



The Judiciary, State of Hawai‘i

**Testimony to the Thirty-First Legislature
2022 Regular Session**

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 8, 2022, 9:30 a.m.
VIA VIDEO CONFERENCE

WRITTEN TESTIMONY ONLY

by:

Judge Robert D.S. Kim
Chief Judge
Third Circuit

Judge Wendy M. DeWeese
Senior Family Court Judge
Third Circuit

Bill No. and Title: Senate Bill No. 2391, Relating to Zero to Three Court.

Purpose: The purpose of this Act is to support expansion of the Hawai‘i Zero to Three court to the Third Circuit by funding a program coordinator.

Judiciary’s Position:

The Judiciary strongly supports Senate Bill No. 2391 which appropriates monies for a program coordinator for a Hawai‘i Zero to Three (“HZTT”) court for the Third Circuit. This bill will provide funding for an important position to ensure that the Third Circuit Family Courts can bridge the gap between services for this vulnerable population and the Family Courts. Oversight and tracking of these cases is necessary to protect the innocent.

Senate Committee on Judiciary
Senate Bill No. 2391, Relating to Zero to Three Court
Tuesday, February 8, 2022

The Judiciary deeply appreciates Senator Karl Rhoads and the individual members of the Legislature for their continued support and interest in HZTT and an expansion of HZTT to the Third Circuit to benefit Hawai'i's most vulnerable children and families.

The bill provides for the expansion of the HZTT to the Third Circuit, where there is a disproportionately high number of children in foster care. The Third Circuit currently comprises of approximately 14% of the State's population, yet has 30% of the children in foster care. HZTT will focus on infants and toddlers in foster care who are unable to protect themselves.

The bill provides funding for a program coordinator for HZTT to facilitate a collaborative team effort to ensure timelines of service availability, increasing access to services, improving reunification outcomes for families, and decreasing the length of stay in foster care.

Thank you for the opportunity to comment on this important measure.

SB-2391

Submitted on: 2/4/2022 5:08:13 PM

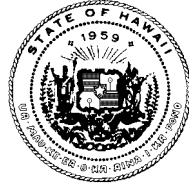
Testimony for JDC on 2/8/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Department of Health	Testifying for Department of Health	Support	No

Comments:

DOH supports more resources for the ZTT Court.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 7, 2022

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **SB 2391 – RELATING TO THE ZERO TO THREE COURT.**

Hearing: February 8, 2022, 9:30 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill and respectfully defers to the Judiciary on positions and appropriation.

PURPOSE: The purpose of this measure is to establish a Zero to Three program coordinator position. Expands the Zero to Three court program to the Third Circuit. Appropriates funds.

The Zero to Three (ZTT) court provides a valuable structure and process for families and children ages zero to three involved with the Family Court and Child Welfare Services. The Zero To Three court has added resources to help parents and caregivers establish a safe, nurturing home. Numerous studies have shown the benefits to children and society when children's length of stay in foster care is shortened with effective case management, and children and their families are successfully reunited.

The voluntary nature of this program makes it a unique model in the child welfare system, which emphasizes the motivation of the families to participate and learn what is necessary to become stable families who eventually need no further reliance on the Judiciary or welfare system.

Families are provided special attention and given more time and social opportunities to learn from each other and professionals in the field. The success of the program is built upon the limited number of families served at one time, the frequent nature of court hearings, specialized services available for the families, and trusting relationships built between the families, case managers, and service providers. Many families report they enjoy working with the case manager and thus want to stay in the program even though monthly court hearings are cumbersome.

Having stable funding for positions will support the healing and development of the most vulnerable children and their families. Importantly, the department will work with the Judiciary and community providers to develop a Zero To Three Court in the Third Circuit.

Thank you for the opportunity to testify on this bill.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON JUDICIARY
ON
SENATE BILL NO. 2391

February 8, 2022
9:30 a.m.
Via Videoconference

RELATING TO THE ZERO TO THREE COURT

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2391 makes a \$75,588 general fund appropriation in FY 23 to the Judiciary to expand the Hawai'i Zero to Three court to the Third Circuit Court by funding a program coordinator.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

TESTIMONY

Senate Committee on Judiciary

Hearing: Tuesday, February 8, 2022 (9:30 a.m.)

TO: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair

FROM: Shannon S. Sheldon
HSBA President

RE: Senate Bill No. 2391
Relating to the Zero to Three Court

The Zero to Three Court, a Specialty Court, was established in 2009 in the First Circuit. As you are well aware, a child's first few years of life is the most critical stage for healthy brain growth and development, which will have a significant impact on future outcomes.

The goal of this Specialty Court is to provide vulnerable maltreated infants and toddlers in the child welfare system with timely permanency (reunification, if possible; legal guardianship or adoption) while limiting the number of family placements. Collaboration among the Judiciary's juvenile courts and service divisions, and Department of Human Services' contractors and social service divisions to support families who volunteer to be a part of this program is its foundation. The group support approach ensures to the extent possible, a safety net of services.

The First Circuit Program was evaluated by the University of Hawaii's Center on Disability from August 2013 to July 2016. The conclusion: The Zero to Three Program was successful in meeting program objectives.

