ka Hope Luna Ho'okele

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

Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN-DESIGNATE
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON MARCH 14, 2023 AT 1:00PM IN CR 224**

HB 1058, HD 1, RELATING TO ADOPTION

March 14, 2023

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

The Department of Hawaiian Home Lands (DHHL) strongly supports this bill which requires an adopted individual to be considered a child of both the adopted and natural parents for the sole purpose of determining familial relationships, for lease transfer and/or successorship purposes pursuant to the Hawaiian Homes Commission Act. This measure would thus allow the adopted individual and the individual's natural family to maintain the same familial relationship in order to transfer or succeed to an application, despite the legal effect of adoption which alters how such individuals are related and may disqualify an otherwise qualified successor or qualified transferee of an applicant, due to an adoption. This bill was approved by the Hawaiian Homes Commission and included in the Governor's administrative package by request of DHHL.

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 has had cases where lessees, as well as waiting list applicants, who have biological children who are qualified successors but who were adopted, cannot transfer a lease or lease award (or application) to those biological children, as the relationship between parent and child is effectively severed by the adoption. In other cases, DHHL found that lessees and waiting list applicants who were adopted cannot transfer a lease to their natural family member(s), such as a natural sibling who has the same blood quantum, or designate a lease or lease award to their natural family member(s) to inherit after their death, due to having been adopted.

The amendment to HRS § 578-16 proposed in House Bill 1058, HD 1 recognizes both the familial and legal relationships of the noted adopted individuals for the purposes of successorship and lease transfer. This bill does not affect the blood quantum requirements under the Hawaiian Homes Commission Act, 1920, as amended, and/or DHHL's administrative rules.

Thank you for your consideration of our testimony.

HB-1058-HD-1

Submitted on: 3/11/2023 4:33:37 PM

Testimony for HWN on 3/14/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry SUPPORT/COMMENT "PROVIDING THE NATURAL PARENT(S) IS NATIVE HAWAIIAN.

HB-1058-HD-1

Submitted on: 3/13/2023 12:47:20 PM

Testimony for HWN on 3/14/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marion K A Kapuniai	Individual	Support	Written Testimony Only

Comments:

SUPPORT WITH AMENDING BILL TO INCLUDE: SUBJECT TO AMENDING THE HAWAIIAN HOMES COMMISSION ACT, AS AMENDED:

TO BE FORWARDED TO THE DEPARTMENT OF INTERIOR FOR AMENDMENT TO THE

HAWAII HOMES COMMISSION ACT, AS AMENED, FOR DETERMINATION WHETHER CONGRESSIONAL APPROVAL IS NECESSARY.

Thank you, M Kapuniai

LATE

Aloha e Chair Senator Shimabukuro & Senator Fevella Vice Chair and honorable members of the Hawaiian Affairs Committee,

in relationship to HB1058 HD1 which on the surface it appears innocently as trying to assist any adopted individual with maybe with things that are associated with the DEPARTMENT of Hawaiian Home Lands... however due to the ambiguity in the language of this legislation for instance, ...am I to understand that if a child who DOES NOT MEET any of the criteria set in Section 201(a) of the HHCA, 1920 as amended, and because that child now was ADOPTED by a adoptive parent who is deemed to be 100% the blood of the race inhabiting these islands previous to 1778... is this legislation would now make that adoptive child 50% the blood and thereby would QUALIFY to become a beneficiary of the HHCA, 1920 and/or a Successor to a lease if the Adoptive parent is already a lessee???

THAT LANGUAGE IS UNCLEAR AND WOULD BE IN CONFLICT WITH THE PROVISIONS OF SAID ACT IF THAT IS THE INTENT OF HB1058...

May I provide an example of what is already in place in Title 10 HRS Administrative Rules of the DHHL...

SHOULD A CHILD ADOPTED BY A NON NATIVE FAMILY AND NOW WANTED TO APPLY TO BECOME A BENEFICIARY FOR AN AWARD TO A LEASE, ALL THAT ADOPTIVE CHILD WOULD NEED TO DO IS PROVE THAT THE BIOLOGICAL PARENTS WERE QUALIFIED BY BLOOD TO BE OR ARE LESSEES... THEN THAT ADOPTIVE CHILD WOULD HAVE THE RIGHTS TO HIS BIOLOGICAL PARENTS... WITH PROPER PROOF THAT THESE WERE HIS BIOLOGICAL PARENTS...

So with due respect Chair if this legislation will affect any other meaning other than that... it may be in CONFLICT and CONSENT would be necessary by the US, because in my humble opinion a violation of the State Constitution Admission Act wherein... is the encumbrances to be placed upon the land...(if the adoptive child of a non Hawaiian parent, but now adopted by a qualified native Hawaiian family means this child COULD APPLY FOR AN AWARD OF HOME LANDS) by officers other than those charged with that duties (COMMISSION)... Consent of the US is necessary...

if this body is adamant about passing this legislation HB1058... I would want you to seek an opinion of the Attorney General of the State of Hawai'i and make that opinion a part of the record being deliberated and decision making by this Hawaiian Affairs Committee...

I can be reached at (808) 937-8217

'Owau

Patrick Kahawaiolaa