



## *The Judiciary, State of Hawai'i*

### **Testimony to the Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, January 28, 2025 at 9:15 a.m.  
Hawai'i State Capitol, Conference Room 016

By

Rodney A. Maile

Administrative Director of the Courts

### **WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** Senate Bill No. 173, 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<sup>1</sup> and we need sufficient time to assess the cost and feasibility of offering child care services. The National Center for State Courts has identified factors to consider when determining whether to offer child care services for court patrons, including the location of the facilities, cost and operational implications, licensing, and, most importantly, security.<sup>2</sup> The security risks associated

---

<sup>1</sup> See generally Emma Farrell, National Center for State Courts, Family Friendly Amenities in the Court (2023), available at [https://www.ncsc.org/data/assets/pdf\\_file/0029/88841/Family-Friendly-Amenities-.pdf](https://www.ncsc.org/data/assets/pdf_file/0029/88841/Family-Friendly-Amenities-.pdf).

<sup>2</sup> See *id.*; see also *Child Care*, NCSC, <https://www.ncsc.org/courthouseplanning/space-planning-standards/child-care#:~:text=Some%20court%20facilities%20are%20being,the%20facility%20owners%20and%20users>.

with a child care operation are meaningful, particularly if the operation is located in courthouses, which are often a place of targeted interest and heightened emotions.

If the legislature is interested in exploring this concept, we respectfully request time to conduct an assessment. Alternative options to a child care facility could also be further explored, such as determining whether it is feasible to create a child-friendly waiting area, contract with an existing child care facility to provide such services, or other options. We could also engage stakeholders for input and to determine a target demographic best served by such services, if offered. Until such review is conducted, it would unfortunately be premature to initiate a pilot project in any Judiciary circuit. However, the Judiciary is committed to continuing this assessment even if legislation calling upon the Judiciary to conduct a study does not pass this session. In particular, the Third Circuit is interested in a feasibility study on this topic.

Thank you for the opportunity to testify on this measure.

JON N. IKENAGA  
STATE PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**HONOLULU OFFICE**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**APPELLATE DIVISION**  
TEL. NO. (808) 586-2080

**DISTRICT COURT DIVISION**  
TEL. NO. (808) 586-2100

**FAMILY COURT DIVISION**  
TEL. NO. (808) 586-2300

**FELONY DIVISION**  
TEL. NO. (808) 586-2200

**FACSIMILE**  
(808) 586-2222



STATE OF HAWAII  
**OFFICE OF THE PUBLIC DEFENDER**

HAYLEY Y.C. CHENG  
ASSISTANT PUBLIC DEFENDER

**HILO OFFICE**  
275 PONAHAHAWAI STREET  
SUITE 201  
HILO, HAWAII 96720  
TEL. NO. (808) 974-4571  
FAX NO. (808) 974-4574

**KONA OFFICE**  
75-1000 HENRY STREET  
SUITE #209  
KAILUA-KONA HI 96740  
TEL. NO. (808) 327-4650  
FAX NO. (808) 327-4651

**KAUA'I OFFICE**  
3060 EIWA STREET  
SUITE 206  
LIHUE, HAWAII 96766  
TEL. NO. (808) 241-7128  
FAX NO. (808) 274-3422

**MAU'I OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. NO. (808) 984-5018  
FAX NO. (808) 984-5022

**Testimony of the Office of the Public Defender,  
State of Hawai'i to the Senate Committee on Judiciary**

January 28, 2025

**S.B. 173: RELATING TO CHILD CARE**

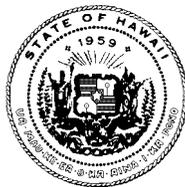
Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

The Office of the Public Defender **supports S.B. 173:**

The Office of the Public Defender submits that there is a need for parents and caregivers who are required to appear for court hearings to have access to appropriate child care. Parents and caregivers living in poverty often do not have the resources or family support to arrange for appropriate child care when they are ordered to appear in court for a proceeding. Proceedings may include civil restraining order proceedings, family court proceedings, criminal hearings and trials, and proof of compliance hearings. Parties and witnesses with limited child care options would greatly benefit from a program that allows them to attend hearings and have a safe, secure and appropriate child care option at the Courthouse. This pilot program could help alleviate financial pressures that may prevent or make is extremely difficult and stressful for a parent with a child to attend a required court hearing.

Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



RYAN I. YAMANE  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

January 26, 2025

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

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 173 – RELATING TO CHILD CARE.**

Hearing: January 28, 2025, 9:15 a.m.  
Conference Room 016, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the bill's intent, 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 bill's intent as services would assist families who are attending court to provide some reassurance that their children are nearby and allow parents or caregivers to attend and focus on the legal proceedings. Families may need child care while attending court as they may not already have child care for their children, or those with child care may be concerned that they may be late for court if they dropped off their children prior to going to court, or would be late picking them up following the court proceedings. When schools have breaks, parents who have court proceedings will benefit from the proposed child care. Many families cannot locate affordable child care, especially for infants and toddlers. Unfortunately,

the availability of child care in licensed and registered family child care homes and child care centers has been on the decline prior to the COVID-19 pandemic, leaving many families without a lot of child care options.

