



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**  
S.B. NO. 2678, RELATING TO CHILD WELFARE SERVICES.

**BEFORE THE:**  
SENATE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 6, 2026                    **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFER(S):** Anne E. Lopez, Attorney General, or  
Derek D. Peterson, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This bill establishes a working group within the Judiciary to examine legal services for youth in child welfare cases. The bill appropriates general funds to support the work of the group, which is tasked with examining how other jurisdictions provide legal services to foster youth and considering ways to implement the recommendations of the Malama Ohana Working Group (MOWG) that was established by Act 86, Session Laws of Hawaii (SLH) 2023.

The bill specifies that the working group shall be composed of specific members, detailed in section 2(c) on pages 3-4 of the bill. On page 4, lines 3-5, the bill includes as members of the working group two representatives of the MOWG to be designated by the co-chairs of the MOWG.

The Department notes that Act 86, SLH 2023, provided for the dissolution of the MOWG following the end of the 2025 regular session. As a result, the MOWG no longer exists as a formal body, and the former co-chairs are no longer in those positions. Accordingly, we recommend amending section 2(c)(8), page 4, lines 3-5, to provide for an alternate selection of the two representatives.

The Department also notes that section 2(c)(10), page 4, lines 9-11, references "experts" and "expertise" without defining either term, which could create confusion

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Thirty-Third Legislature, 2026

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regarding who qualifies to serve on the working group. To provide clarity, we recommend amending this provision as follows: "Three or more individuals with lived experience in navigating the state child welfare system while minors[.]"

These changes would remove ambiguities and ensure the working group is properly structured to fulfill its mandate.

Thank you for the opportunity to provide comments.



***The Judiciary, State of Hawai'i***  
***Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i***

**Testimony to the Thirty-Third Legislature, 2026 Regular Session**

**Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Friday, February 6, 2026 at 9:00 a.m.

State Capitol, Conference Room 016 & Videoconference

By

Dyan M. Medeiros

Senior Judge, Deputy Chief Judge

Luna Kānāwai 'Ohana Nui

Family Court of the First Circuit

'Aha Ho'okolokolo 'Ohana o ke Ka'apuni 'Ekahi

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2678, Relating to Child Welfare Services.

**Purpose:** Establishes a working group within the Judiciary to improve family court processes, including access to legal representation for youth in the child welfare system. Appropriates funds for the working group.

**Judiciary's Position:**

The Judiciary supports Senate Bill No. 2678, and the creation of a working group. The Judiciary would request that the appropriation include funding for a site visit, report writing, working group facilitator, and paid compensation for those working group members with lived experience as identified in Section 2(c)(10) and (11).

The Judiciary observes that Senate Bill No. 2678 is substantially similar to House Bill No. 900, which was carried over from the 2025 legislative session. Prior testimony submitted with respect to House Bill No. 900 cited to a report available at <https://counselforkids.org/wp->



Senate Bill No. 2678, Relating to Child Welfare Services

Senate Committee on Judiciary

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<content/uploads/2025/12/Version-2.9-Updated-Model-of-Rep-Chart-December-2025.pdf> for the proposition that Hawai‘i is one of five states that does not currently guarantee the right to legal counsel for youth in child welfare cases. The Judiciary respectfully disagrees with the accuracy of that statement. As is shown in the linked chart, 16 states strictly provide what are referred to as “best interest” attorneys for children in child welfare cases. In contrast, only 12 states provide “stated interest” attorneys and 10 states have other approaches to attorney representation.

Under Hawai‘i Revised Statutes (HRS) § 587A-16, the court is required to, and does, appoint a Guardian Ad Litem (GAL) to represent the best interests of every child. The GAL must serve throughout the duration of the case. In the First Circuit, approximately 75% of the GAL appointments currently go to licensed attorneys through service contracts. In other words, Hawai‘i’s current system is substantially similar to the appointment of a “best interest” attorney. These licensed attorneys are able to perform duties one would normally expect of attorneys such as conducting discovery, calling witnesses, cross examining other parties’ witnesses, filing motions, proffering evidence, and making oral arguments in court. Approximately 25% of the remaining GAL appointments are covered by the Judiciary’s Court Appointed Special Advocate (CASA) program. CASAs are citizen volunteers that are supported by full-time staff, which when fully staffed includes eight social worker positions. The CASA program is able to, and does, retain counsel to represent them in court. Notwithstanding the requirement that GALs be appointed to represent the child’s best interest in all child welfare cases, GALs generally also inform the Court of the child’s wishes when they differ. Further, on a case-by-case basis, the Family Court can and has appointed counsel to represent a child’s stated interest.

