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January 30, 2024

To: The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **SB 2523 – RELATING TO CHILD CARE.**

Hearing: Thursday, February 1, 2024, 9:00 a.m.  
Conference Room 016, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of the bill, defers to the Judiciary, and provides comments.

**PURPOSE:** The purpose of this bill requires the Judiciary to establish a three-year pilot program to provide free child care services to minor children of parties and witnesses who are attending court hearings in the first circuit. Requires the Judiciary to submit reports to the Legislature. Appropriates funds.

DHS supports the intent of the bill to provide free child care services to minor children of parties and witnesses who are attending court hearings in the First Circuit (Oahu) because the cost of child care is high, and many families can't afford to pay for child care services while they attend court hearings. Additionally, the availability of child care in licensed and registered family child care homes and child care centers has been on the decline since pre-pandemic, leaving many families without child care.

The measure proposes that free child care services shall only be offered in an area designated by the Judiciary. Notably, if the child care program is onsite with parents, then the

child care service is not required to be licensed. However, the onsite program will need to comply with the City & County of Honolulu planning requirements (e.g., zoning, building, electrical, plumbing, and fire codes) to operate child care. Additionally, the Judiciary may need to consider situations where a parent may be taken into custody as a result of their court appearance or if the parent leaves the Court without picking up their child.

If off-site, when developing the child care services program, the department offers the following considerations from Chapter 346, Hawaii Revised Statutes (HRS):

- Section 346-151: Definitions. "Care" refers to situations in which a person or organization has agreed to assume and has been entrusted with the responsibility for the child's supervision, development, safety, and protection apart from the parent or guardian.
- Section 346-152: Exclusions; exemptions. Depending on the entity providing the child care services and the type of child care services that will be provided, DHS may approve the entity to be exempt from licensure.
- Section 346-161: License for group child care home or center required. No person shall operate, maintain, or conduct a group child care home or center unless licensed to do so by the Department of Human Services.

Should the entity that provides the child care services be required to be licensed by DHS, DHS will work with the entity through the licensing process to ensure that the health and safety standards for the licensing of child care facilities per Hawaii Administrative Rules are met and maintained when children are in care.

Thank you for the opportunity to provide testimony on this bill.



*The Judiciary, State of Hawai'i*

**Testimony to the Senate Committee on Judiciary**

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Thursday, February 1, 2024 at 9:00 a.m.  
Hawai'i State Capitol, Conference Room 016

By

Lori Ann M. Okita  
Chief Court Administrator  
First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2523, Relating to Child Care.

**Purpose:** Requires the Judiciary to establish a three-year pilot program to provide free child care services to minor children of parties and witnesses attending court hearings in the first circuit. Requires the Judiciary to submit reports to the Legislature. Appropriates funds.

**Judiciary's Position:**

The judiciary is understanding of the idea of child care services available at courthouses and offers the following comments.

We are aware of other jurisdictions that have implemented child care services in their state courts and we need sufficient time to properly research costs and other factors associated with offering child care services so that the judiciary can provide accurate information to the legislature for future funding requests. We also will need to engage stakeholders for input on such services. Until such review is conducted, it would be premature to initiate a pilot project. However, once this review is established and we have considered the appropriate factors, we could seek funding through the Judiciary budget or through other means.

Thank you for the opportunity to testify on this measure.

To: San Buenaventura Rhoads, Senate Committee members of the Judiciary, and Senate Committee members of Ways and Means

Date: Monday, January 29, 2024

**In support of S.B. NO. 2523, Relating to Childcare**

**Position:** My name is Destiny-Rose Bataya, a resident of District 38 and District 17. I am testifying as a master's in social work (MSW) student of UH Mānoa. I **strongly support** the bill S.B. NO. 2523 concerning Childcare.

**Purpose:** The purpose of this bill is to offer a three-year pilot program to provide free childcare services to minor children of parties and witnesses who are attending court hearings in the First Circuit

In the first circuit, family cases generally involve spouses, parents, and children. From the perspective of families, guardians and/or parents are often advised against bringing children to court as some judges do not allow minors to present during hearings. Therefore, children are often left to wait outside of the courtroom or families must look for appropriate childcare to attend family court hearings. However, if families are unable to find childcare for the children in their care, court hearings may be missed. Therefore, possible motions may proceed affecting the child's current placement of care and safety.

Currently, there are multiple Family Court Programs in place that assist in handling juvenile and adult matters. Looking at the Hawaii State Judiciary website, one can see that many programs are working to assist families in the educational approach to court. For instance, Hawaii offers different programs such as the Ho'okele Program (which provides court users with self-help forms and informational assistance), and the Kids First Program (to help parents understand the effects of separation and divorce on their children).

Looking at these programs, one can see that there are no programs associated with assisting in providing childcare services for families who are attending court hearings in the First Circuit. Although court hearings have flexible ways of attending, it is important to keep in mind that many families do not have the applicability to join through ZOOM or other virtual parameters due to personal barriers.

In conclusion to my testimony, I independently am urging support in constructing the three-year pilot program offering free childcare services to minor children of parties and witnesses who are attending court hearings in the first circuit. I urge the committees to pass S.B. No 2523. Thank you for this opportunity to testify.

A resident of House District 38, and Senate District 17.