

CONFERENCE COMMITTEE REP. NO. 144

Honolulu, Hawaii

MAY 01 2009 , 2009

RE: S.B. No. 912
S.D. 2
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 912, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PERMANENCY HEARINGS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to amend chapter 587, Hawaii Revised Statutes, relating to the Child Protective Act, to ensure compliance with federal Title IV-E permanency hearing requirements.

Chapter 587, Hawaii Revised Statutes, relating to the Child Protective Act, does not specifically address the federal requirement for permanency hearings at twelve month intervals to determine the permanency plan for a child in accordance with federal law. The Department of Human Services has been informed by the federal government that Hawaii's State Plan will not be approved and the State will be restricted from obtaining federal Title IV-E funds if the requisite statutory changes are not implemented. The



Department of Human Services receives over fifty million dollars in Title IV-E federal funds for foster board, treatment, services, staffing, and administrative costs.

To ensure compliance with the federal requirements to receive Title IV-E funding, the Honorable Judge Francis Wong, Deputy Chief Judge and Senior Family Court Judge, convened a working group consisting of representatives of the Department of Human Services, the Department of the Attorney General, the William S. Richardson School of Law, the Court Improvement Project, guardians ad litem, parents' counsel, and the Family Court. The working group proposed amendments to S.B. No. 912, S.D. 2, H.D. 2 that would minimize the impact of the required hearings on Family Court and the Department of Human Services' operations while still meeting the federal Title IV-E requirements needed to ensure an approved Title IV-E state plan.

Your Committee has amended S.B. No. 912, S.D. 2, H.D. 2 by replacing its contents with the working group's proposed C.D. 1. The amendments are as follows:

- (1) Removing section 1, which created a new section of chapter 587, Hawaii Revised Statutes, for permanency hearings;
- (2) Adding a definition to section 587-2, Hawaii Revised Statutes, for "entry into foster care date";
- (3) Clarifying the amendments of sections 587-71 and 587-72, Hawaii Revised Statutes, and amending section 587-27, Hawaii Revised Statutes, to comply with federal law; and
- (4) Changing the effective date to July 1, 2010, because the Department of Human Services has applied for a one-year waiver.

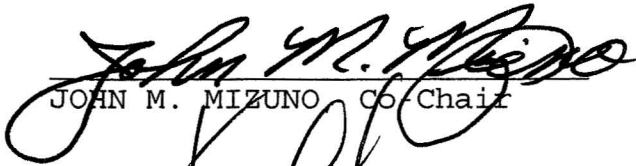
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 912, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 912, S.D. 2, H.D. 2, C.D. 1.

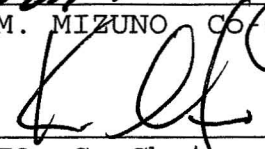


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

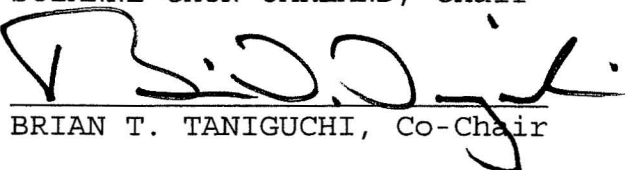
ON THE PART OF THE SENATE


JOHN M. MIZUNO, Co-Chair


KEN ITO, Co-Chair


TOM BROWER, Co-Chair


SUZANNE CHUN OAKLAND, Chair


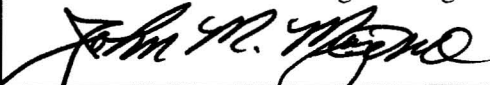

BRIAN T. TANIGUCHI, Co-Chair



Hawaii State Legislature

CLR 141

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 912, SD 2, HD 2					Date/Time: <u>5/1/04</u> <u>11:35 am</u>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
TANIGUCHI, Brian T., Co-Chr.	✓				ITO, Ken, Co-Chr.	✓			
SLOM, Sam	✓				BROWER, Tom, Co-Chr.				✓
					WARD, Gene	✓			
TOTAL	3	0	0	0	TOTAL	3	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution: Original					Yellow				
File with Conference Committee Report					House Clerk's Office Senate Clerk's Office Goldenrod Drafting Agency				