Given the fact that GALs currently do substantially similar work as some forms of court appointed counsel for youth, to the extent the working group ultimately recommends that the state transition away from the GAL model in favor of a counsel for youth model, the Judiciary is concerned that an active GAL on the working group might preclude that GAL from bidding for a future procurement of the new form of service due to procurement rules. As a result, actively serving GALs may not be willing to serve on the Working Group. As such, the Judiciary respectfully suggests that the requirement under Section 2(c)(6)—that one of the working group members is an actively serving GAL—be stricken from the bill.

Lastly, the Judiciary understands that serving as a court appointed counsel for youth may require presently unforeseen changes to related rules or regulations. For example, if the working group recommends that court appointed counsel for youth may represent multiple children in the same case, then modifications or clarifications regarding conflicts of interest within the rules of professional conduct may need to be made. Additional issues such as attorney client privilege, which does not apply to a GAL, may likewise require deliberation. Altogether, the Judiciary anticipates that other issues requiring the expertise of other individuals may arise as the working group progresses. For this reason, the Judiciary suggests that the measure be modified to allow the co-chairs of the working group to invite other people the co-chairs believe will assist in fulfilling the working group’s duties pursuant to subsection 1 to serve as working group members. As an example, while the Judiciary is recommending that Section 2(c)(6) be stricken



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from this measure as explained above, if the co-chairs are able to identify an actively serving GAL who is willing to serve as a working group member despite the possible future procurement issues, this particular provision will provide the flexibility to add that GAL.

Thank you for the opportunity to provide testimony on this matter.



**STATE OF HAWAII  
OFFICE OF WELLNESS AND RESILIENCE  
OFFICE OF THE GOVERNOR  
415 S. BERETANIA ST. #415  
HONOLULU, HAWAII 96813**

**Testimony on S.B. 2678  
RELATING TO CHILD WELFARE SERVICES**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Senate Committee on Judiciary

February 6, 2026, at 9:00 a.m.; Room Number: 016

The Office of Wellness and Resilience (OWR) **Supports** S.B. 2678, Relating to Child Welfare Services and respectfully defers to the Judiciary.

The mission of the Office of Wellness and Resilience is to strengthen state systems and services by advancing hope-centered principles and supporting Hawai‘i’s transition toward becoming a trauma-informed state. As the state agency that administered the Mālama ‘Ohana Working Group, our office had the privilege of working closely with individuals with lived experience and expertise in the child welfare system, as well as with state departments and community partners. The recommendations in the Mālama ‘Ohana Working Group Report center the voices and experiences of children and families most impacted by the system.

***Positive outcomes for youth with legal representation.*** This measure aligns with Section VI of the Mālama ‘Ohana Working Group Report, which recommends strengthening the family court

process for child welfare cases.<sup>1</sup> Throughout the Working Group’s discussions, individuals with lived experience in foster care shared that they often faced life-altering decisions without legal guidance or an advocate to ensure their needs -were heard.

Research shows that providing legal representation to young people in foster care not only empowers them to understand their rights and participate meaningfully in court proceedings, but also leads to improved outcomes. These include faster permanency—whether through reunification or adoption, greater placement stability, and better access to needed services.<sup>2</sup>

H.B. 1565 creates an opportunity for those with lived expertise to collaborate with the Judiciary, Child Welfare Services, and the Department of the Attorney General to advance this shared vision for Hawai‘i’s keiki and ‘ohana.

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

Tia L.R. Hartsock, MSW, MSCJA  
Director, Office of Wellness & Resilience

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<sup>1</sup> Mālama ‘Ohana Working Group. (2024). *Mālama ‘ohana working group report to the legislature: Findings and recommendations of the Mālama ‘ohana working group*. State of Hawai‘i. Retrieved from [https://owr.hawaii.gov/wp-content/uploads/2025/01/OWR-MOWG\\_2024Report\\_Combined.pdf](https://owr.hawaii.gov/wp-content/uploads/2025/01/OWR-MOWG_2024Report_Combined.pdf)

<sup>2</sup> Orlebeke, B., Zhou, X., Skyles, A., & Zinn, A. (2016). Evaluation of the QIC-ChildRepBest Practices Model Training for Attorneys Representing Children in the Child Welfare System. Chicago, IL: Chapin Hall at the University of Chicago.



Aloha Chair Karl Rhoads, Vice Chair Mike Gabbard, and Members of the Committee,

My name is Patricia "Patty" Chin. I serve as the HI H.O.P.E.S. (Hawai'i Helping Our People Envision Success) Initiative Manager at EPIC 'Ohana. The initiative is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital.

