

STAND. COM. REP. NO.

2926

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2110
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2110 entitled:

"A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to require the family court to appoint an attorney to represent a legal parent who is indigent, based on court-established guidelines, unless the legal parent knowingly and voluntarily waives the right to appointed counsel on the record.

Your Committee received testimony in support of this measure from the Hawai'i Access to Justice Commission, American Civil Liberties Union of Hawai'i, National Coalition for a Civil Right to Counsel, Hawaii Parent Advocacy Team, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Human Services, and Judiciary.

Your Committee finds that indigent parents are guaranteed the right to court-appointed counsel in termination of parental rights proceedings under the due process clause of the Hawaii State Constitution; however, existing law authorizes the family court to determine whether to appoint an attorney to represent a legal parent who is indigent based on court-established guidelines. The resulting case-by-case approach for court-appointed counsel fails



to protect an indigent parent's liberty interest in the care, custody, and control of the parent's children. This measure ensures the due process rights of indigent parents by requiring the court to appoint counsel to indigent parents and to make every effort to do so at the first hearing attended by the parent or parents.

Your Committee has amended this measure by deleting language that is unnecessary to ensure that the family court shall appoint counsel for indigent parents in both foster custody and family supervision cases.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2110, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2110, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

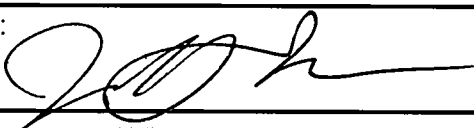


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2110	Committee Referral: JDC	Date: 2/20/2020		
<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
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes