STAND. COM. REP. NO. 634 -08

Honolulu, Hawaii

FE 415, 2008

RE: H.B. No. 1895 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1895 entitled:

"A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN CHILDREN,"

begs leave to report as follows:

The purpose of this bill is to protect the cultural and traditional interests of native Hawaiian children by establishing the Native Hawaiian Child Welfare Act. Among other things, this bill establishes:

- (1) The Na Kupuna Tribunal and grants it exclusive jurisdiction over child custody proceedings involving native Hawaiian children; and
- (2) A pilot project prior to the full implementation of this bill.

This bill also requires that the cultural needs of a child be considered as part of the best interests of the child standard in any custody and placement decisions under the Child Protective Act.

The Department of Human Services (DHS), Na Kupuna O Waianae, Na Kupuna O Kahana, Iron Workers Stabilization Fund, Kahana Valley residents, and several individuals testified in support of this bill. An individual also supported the intent of this measure. The Office of Hawaiian Affairs opposed this bill.

HB1895 HD1 HSCR JUD HMS 2008-2124

Your Committee recognizes that cultural sensitivity is an important factor in child welfare matters and is encouraged that DHS seeks to make its child welfare program as culturally competent as possible. At the same time, the establishment of any new child welfare system must face a range of legal concerns. This bill contains various unclear or impracticable provisions as well as technical inconsistencies that remain to be addressed.

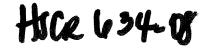
Your Committee has amended this bill by changing its effective date to July 1, 2112, to encourage further discussion.

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 H.B. No. 1895, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1895, H.D. 1, and be referred to the Committee on Finance.

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

TOMMY WATERS, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:		Date:		
НВ 1895	JUD, FIN		2/12/08		
☐ The committee is reconsidering its previous	ous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)					
2. OSHIRO, Blake K. (VC)					
3. EVANS, Cindy		i de distribuiro. La completa de describiro de la completa de la comp			
4. GREEN, Josh, M.D.					
5. ITO, Ken					
6. LUKE, Sylvia					
7. McKELVEY, Angus L.K.		on carrier are			
8. MORITA, Hermina M.					
9. SONSON, Alex M.					
10. SOUKI, Joseph M.					
11. TSUJI, Clift					
12. YAMANE, Ryan I.					
13. YAMASHITA, Kyle T.					
14. MARUMOTO, Barbara C.					
15. PINE, Kymberly Marcos					
16. THIELEN, Cynthia					
-					
			-		
TOTAL (16)	14			2	
The recommendation is: Adopted Not Adopted					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office					