The measure proposes that free child care services shall only be offered in an area designated by the Judiciary. When developing the child care services program, DHS offers the following considerations from Chapter 346, Hawaii Revised Statutes (HRS):

- Section 346-151, HRS, Definitions. "Care" refers to those situations where 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, HRS, Exclusions; exemptions. Depending on the entity providing the child care services and the type of child care services that will be provided, DHS can approve the entity to be exempt from licensure; and
- Section 346-161, HRS, License for group child care home, group child care center required. No person shall operate, maintain, or conduct a group child care home or group child care 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 provided in the Hawaii Administrative Rules for the licensing of child care facilities are met and maintained when children are in care.

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



January 28, 2025

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Sen. Stanley Chang  
Sen. Joy A. San Buenaventura  
Sen. Brenton Awa

Re: SB173 Relating to Childcare

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters. On behalf of HSCADV and our 25 member programs statewide, I respectfully submit testimony in **strong support** of this measure.

SB173 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.

The impact of the lack of accessible and affordable childcare in Hawai'i is amplified for survivors of domestic violence. It affects their ability to leave their abusive relationship in several ways: they might not be able to afford childcare, and if they work multiple part-time jobs, their schedules contradict the childcare center pick-up and drop-off times, resulting in the survivor sacrificing a job to pay for childcare or relying on their abusive partner's family for childcare. In statewide site visits with our programs and listening sessions with survivors, childcare is one of the top needs identified for survivor safety and financial independence.

Additionally, through our collaboration with the Prosecutors office, we are increasingly learning of survivors who do not attend court due to the lack of childcare, making the prosecution of domestic violence extremely difficult.

This is more than just childcare; this enhanced access to justice and we are **in strong support** of this measure.

Thank you for the opportunity to testify on this important matter.

Sincerely,  
Angelina Mercado, Executive Director



**LATE**

Christynn Hara  
Child and Family Service  
CHara@cfs-hawaii.org  
(808) 286-0297  
91-1841 Fort Weaver Road  
Ewa Beach, Hawaii 96706  
Monday, January 27, 2025

Subject: Support for SB173 Pilot program: Childcare for witness in First Circuit Courts

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

I hope this correspondence finds you well. My name is Christynn Hara and I'm the Domestic Violence Coordinator for Child and Family Service. I am writing to express my **strong support for SB173**.

SB173 Requires the Judiciary to establish 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.

For survivors of domestic violence, not having free childcare can have detrimental impacts. One barrier is survivors not being able to fully attend and participate in hearings. According to the Hawaii State Coalition Against Domestic Violence Static Report, almost 1 out of 2 women, 40% men, and 54% transgender have experienced (IPV) intimate partner violence (HSCADV). Providing free childcare services may help to decrease the potential harm to survivors due to potentially leaving their child or children alone and in other cases, with their abuser.

By addressing these barriers, we can collaborate with the Prosecutor's office in ensuring that survivors of domestic violence can be able to attend court hearings with free childcare services. This is not just a nationwide issue, this is a real Hawaii issue that occurs daily on our island. Providing free childcare services can be a step in the right direction in providing survivors with relief. Providing free childcare services could improve the safety, health, and well being for the child or children by ensuring that they have safe and stable child care.

I am grateful for this opportunity to express my **strong support** for this crucial issue. This bill has the potential to support survivors of domestic violence and provide relief.

Mahalo for your time and consideration,  
Christynn Hara



**SB-173**

Submitted on: 1/25/2025 10:42:19 PM

Testimony for JDC on 1/28/2025 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

Thank you for supporting this measure relating to child care.

**SB-173**

Submitted on: 1/26/2025 11:24:54 AM

Testimony for JDC on 1/28/2025 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Benjamin Rose	Individual	Support	Written Testimony Only

## Comments:

I am in support of this bill. I am submitting this testimony as a private citizen, but I work as a domestic violence prosecutor in the First Circuit. I personally have seen the troubles that victims of domestic violence have when they come to court with their minor children. Because we don't have an established program, victims have at times expressed an unwillingness to come to court because there is no child care while they testify and Judges won't allow the minor children to come up to the stand with the victim. We will have a better system of justice when victims are unencumbered with child care responsibilities and this bill helps achieve justice and accountability for domestic abusers.

**SB-173**

Submitted on: 1/26/2025 6:47:01 PM

Testimony for JDC on 1/28/2025 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill

**LATE**

**SB-173**

Submitted on: 1/27/2025 10:28:19 AM

Testimony for JDC on 1/28/2025 9:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lindsey A Drayer	Individual	Support	Written Testimony Only

Comments:

This is a great idea!