



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Health and Human Services**

Representative John M. Mizuno, Chair  
Representative Bertrand Kobayashi, Vice Chair

Wednesday, March 21, 2018 8:30 AM  
State Capitol, Conference Room 329

By

Catherine H. Remigio  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

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**Resolution No. and Title:** House Concurrent Resolution No. 162 / House Resolution No. 138: REQUESTING THE HAWAII STATE JUDICIARY AND DEPARTMENT OF HUMAN SERVICES TO NOT USE BLINDNESS AS A BASIS FOR DENYING PARENTAL RIGHTS

**Purpose:** Requesting the Judiciary and the Department of Human Services not use blindness as a basis for denying parental rights

**Judiciary's Position:**

The Judiciary takes no position on these resolutions but would like to comment that we are unaware of any child welfare, adoption, or guardianship action where the condition of blindness solely controlled the custody or visitation outcome.

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

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

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March 16, 2018

TO: The Honorable Representative John M. Mizuno  
House Committee on Health & Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HCR 162/ HR 138 - REQUESTING THE HAWAII STATE JUDICIARY AND  
DEPARTMENT OF HUMAN SERVICES TO NOT USE BLINDNESS AS A BASIS  
FOR DENYING PARENTAL RIGHTS**

Hearing: Wednesday, March 21, 2018, 8:30 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the resolution and offers the following comments.

**PURPOSE:** This resolution protects parental rights for blind parents or prospective blind parents in the context of child welfare, foster care, family law, and adoption.

DHS is an equal opportunity service provider and follows all federal and state laws, regulations, and rules that prohibit discrimination on the basis of disability.

DHS agrees that blindness shall not be the basis for denial or restriction of custody, visitation, adoption, or guardianship of children. DHS is also aware of national reports that parents who are deaf or blind report high rates of child removal and loss of parental rights.

However, DHS Child Welfare Services (CWS) Branch is not aware of instances of discrimination against blind individuals within our programs and services. Additionally, the DHS Civil Rights Office reports no discrimination complaints have ever been filed by blind parents or on behalf of blind parents with the Department. Clear information on how to file a complaint is available on the DHS website or is provided upon request.

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If the legislature plans to move forward to adopt this resolution, given the lack of evidence of bias within DHS, the Department respectfully suggests that lines 6 through 9 on page 1 of the resolution be stricken, or the word “nationally” is added to line 6, after “WHEREAS.”

Another area of concern is the recommended use of “clear and convincing evidence” on page 2, line 32. The resolution requests that blind parents be held to a different standard of proof than all other parents when the Department and Family Court are making determinations regarding a child’s safety. The use of this higher burden of proof would result in creating unintended inequities, and most crucially would impede the ability of DHS to protect children from abuse and neglect, which is contrary to the purpose of the Child Welfare Services.

DHS is fully committed to the intent of the measure and to improve our service delivery model. We will examine our staff training curriculum to include more information about working with parents with disabilities and blind parents, specifically, and will consult with our Division of Vocational Rehabilitation to improve the way we engage with parents who are blind.

Thank you for the opportunity to testify.