

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

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



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

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

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

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**TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON JUDICIARY
DECISION MAKING ON MARCH 31, 2023 AT 10:00AM IN CR 016**

HB 1058, HD 1, RELATING TO ADOPTION

March 31, 2023

Aloha Chair Rhoads, Vice Chair Gabbard, 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 transfer or successorship purposes of a lease, or successorship purposes of a lease application, 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/succeed to a lease, or succeed to a lease application, despite the legal effect of adoption which alters how such individuals are related and may disqualify an otherwise qualified transferee/successor of a lease, or qualified successor of a lease application, 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 that were adopted, cannot transfer/succeed a lease to those biological children, or designate the biological child as a successor to a lease application, 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/succeed a lease to their natural family member(s), or designate a natural family member as a successor to a lease application, due to having been adopted.

The amendment to HRS § 578-16 proposed in HB 1058, HD 1 recognizes the familial relationships of the noted adopted individuals and their natural family members for the purposes of transfer or successorship of a lease, or successorship to a lease

application. 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.

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary
Re: HB 1058

March 28, 2023

In support of HB 1058

Aloha Chair Karl Rhoads, Vice Chair Mike Gabbard and Members of the Committee on Judiciary,

My name is Nicole De Jesus, and I am a graduate student at the University of Hawai'i at Mānoa Thompson School of Social Work and Public Health. I current work full-time in the position of Case Manager I at a non-profit organization based in Kalihi.

I am testifying in favor of HB 1058 Requires an adopted individual to be considered a child of both the adopted and natural parents for the sole purpose of determining familial relationships, including for purposes of the Hawaiian Homes Commission Act.

I have worked with children and families for over 15 years restoring relationship and connecting familial ties. It is important for adopted individuals to be consider a member of both their adopted family and their natural family.

Historical trauma has provided the knowledge needed to understand that separating people from their land, languages, cultural practices and each other yields a complex and compounding set of impacts on an individual life.

Children have a right to familial relationships and to learn where they come from and to be heirs and inherit all their natural and adopted familial ties.

For the best interest of the adopted and development I urge the committee to pass HB1058. Mahalo nui for reviewing my testimony.

Sincerely,
Nicole De Jesus

HB-1058-HD-1

Submitted on: 3/30/2023 8:22:56 AM

Testimony for JDC on 3/31/2023 10:00:00 AM

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

Comments:

SUPPORT WITH THE FOLLOWING AMENDMENTS:

1) INCLUDE A SIMPLE PROCESS TO RECEIVE ADOPTION INFORMATION WHICH HAS

BEEN SEALED BYTHE COURTS.

2) INCLUDE - TO BE FORWARDED TO THE DEPARTMENT OF INTERIOR FOR CONSIDERATION TO AMEND THE HAWAIIAN HOMES COMMISSION ACT, AS AMENDED, 1921, WITH OR WITHOUT CONGRESSIONAL APPROVAL.

I DISAGREE WITH THE COMMITTEE WHICH STATES THAT AMENDMENT TO THE HHCCA, AS AMENDED, 1921, IS NOT NECESSARY.

THANK YOU, M KAPUNIAI