I am submitting testimony in strong support of SB2678, which seeks to establish a working group to enhance legal representation for youth in foster care. I also want to note that HB1565, the companion bill in the House, passed its committee hearing on Tuesday (02/03/26) with amendments. One of those amendments was to remove the Guardian Ad Litem (GAL) from the list of designated working group members. While we understand the Judiciary's concerns about potential conflicts of interest for active GALs, we believe the working group would be strengthened by the inclusion of a former GAL. A former GAL can offer critical insight into how representation currently functions, where gaps exist, and how the system can evolve to better support youth voice, rights, and well-being—without the procurement or contractual limitations that apply to active GALs. For this reason, we are advocating for the working group membership to include a former GAL.

Research from States that have already implemented Counsel for Youth shows clear, measurable benefits. Youth are 40% more likely to exit foster care within 6 months and 45% more likely to reunify with their biological parents. They also experience 30% fewer placement moves, along with 65% fewer unnecessary school moves, demonstrating the stability and improved outcomes that legal representation can provide. These outcomes represent more than numbers. They represent stability, healing, and hope.

In my work, I have the privilege of partnering with current and former foster youth across Hawai'i. I listen to their stories, their frustrations, and their dreams for a better system. One theme emerges again and again that youth are often left uninformed about their Child Welfare cases and excluded from decisions that profoundly shape their lives. Just as concerning, I frequently hear young people say that their future feels like they are left up to chance. Chance that someone happens to be in their corner, chance that an adult chooses to advocate for their needs and wants, chance that someone listens. No young person's future should depend on chance. As a former foster youth myself (2005 - 2013), these stories are painfully familiar. While I was grateful to have a Guardian Ad Litem, I now recognize how limited my interactions were and how little I understood her role. I did not understand the decisions being made about me. I did not have the support I needed to meaningfully participate in my own case. With the knowledge I have today, I firmly believe that legal representation would have allowed me to be more engaged, more informed, and more empowered and that it could have prevented some of the trauma my family and I experienced.



SB2678 is a meaningful step toward ensuring that no young person must navigate the system in the dark or rely on chance to be heard. It affirms that youth deserve to be seen, heard, and supported. It signals that they will not simply be talked about but truly listened to. They will not just be guided but empowered. That they will not only be present but represented. For these reasons, the HI H.O.P.E.S. Initiative stands in strong support of SB2678 and respectfully urge you to pass this bill. Mahalo, for your time, consideration, and commitment to Hawai'i's youth.

*Patrícia "Patty" Chin*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)

**EPIC**  
**‘OHANA**

TO: Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

HEARING: Friday, February 6, 2026  
9:00 AM  
Conference Room 016

FROM: Sharla-Ann Houlding, EPIC 'Ohana, HI H.O.P.E.S. Initiative

RE: Testimony in SUPPORT of SB2678 – Relating to Child Welfare Services

My name is Sharla-Ann Houlding. I am the Supervisor for the HI H.O.P.E.S. Initiative, whose mission is to educate, advocate and collaborate for improvements to the foster care system and promote better outcomes for youth in foster care. I am submitting testimony in strong support of SB2678 and its intent to appropriate funds to establish a working group to improve family court processes, including access to legal representation for youth in the child welfare system.

Children and youth in the child welfare system are among the most vulnerable members of our society. Many have experienced significant trauma, instability, and uncertainty due to circumstances entirely beyond their control. Yet, despite being the central focus of child welfare cases, foster youth are often provided with little to no information about their own case, the legal process, or the timeline regarding decisions being made on their behalf. This lack of transparency leaves young people feeling confused, frustrated, powerless, and it frequently results in disengagement from social workers, Guardians ad Litem (GALs), and other professionals who are making life-altering decisions about their future.

I have worked with youth and families involved in the child welfare system for over 17 years. During that time, I have consistently heard young people express that they feel uninformed and excluded from their own child welfare case. Many have reported being left out of case planning and court proceedings, feeling as though their voices do not matter in decisions that directly impact where they live, who they see, and what their future looks like. Even more concerning is the fact that some young adults have shared that when they attempted to voice safety concerns, those concerns were dismissed or minimized—leaving them even more vulnerable and exposed to continued harm.

