

STAND. COM. REP. NO. 1044-20

Honolulu, Hawaii

MAR 13 , 2020

RE: S.B. No. 2110
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred S.B. No. 2110, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the family court to appoint counsel to indigent parents in child protective services cases and make every effort to provide counsel at the first hearing attended by the legal parent.

Your Committee received testimony in support of this measure from the Hawaii Access to Justice Commission, American Civil Liberties Union of Hawaii, National Coalition for a Civil Right to Counsel, Hawaii Appleseed Center for Law and Economic Justice, and one individual. Your Committee received comments on this measure from the Judiciary and Department of Human Services.

Your Committee finds that this measure ensures that Hawaii law comports with the Hawaii Supreme Court decision *In re T.M.*, 131 Haw. 419 (2014), in which the Court held that under the due process clause of the Hawaii State Constitution, indigent parents are guaranteed the right to court-appointed counsel in termination of parental rights proceedings.

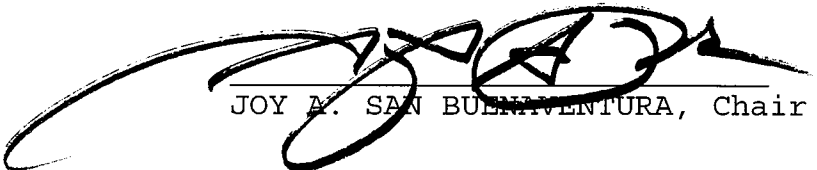


Your Committee has amended this measure by:

- (1) Clarifying that the family court shall appoint counsel to represent indigent parents in foster care cases;
- (2) Changing the effective date to December 31, 2059, to encourage further discussion; and
- (3) 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 & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2110, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2110, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,


JOY A. SAN BUENAVENTURA, Chair



