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January 29, 2009

TO: The Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Martha T. Torney, Executive Director

SUBJECT: HB 297, RELATING TO FAMILY COURTS

Hearing: Thursday, January 29, 2009, 9:00 am
State Capitol, Conference Room 329

The Office of Youth Services (OYS) strongly supports House Bill 297 relating to Family Courts which will enable Hawaii's participation in a new juvenile interstate compact to replace the existing compact. An interstate compact ensures the supervision of juveniles from state to state and ensures the return of juvenile runaways, escapees, and absconders to the supervising state, preventing juveniles from committing other crimes or becoming victims themselves. The Hawaii Youth Correctional Facility is currently monitoring four (4) youths from other states and does not have any youths from Hawaii being monitored by other states at this time. The State of Hawaii will need to become a participant in the new compact by December 19, 2009 for our youth to continue to be monitored by other participating states.

Thank you for the opportunity to present this testimony.



The Judiciary, State of Hawaii

Testimony to the House Committee on Human Services

The Honorable John M. Mizuno, Chair
The Honorable Tom Brower, Vice Chair
(Thursday, January 29, 2009, 9:00 a.m.)
State Capitol, Conference Room 329

By

Wendell Kikuchi
Deputy Chief Court Administrator
First Circuit

Bill No. and Title: House Bill No. 297, Relating to the Interstate Compact For Juveniles.

Purpose:

To adopt the new Interstate Compact for Juveniles ("New Compact") and to establish Family Court's jurisdiction under the New Compact.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 297, which is part of the Judiciary's 2009 legislative package.

The bill's primary purpose is to enable Hawaii's participation in a new juvenile interstate compact, which will replace the existing Interstate Compact on Juveniles, codified at Chapter 352 of the Hawaii Revised Statutes. An interstate compact ensures the supervision of juveniles from state to state and ensures the return of juvenile runaways, escapees and absconders to the supervising state, preventing juveniles from committing other crimes or becoming victims themselves. The new compact has already been adopted by 35 states. On December 15, 2009, the existing compact will become null and void in the majority of states that have adopted the new compact. The remaining states still belong to the existing Interstate Compact on Juveniles. If Hawaii does not enact the new compact during this legislative session, then as of December 15, 2009, Hawaii will no longer have the procedural means to regulate the movement across state



lines or the return of juveniles, who are under court supervision, or the return of runaways, absconders or escapees with the 35 states that have already adopted the new compact.

The Interstate Compact on Juveniles provides the procedural means to regulate the movement across state lines of juveniles who are under court supervision and provides for the monitoring and/or return of these juveniles and return of juvenile runaways, absconders, or escapees who are located in another state. The Compact also provides for the monitoring and return of juveniles who require institutional care and specialized services in another state, and provides for the return of juveniles who have a pending delinquency hearing and have run away to another state.

The existing Interstate Compact on Juveniles was established in 1955. In the last 5 decades, the population managed by the compact has grown and changed. The increased mobility of juveniles and their families, have contributed to a more difficult to manage population. Through the years, some of the language and methods of the existing compact have become antiquated and its rules and procedures are not widely agreed to or followed. Not all states have maintained identical contextual language which is a prerequisite for effective and binding interstate agreements. There have also been three amendments added to the existing compact which have not been adopted by all of the states, creating even more inconsistency among the states. The existing compact also contains no enforcement mechanism for the Compact rules and there is no method for guaranteeing compliance among the compacting states.

The New Compact will address many deficiencies and inconsistencies within the current juvenile compact system. The New Compact provides for: 1) the establishment of an independent, national commission authority to administer on-going compact activity, 2) a rule-making authority and a provision for significant sanctions to support essential compact operations, 3) the collection of standardized information and information sharing systems, 4) the coordination and cooperation with other interstate compacts including the Interstate Compact for Adult Offender Supervision and Interstate Compact for the Placement of Children, and 5) a mandatory funding mechanism sufficient to support essential compact operations such as staffing, data collection, and training/education.

35 states have enacted the new compact. 18 have not. Most of the states that have enacted the new compact have language in the new compact that states that the old compact will become null and void on December 15, 2009. As previously mentioned, if Hawaii does not enact the new compact in this legislative session, after December 15, 2009, Hawaii will no longer have the procedural means to regulate the movement of juveniles across state lines or to return runaways, absconders or escapees with the 35 states that have enacted the new compact.



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Hawaii has an average of 32 new cases per fiscal year. These cases require anywhere from 1 to 12 years of continued supervision. Hawaii currently has 5 youths being monitored in states that have enacted the new compact and 2 youths being monitored in states that have not yet enacted the new compact. Hawaii is currently monitoring 11 youths from states that have enacted the new compact and 8 youths from states that have not yet enacted the new compact. In fiscal year 2007- 2008, Hawaii had 3 runaways returned from states that have not enacted the new compact and 1 runaway returned from a state that has enacted the new compact. Hawaii also returned 2 runaways to states that have not enacted the new compact. In order to continue to monitor these youths and return runaways, escapees, and absconders to their home states, Hawaii will have to operate under both compacts until all of the states have enacted the new compact. It is unknown how long it will take until all states enact the new compact.

The cost of operating under the New Compact will be approximately \$15,000.00 per year plus a 4% increase projected per year. The cost of operating under the current compact is \$400.00 per year. Hawaii has had transactions with 45 of the 52 compacting states since 1999. Of the 7 states that Hawaii has not had any transactions with, 2 have enacted the new compact.

In addition to public safety, an important reason for supervision is to ensure that each juvenile receives the best possible services to avoid future lawbreaking as juveniles and as adults. The compact is the only mechanism to ensure continued supervision. Should Hawaii not adopt the New Compact, the existing compact will become null and void in the majority of states that have adopted the new compact, on December 15, 2009. At that time, Hawaii will have no vehicle to ensure the continued supervision and return of juveniles in these states. For the reasons of public safety, the welfare of juveniles, and the protection of victims, it is in the best interest of our state to join this New Compact.

Thank you for the opportunity to present testimony on this measure.