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## HOUSE CONCURRENT RESOLUTION

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REQUESTING THE JUDICIARY TO CONVENE A WORKING GROUP TO  
REEVALUATE THE CURRENT FAMILY COURT JUVENILE JUSTICE MODEL  
AND CONSIDER OTHER MODELS THAT PROVIDE MORE ALTERNATIVES TO  
INCARCERATION, MORE EFFECTIVELY REHABILITATE JUVENILE  
OFFENDERS, AND REDUCE RECIDIVISM.

1 WHEREAS, youth from all backgrounds and communities benefit  
2 from a stable and well-rounded upbringing; and  
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4 WHEREAS, longitudinal studies of youth from across the  
5 world that examine resilience note the importance of building  
6 healthy relationships and fostering healthy experiences  
7 throughout the tumultuous years of adolescence; and  
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9 WHEREAS, adolescence is a period of risk-taking and  
10 experimentation, in which youth of all cultural backgrounds  
11 explore their place in society, and the decisions made during  
12 this stage of life have long-term implications for the health of  
13 individuals and our community; and  
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15 WHEREAS, risky behavior by youth from at-risk communities  
16 has particularly dangerous consequences, including a higher risk  
17 of mortality, poverty, chronic health issues, and suicide, and  
18 these behaviors may result in incarceration and perpetuate  
19 intergenerational trauma; and  
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21 WHEREAS, the overrepresentation of youth from the Native  
22 Hawaiian community, Pacific Islander communities, and  
23 communities of color across Hawaii's criminal justice system  
24 reflects intergenerational trauma, cultural dislocation, and  
25 risk factors associated with poverty; and  
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27 WHEREAS, best practices regarding youth from underserved  
28 communities who face negative risk factors and adverse childhood



1 experiences suggest that culturally focused solutions have  
2 positive results; and  
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4 WHEREAS, the creation and implementation of a criminal  
5 justice model that more effectively rehabilitates juvenile  
6 offenders would result in significant cost savings and societal  
7 benefits; and  
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9 WHEREAS, the cost savings and societal benefits include a  
10 reduced burden on the county police departments and other  
11 agencies that interact with the juvenile justice system, due to  
12 a corresponding decrease in recidivism and reduction in the  
13 number of juvenile offenders who become adult offenders, and an  
14 increase in the number of rehabilitated juvenile offenders who  
15 become productive and contributing members of society; now,  
16 therefore,  
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18 BE IT RESOLVED by the House of Representatives of the  
19 Thirty-first Legislature of the State of Hawaii, Regular Session  
20 of 2022, the Senate concurring, that the Judiciary is requested  
21 to convene a working group to reevaluate the current family  
22 court juvenile justice model and consider other models that  
23 provide more alternatives to incarceration, more effectively  
24 rehabilitate juvenile offenders, and reduce recidivism; and  
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26 BE IT FURTHER RESOLVED that the working group comprise the  
27 following members:  
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- 29 (1) The senior family court judge of the First Judicial  
30 Circuit, or the senior family court judge's designee,  
31 who shall serve as chairperson of the working group;  
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- 33 (2) A family court judge from a neighbor island circuit,  
34 or a judge from a neighbor island circuit who presides  
35 over cases involving juvenile offenders, to be  
36 selected by the senior family court judge of the First  
37 Judicial Circuit;  
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- 39 (3) A representative from the Department of Human  
40 Services, to be selected by the Director of Human  
41 Services;  
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(4) A representative from the Department of Education, to be selected by the Superintendent of Education; and

(5) A representative from the Honolulu Police Department, to be selected by the Chief of the Honolulu Police Department; and

BE IT FURTHER RESOLVED that the working group invite the following persons to participate in the working group:

(1) Two individuals representing the Native Hawaiian community;

(2) Two individuals representing the Micronesian community; and

(3) Representatives from nonprofit organizations that work with youth, such as Kokua Kalihi Valley, Kalihi-Palama Health Center, and the Kauai Resilience Project, in a number to be agreed upon by all members of the working group; and

BE IT FURTHER RESOLVED that the working group study and evaluate the following:

(1) The manner in which youth interact with the State's juvenile justice system;

(2) The current Family Court juvenile justice model and ways to improve the model to provide more alternatives to incarceration, more effectively rehabilitate juvenile offenders, and reduce recidivism;

(3) Research indicating that juvenile offenders who have an interaction with law enforcement officers and appear in court as a result--even once or twice--are much more likely to reoffend because the prior experience had the effect of normalizing the consequences of the juvenile offender's criminal activity;



(4) Restorative models of justice used to address juvenile offenders in jurisdictions other than Hawaii; including the model of juvenile justice used in New Zealand under the Oranga Tamariki Act 1989--currently known as the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017--and related laws, in which members of the juvenile offender's family and social support networks are heavily integrated into the process, emphasis is placed on the offender's close support relationships, and elements of the criminal justice system are moved into the offender's home and community so as not to normalize the process of going to court or to a correctional facility;

(5) Whether and how elements of the models used in New Zealand and other jurisdictions could be applied in Hawaii; and

(6) Ways in which law enforcement agencies in Hawaii currently respond to incidents involving juvenile offenders and possible alternative responses, including the utilization of persons having specialized training in interacting with youth, rather than law enforcement officers; and

BE IT FURTHER RESOLVED that members of the working group serve without compensation but be reimbursed for travel and other necessary expenses incurred in the performance of their official duties; and

BE IT FURTHER RESOLVED that no member of the working group be made subject to Chapter 84, Hawaii Revised Statutes, solely because of that member's participation in the working group; and

BE IT FURTHER RESOLVED that the working group submit to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2023, a report of its findings and recommendations, including any proposed legislation; and

BE IT FURTHER RESOLVED that the working group cease to exist on June 30, 2023; and



1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Chief Justice,  
3 Director of Human Services, Chairperson of the Board of  
4 Education, Superintendent of Education, Chief of the Honolulu  
5 Police Department, Chief Executive Officer of the Office of  
6 Hawaiian Affairs, and Chief Executive Officer of We Are Oceania.

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9 OFFERED BY:

*Sony Gaud*

MAR 11 2022

