

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 271

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Human Services and Housing, to which was referred S.B. No. 271 entitled:

"A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to add to the Child Protective Act circumstances where a biological family shall be considered an unsafe placement by expanding the definition of "aggravated circumstances" as used in chapter 587A, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawaii Friends of Civil Rights, Olomea Inc., and six individuals. Your Committee received testimony in opposition to this measure from the Department of Human Services, Farrell and Associates, Hawaii Appleseed Center for Law and Economic Justice, Pacific Alliance to Stop Slavery, Women Helping Women, and fourteen individuals. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that the ultimate concern in child welfare practice and policy is the safety and security of children. Currently, Hawaii statute defines specific "aggravated circumstances" that, when present, preclude the State from having to provide reasonable efforts to preserve or reunify children with their biological parents. The existence of aggravated circumstances expedites the process of terminating biological parents' parental rights by taking some of the discretion away



from child welfare professionals involved in the case and making an immediate determination that the biological family is no longer a safe placement for the child due to grave circumstances such as a parent committing specific crimes, torturing or abandoning a child, or having parental rights terminated on a sibling of the child.

Your Committee has heard testimony expressing concern about expanding the definition of "aggravated circumstances" in the Child Protective Act. Your Committee recognizes the testimony expressing that the current statute sufficiently protects children, and that inserting additional aggravated circumstances could have unintentional consequences such as deterring struggling families from seeking help and creating obstacles to the child welfare goals of family engagement, collaboration, and reunification. Your Committee finds that these concerns merit further consideration.

Your Committee has amended this measure by:

- (1) Removing all references in the list of aggravated circumstances to a parent providing unstable housing;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 271, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 271, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services and
Housing,


SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Human Services and Housing
HSH

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 271</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">HSH, JDL</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/17/15</div>		
<div><input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____</div>				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div><input type="checkbox"/> Pass, unamended 2312</div><div><input checked="" type="checkbox"/> Pass, with amendments 2311</div><div><input type="checkbox"/> Hold 2310</div><div><input type="checkbox"/> Recommit 2313</div></div>				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
GREEN, Josh (VC)	✓			
HARIMOTO, Breene	✓			
RIVIERE, Gil	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"><div><input checked="" type="checkbox"/> Adopted</div><div><input type="checkbox"/> Not Adopted</div></div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">JDL</div>				
Distribution: <div style="display: flex; justify-content: space-between; align-items: center;"><div>Original File with Committee Report</div><div>Yellow Clerk's Office</div><div>Pink Drafting Agency</div><div>Goldenrod Committee File Copy</div></div>				

*Only one measure per Record of Votes