

STAND. COM. REP. NO.

2667

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2790
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2790, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE RIGHTS OF CHILDREN IN FOSTER CARE,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the Child Protective Act, chapter 587A, Hawaii Revised Statutes (HRS), by repealing the existing section 587A-3, HRS, guiding principles for children in foster care, and incorporating that language into a new section, rights of children in foster care, which aligns with federal law and provides increased support and guidance for children in foster care.

Your Committee received testimony in support of this measure from the Judiciary; Department of the Attorney General; Department of Health; Department of Human Services; Department of Education; Hawaii Children's Action Network; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; EPIC 'Ohana, Inc.; Hawaii Youth Services Network; Catholic Charities Hawaii; Hale Opio Kauai; and fourteen individuals. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that this measure codifies best practices that have been developed with significant input from



foster children and former foster children, some of which have been applied by the Family Courts of the State of Hawaii. According to the testimony presented by the Department of Human Services, the new section proposed by this measure is based on section 587A-3, HRS, and aligns with Public Law 113-183, which requires the rights of a child age fourteen and older regarding education, health, visitation, and court participation to be documented in the child's case plan and requires a signed acknowledgment of the provision of these rights. The new section proposed by this measure also includes additional rights, such as culturally responsive services, requests for an attorney, and transportation to attend the school of origin. Your Committee notes concerns raised by the testimony of the Judiciary that, under the current language of this measure, there may not be sufficient time to gather all of the documents that a child aging out of foster care will require if the child enters the foster care system within six months of the child's eighteenth birthday.

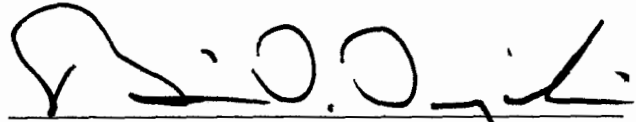
Accordingly, your Committee has amended this measure by:

- (1) Requiring that a child in foster care who is seventeen years of age be provided with personal records and other specified documentation;
- (2) Specifying that a child's rights in foster care apply whenever possible;
- (3) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2790, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2790, S.D. 2.



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



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
<i>SB2790, SDI</i>	<i>HMS, JDC</i>	<i>2/27/2018</i>
<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	
TANIGUCHI, Brian T. (C)	✓	
RHOADS, Karl (VC)	✓	
GABBARD, Mike	✓	
KIM, Donna Mercado	✓	
THIELEN, Laura H.	✓	
TOTAL	<i>5</i>	<i>0</i>
<i>0</i>	<i>0</i>	<i>0</i>
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
<i>Paul N. Wood</i>		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

*Only one measure per Record of Votes