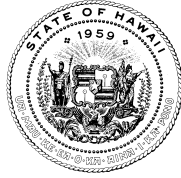


JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku 'āina 'o
Hawaii 'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku 'āina
'o Hawaii '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 Hawaii '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 FEBRUARY 7, 2023 AT 1:01PM IN CR 224**

SB 1356, RELATING TO ADOPTION

February 7, 2023

Aloha Chair Shimabukuro, Vice Chair Fevella, 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. This bill was approved by the Hawaiian Homes Commission and included in the Governor's administrative package by request of our Department.

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.

SB-1356

Submitted on: 2/2/2023 5:06:13 AM

Testimony for HWN on 2/7/2023 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
De MONT Kalai Manaole	Testifying for Ho'omana Pono, LLC	Oppose	Written Testimony Only

Comments:

We STRONGLY OPPOSE this measure, as it is highly offensive. Our Hānai system is one that is near & dear to Nā Kānaka!

However, when it comes to our Hawaiian Homeslands Trust, we have yet to eliminate the "Death List".

This measure would allow non-Kānaka to have a Homestead lot, while Nā Kānaka on the Death List still waiting for their Homestead Lot.

We believe that this measure also violates the HHCA of 1920, as Amended 1921 & must first obtain approval by the U.S. Congress.

In the verbatim words of a beloved Kūpuna"

"Gotta be kānaka. If the adopted child is Kānaka, i'm okay with it. The point was to help Kānaka. Not so interested in blood quantum but there is so little set aside for us. Still stripping Kānaka of what little we have left. Ugh!"

PLEASE CEASE & DESIST ATTEMPTS TO PIT OUR 'OHANA AGAINST EACH OTHER!
The Phantom who made the "request" for this measure, should come forward out of the shadows & make its case for this bill.

The phantom who made this "request" should explain to this committee why the State of Hawai'i should violate **FEDERAL LAW**, to accommodate this Phantom, by allowing the Phantom to have preference over Nā Kānaka on our Trust Lands! **AUWE!**

PLEASE DEFER THIS MEASURE!

Senate Committee on Hawaiian Affairs
Senator Maile S.L. Shimabukuro, Chair
Senator Kurt Fevella, Vice Chair

On The Following Measure:

S.B. NO. 1356, Relating to Department of Hawaiian Home Lands; Adoption

DATE: Tuesday, February 7, 2023

TIME: 1:01 PM

LOCATION: State Capitol, Conference Room 224 and Videoconference

Testimony in Support of S.B. 1356

Chair Shimabukuro, Vice Chair Fevella, and Members of the Committee:

My name is Megan Ching, and I am a student at the University of Hawaii at Manoa in the Master of Social Work program.

I am testifying today in favor of this bill regarding Hawaiian Home Lands and adoptees being the beneficiaries of their natural and adopted parents.

As of 2021, there were 28,000 Native Hawaiians beneficiaries on the waitlist to receive a residential homestead lot. Native Hawaiians are dying waiting to get off the waitlist.

From 2014-2018, there was a total of 846 children adopted from the Hawaii Foster Care system. This number does not include private adoption agencies. 20% of children who are adopted in Hawaii are Native Hawaiian. Also, 57% of children who are adopted in Hawaii are multiple races, which may include Native Hawaiian ancestry.

For my practicum, I was placed at a private adoption agency. I worked with prospective parents hoping to adopt from Hawaii. Many of our birth mothers were of Native Hawaiian descent. So, the adoptee could have the potential for having enough blood quantum to be placed on the waitlist or be the beneficiary of their natural parents, even though their adopted parents are of different ethnicities. I had the opportunity of being in the hospital during a placement. When the adoptive parents met their child that they were adopting, their faces lit up and they did not see them as anything other than their child.

In the Hawaiian culture, it is not uncommon for someone to be taken in and looked to as family. Under the law, an adopted child is the same as a natural born child. The adoptee should be able to be the beneficiary of their natural parents since that is their birth right. Also, since an adopted child is seen as the same as a natural born child, this should not affect their right to be on the waitlist or be the beneficiary of their adopted parents.

Thank you for your time and consideration.

Megan Ching
meganch@hawaii.edu

SB-1356

Submitted on: 2/6/2023 12:24:49 PM

Testimony for HWN on 2/7/2023 1:01:00 PM

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

Comments:

Requires FULL BENEFICIARY CONSULTATION which shall include DHHL's

verification process and status of all requests for including those individuals of

Hawaiian Ancestry who have been adopted, who will qualify for Successorship as a Spouse, etc.

Also, if and when passed by the Legislature, this bill shall be subject to Department of Interior

consideration for U.S. Congressional Approval.