The Sponsor of this measure has the foresight to propose expansion of the Zero to Three Program to the Third Circuit. According to information provided by the Third Circuit, the Big Island has a disproportionate high number of children in foster care and cases in the Family Court system. The Big Island has approximately 14% of Hawaii's population. However, the Big Island has approximately 30% of child foster cases statewide.

In conclusion, the Hawaii State Bar Association **STRONGLY SUPPORTS** this measure. Thank you for the opportunity to submit comments.

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westhawaiiibar@gmail.com



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TESTIMONY IN SUPPORT OF SENATE BILL 2391

RELATING TO ZERO TO THREE COURT

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 8, 2022 at 9:30 A.M.

Via Videoconference

Honorable Chair Rhoads, Vice Chair Keohokalole and Members of the Committee on Judiciary. The West Hawaii'i Bar Association Board submits the following testimony in support of Senate Bill 2391.

Approximately 13% of the State's population resides on the island of Hawai'i. However, the Third Circuit Family Courts currently service approximately 30%-40% of the State's Child Welfare cases. This program will provide additional assistance to the Third Circuit needs for support of our community, especially with the focus group of our most vulnerable keiki. The assistance is one more step in the effort to reduce the rate of recidivism for the families in our community.

The West Hawaii'i Bar Association Board does not voice the opinions of every individual member but has notified its membership to present testimony on any individuals behalf. The West Hawaii Bar Association Board Supports the passage of Senate Bill 2391. Thank you for the opportunity to testify on this matter.

Respectfully,

BRIT BARKER

WHBA Board President

LATE

TESTIMONY

Senate Committee on Judiciary
Senate Bill 2391, Relating to Zero to Three Court
Hearing: Tuesday, February 8, 2022 @ 9:30 a.m.

TO: Chair Karl Rhoads
Vice Chair Jarrett Keohokalole
Members of the Senate Committee on Judiciary

FROM: Carol Kitaoka
Attorney

RE: Senate Bill No. 2391 - Relating to Zero to Three Court

Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary, I am an attorney residing in Kona currently in private practice and retired from the Hawaii County Prosecutor's Office. I am also a Board member of the Hawaii State Bar Association representing West Hawaii and a Board member of the Hawaii State Bar Foundation. I am offering these comments in my personal capacity **IN STRONG SUPPORT** of the request for funds for the Zero to Three coordinator position and expanding the Zero to Three program to the Third Circuit.

I serve as a guardian ad litem to children in foster care and as legal counsel to parents who have children in foster care. In the majority of my cases, the children in foster care are infants and children under the age of three. The statistics show that the Third Circuit has a high number of children in foster care compared to its population. These children are the most vulnerable and the least able to protect themselves. Expanding the Zero to Three program to the Third Circuit will greatly increase positive outcomes in Child Welfare Services cases. A program coordinator will monitor and track these cases and increase the timeliness of access to services and resources. The Zero to Three program will increase reunification of children with their parents and decrease the time infants and toddlers stay in foster care. This is critically important because infants need to bond with their parents and the longer they stay in foster care, they bond with their resource caregivers and it is more difficult to reunite them with their parents.

In the Third Circuit in Kona, the Department of Human Services, Child Welfare Services office is severely understaffed due to social workers leaving their jobs. Many of the seasoned social workers have left and many of the new hires leave after a year. At this time the situation is dire. The Zero to Three program will greatly improve the chances for this population to have positive and timely outcomes.

In closing, I am respectfully requesting your support of the Zero to Three program. Thank you for the opportunity to submit testimony on this matter.

HAWAII COUNTY BAR ASSOCIATION

P.O. Box 585
Hilo, Hawaii 96721
HCBA@hsba.org

February 7, 2022

Via <https://www.capitol.hawaii.gov/submittestimonyss.aspx>

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: SB 2391; Relating to Zero to Three Court
Letter in Support of Funding of the Zero to Three Court for the Third Circuit

Dear Senator Rhoads, Senator Keohokalole and Committee Members:

The Hawaii County Bar Association (“HCBA”) is comprised of over one-hundred eighty attorneys who are either based on Hawaii Island, or are interested in issues pertaining to Hawaii Island. The HCBA respectfully submits this letter in support of SB 2391 and urges this Committee to support the expansion of the Hawaii Zero to Three (“HZTT”) court to the Third Circuit.

SB 2391 allocates funding for a HZTT position in the Third Circuit, which encompasses the entire Hawaii Island. The HZTT court program is designed to provide dedicated and collaborative support for families with young children within the court system to improve timeliness and access to services. While the Third Circuit comprises only an estimated fourteen percent (14%) of the State of Hawaii’s population, it is accountable for approximately thirty percent (30%) of the children in foster care. Because of this disproportionate responsibility, the funding of a HZTT position would go a long way to assist and support families in need, and more importantly, protect the health and safety of the most vulnerable keiki in our community.

We urge you to support SB 2391 and thank you for your time and attention to this matter.

Very truly yours,



Michelle S.K. Oishi, Esq.
President
Hawaii County Bar Association