

Honolulu, Hawaii

FEB 12 2019

RE: S.B. No. 947

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 947 entitled:

"A BILL FOR AN ACT RELATING TO FAMILIES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the disability of a parent or caregiver from being the sole factor in determining fitness as a foster parent, adoptive parent, guardian, person seeking custody or visitation, or provider of a safe family home.

Your Committee received testimony in support of this measure from the Disability and Communications Access Board and LGBT Caucus of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Human Services.


Your Committee finds that in family court cases, the court will make a determination based on the welfare of a child. However, there is no express prohibition against considering the disability of a parent or caregiver as the sole factor in determining fitness as a foster parent, adoptive parent, guardian, person seeking custody or visitation, or provider of a safe family home. This measure protects the right to parent for all individuals with disabilities and enables the court to make a determination based on the best interests of the child, as well as the family unit as a whole.



Your Committee has amended this measure by specifying that the party attempting to demonstrate that a disability impairs another person's ability to parent in foster parent, adoptive parent, guardian, custody or visitation, or safe family home cases must prove that the person's disability is a factor and demonstrate a clear nexus between the person's disability and the alleged parental deficiency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 947, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 947, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,



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RUSSELL E. RUDERMAN, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB947	HMS, JDC	2/4/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
RUDERMAN, Russell E. (C)	✓			
RHOADS, Karl (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original      Yellow      Pink      Goldenrod File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy				

\*Only one measure per Record of Votes