STAND. COM. REP. NO. 100 Honolulu, Hawaii

February 8, 2013 RE: H.B. No. 400 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 400 entitled:

"A BILL FOR AN ACT RELATING TO CHILD PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to protect the welfare of children by:

- (1) Establishing a preference for allowing a child to remain in the family home if it is more likely than not that the child will be safe from harm in the family home; and
- (2) Requiring the alleged perpetrator of abuse to leave the family home under certain circumstances.

The Department of Human Services supported the intent of this bill. The Department of the Attorney General submitted comments.

Your Committee has amended this measure by:

(1) Providing that in certain circumstances, the court must consider whether the alleged or potential perpetrator of imminent harm, harm, or threatened harm should be removed from the family home rather than continuing the child's placement in foster care; provided that the child's family must bear the burden of establishing that it is in the child's best interests to remove the child,



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rather than the alleged or potential perpetrator from the family home; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 400, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 400, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Human Services,

MELE CARROLL, Chair



House of Representatives The Twenty-seventh Legislature State of Hawaii



Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 400 HVS, JUD, FIN Date: 1-29-13				
The committee is reconsidering its previous 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)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. CARROLL, Mele (C)				
2. KOBAYASHI, Bertrand (VC)				
3. BELATTI, Della Au				
4. CABANILLA, Rida T.R.				
5. JORDAN, Jo	/			
6. MORIKAWA, Dee				
7. WOODSON, Justin H.	/			
8. FUKUMOTO, Beth				
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TOTAL (8)	7			
The recommendation is: Adopted I Not Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				