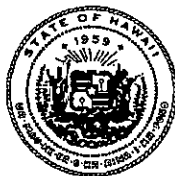


NEIL ABERCROMBIE
GOVERNOR



PATRICIA McMANAMAN
DIRECTOR

BARBARA A. YAMASHITA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 23, 2012

TO: The Honorable. Gilbert S.C. Keith-Agaran, Chair
House Committee on Judiciary

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2533, H.D. 1 - RELATING TO THE DEFINITION OF
AGGRAVATED CIRCUMSTANCES IN THE CHILD PROTECTIVE
ACT**

Hearing: Thursday, February 23, 2012; 2:00 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of H.B. 2533, H.D. 1 is to ensure that the definition of "aggravated circumstances" in Chapter 587A, Hawaii Revised Statutes, is consistent with recent changes to the federal Child Abuse Prevention and Treatment Act provisions.

DEPARTMENT'S POSITION: The Department of Human Services supports this administrative bill as the legislation is necessary to ensure that Hawaii's Child Protective Act is consistent with federal Child Abuse Prevention and Treatment Act (CAPTA) provisions.

The required changes will expand the definition of "aggravated circumstances" to include situations where a parent is required to register with a sex offense registry and where a parent has committed sexual abuse against another child of the parent. An allegation of "aggravated circumstances" requires the family Court to conduct a

hearing to determine whether aggravating circumstances are present. If aggravating circumstances are present, the Family Court is then required to hold a permanency hearing within 30 days of the finding. The DHS must also file a motion to terminate parental rights within 60 days of the finding of "aggravated circumstances."

The federal Administration for Children and Families has informed the State that recent changes to CAPTA need to be incorporated into chapter 587A, Child Protective Act. These changes will allow the Department of Human Services to continue to receive federal CAPTA funding of approximately \$140,000. This funding is used to provide family strengthening services and child death review.

Compliance with CAPTA requirements is also necessary for the State's compliance with its federal Title IV-E State Plan so that Hawaii remains eligible for approximately \$40,000,000 in annual federal Title IV-E funding.

These federal funds support the State's child welfare services program.

To continue to receive CAPTA funding, the Governor had to certify that the State has in effect and is enforcing a state law, or has in effect and is operating a statewide program, relating to child abuse and neglect, which includes the necessary amendments.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

**H.B. NO. 2533, H.D. 1, RELATING TO THE DEFINITION OF AGGRAVATED
CIRCUMSTANCES IN THE CHILD PROTECTIVE ACT.**

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 23, 2012

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Jay K. Goss, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to ensure that Hawaii's Child Protective Act, chapter 587A, Hawaii Revised Statutes, complies with recent changes in the federal Child Abuse Prevention and Treatment Act (CAPTA). This bill amends the definition of "aggravated circumstances" to include the situation where a parent has committed sexual abuse of a parent's other child or children, and the situation where a parent is required to register with a sex offender registry.

This bill is necessary to ensure that Hawaii's Child Protective Act remains in compliance with the provisions in CAPTA. Compliance with CAPTA is necessary to ensure continued funding through CAPTA and to ensure that Hawaii remains eligible for approximately \$40,000,000 in annual federal Title IV-E funding.

We respectfully ask the Committee to pass this bill.



FAMILY PROGRAMS HAWAII

TO: Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee on Judiciary

HEARING: Thursday, February 23, 2012, 2:00 pm
Conference Room 329

FROM: Linda Santos
Family Programs Hawai'i

RE: HB 2533

As the President and CEO for Family Programs Hawai'i, I thank you this opportunity to testify.

We strongly support House Bill 2533. For Hawai'i to be in compliance with the federal Child Abuse Prevention and Treatment Act of 2010 and the Hawaii's Title IV-E State Plan, we must expand the definition of "Aggravated Circumstances" to include a parent who has committed sexual abuse against another child of the parent and add that the parent is required to register with a sex offender registry. The proposed language in this bill will do that, helping to ensure Hawai'i remains eligible for approximately \$40,000,000 in Title IV-E and \$140,000 in Child Abuse Prevention and Treatment Act annual federal funding. It is important to keep this funding as it helps support Hawaii's child welfare service program.

Thank you for this opportunity to speak on this important issue.