

STAND. COM. REP. NO.

148

Honolulu, Hawaii

FEB 07 , 2023

RE: H.B. No. 879
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 879 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:

- (1) Require an independent evaluation of a child's parents before a child is returned to the child's family home, under certain conditions;
- (2) Clarify the purpose of the Child Protective Act;
- (3) Provide a child's biological grandparents with certain rights and duties;
- (4) Amend the definition of "aggravated circumstances" to reference certain determinations made by a clinical psychologist;
- (5) Expand safe family home factors to include evaluations conducted by an independent provider with certain specialized training;

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- (6) Establish various requirements for interviews, investigations, and assessments by the department of human services, including time frames for written responses provided to complainants;
- (7) Require foster placement preference to be given to relatives, if it is in the best interest of the child; and
- (8) Specify that Department of Human Services social workers shall be unbiased and reflect no prejudice in their professional assessments.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Human Services, EPIC 'Ohana, and one individual.

Your Committee finds that limiting support and care access for children in the State's foster care system to the child's parents and siblings cuts off important additional support that can be provided by the child's extended family members, such as grandparents. Your Committee further finds that additional steps are needed to identify and address the harm suffered by children who witness or are victims of acts of domestic violence in their family homes. This measure is intended to strengthen the State's Child Protective Act, which will help ensure that the well-being of vulnerable children in the foster care system is placed first and foremost.

Your Committee has amended this measure by:

- (1) Deleting language that required an independent evaluation of a child's parents before a child is returned to the child's family home, under certain conditions;
- (2) Deleting language that vested a child's biological grandparents with the same rights and duties of a child's biological parents, in cases where the biological parents are deceased;



- (3) Inserting language authorizing visitation by grandparents only when denial of reasonable grandparent visitation would cause significant harm to the child;
- (4) Deleting language that amended the definition of "aggravated circumstances";
- (5) Deleting language that amended the definition of "family" to include biological grandparents in cases where a child's biological parents are deceased;
- (6) Requiring safe family home factors to include evaluations conducted by a domestic violence service provider with certain specialized training, rather than an independent provider;
- (7) Requiring interviews and documentation provided by family members to be included in the written report filed by the Department of Human Services with the court, rather than requiring the Department to follow up with this information;
- (8) Deleting language that required the Department of Human Services to provide a full investigative report of all people in a child's life;
- (9) Deleting language that required the Department of Human Services to include family input and an independent evaluation in the factors considered when closing an investigation after receiving a report of alleged harm to a child;
- (10) Inserting language requiring a service plan to include evaluations of the parents by a domestic violence service provider with certain specialized training in cases of alleged or confirmed domestic violence;
- (11) Deleting language that required the Department of Human Services and social workers employed by the Department to act without bias or prejudice;
- (12) Changing the effective date to June 30, 3000, to encourage further discussion; and

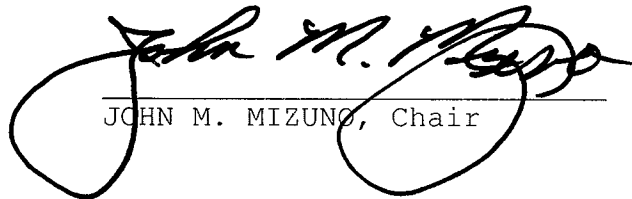


- (13) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider defining "specialized training" or inserting a more appropriate term. Your Committee further requests your Committee on Judiciary & Hawaiian Affairs to consider whether the definition of "aggravated circumstances" may be amended to include language to safeguard children experiencing physical, mental, and emotional harm, or children who have been physically, mentally, or emotionally abused, or have witnessed such abuse in the family home.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 879, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 879, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



JOHN M. MIZUNO, Chair



HB 148

Record of Votes of the Committee on Human Services

Bill/Resolution No.: <i>HB 879</i>	Committee Referral: <i>HUS, JHA, FIN</i>	Date: <i>2/2/23</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. AMATO, Terez (VC)				/
3. BELATTI, Della Au	/			
4. ILAGAN, Greggor	/			
5. KOBAYASHI, Bertrand	/			
6. TAKENOUCHI, Jenna	/			
7. NISHIMOTO, Scott Y.	/			
8. GARCIA, Diamond		/		
TOTAL (8)	<i>6</i>	<i>1</i>		<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				