Research supports the notion that providing skilled legal representation to children and youth in foster care leads to significantly better outcomes including:

- **Improved court participation and satisfaction:** although every child in foster care is appointed a GAL or Court-Appointed Special Advocate (CASA), neither of these entities directly represent the child's voice—they advocate what *they* feel is in the child's best interests. Additionally, these entities are ***not*** bound by attorney-client privilege as they do not legally represent the child in court, so they may be called to testify and disclose

information the child did not want disclosed openly in court. However, when a young person has their own state-licensed attorney that they can express their wishes, views, and needs to, who they know will advocate for what they want, the young person is more likely to engage in court proceedings, which provides judges with a comprehensive picture of all perspectives when making decisions.

- **Increased rates of family reunification:** a 2008 study by the Chapin Hall Center for Children at the University of Chicago found that children who had legal representation through a multidisciplinary team approach were more than 40% successful in exiting foster care to permanency (i.e., reunification, legal guardianship, or adoption) and did not have to “age out” as a ward of the court.
- **Reduced time in foster care:** a study conducted by QIC-ChildRep found that children who were represented by an experienced attorney who completed their specialized training were 40% more likely to exit the system by achieving permanency within six months as compared to children whose attorneys did not receive the same training. This has been demonstrated to save state systems time, money, and valuable resources.
- **Better educational and well-being outcomes:** a 2021 evaluation in Washington State found that youth in foster care with attorneys were 65% less likely to experience an unnecessary change in their school and 30% less likely to experience a change in foster homes as compared to their peers who did not have legal representation in court

While the majority of states around the country guarantee legal representation for all children involved in the child welfare system, there are many that still do not, Hawai‘i being one of them. We have hit a critical point for children who have been impacted by the child welfare system. We know the names of the children in cases where legal advocacy could have saved their lives. We must not let their suffering be wasted lessons. We have the responsibility to change policies for children and youth who will be forced to enter foster care in the future by drawing upon the lessons we have learned from the children we have failed.

By passing this bill, Hawai‘i has the opportunity to focus on providing the necessary support and resources to protect the rights, safety, and well-being of children in foster care. Passing this bill will ensure youth voices are uplifted and their rights are honored and upheld. Providing legal counsel to youth goes beyond advocacy—it is about social justice, fairness, equality, and the recognition that every child deserves to have a voice and direct input regarding the decisions that will profoundly impact their lives and their future.

I respectfully ask that the Committee pass SB2678 to ensure that our children in the child welfare system are equipped with the proper tools and resources to navigate a very complex system and learn to advocate for their rights. Thank you for your time, consideration, and for the opportunity to testify.

With my deepest gratitude and aloha,  
Sharla-Ann Houlding, LCSW  
EPIC ‘Ohana, HI H.O.P.E.S. Initiative

Aloha Chair Lisa Marten, Vice Chair Ikaika Olds, and Members of the Committee,

My name is Jheresa Sembrano. I serve as the HI H.O.P.E.S. Specialist for Kaua'i. HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As the HI H.O.P.E.S. Specialist for Kaua'i part of my kuleana is to support the work of the Youth Leadership Board Members on Kaua'i whose mission is to educate, advocate, and collaborate for improvements to the foster care system and promote better outcomes for foster youth.

I am submitting testimony in strong support of SB2678 and its intent to establish a working group to enhance legal representation for youth in foster care. I recently began working in my role supporting youth and families involved in the foster care system. While I do not have lived experience myself, I have grown up alongside family members and friends who have been in foster care, and their journeys have given me a deep commitment to step up and support those who need it. Through hearing their stories, one challenge consistently stands out: many youths are left uninformed about the child welfare and legal processes that directly affect their lives. Providing legal counsel would not only help young people understand their rights but also build their confidence. This bill creates a pathway for youth to find their own leo (voice) and feel empowered to share their mana'o (thoughts), encouraging them to make informed decisions about their futures.

Mahalo nui loa for your time and consideration of these important issues. I respectfully ask that you pass SB2678 so that all youth in Hawai'i's Child Welfare System have the representation and voice they deserve.

*Jheresa K. Sembrano*



Aloha,

My name is Blakelee Estacio, and I'm a 21-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as President of the Kaua'i HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in strong support of SB2678 which seeks to establish a working group to enhance legal representation for youth in foster care. I support this bill because it is important to ensure that youth's voices are being heard in the decisions that impact our lives. Being able to have legal representation would also allow youth to have access to different support systems.

Mahalo, for your time and consideration of these important issues. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System have the representation and voice they deserve. Mahalo, for listening.

*Blakelee Estacio*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Kanioloihouniamaikaainaloa "Aina" Torcato, and I'm a 22-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as Historian of the Kaua'i HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678, which seeks to establish a working group to enhance legal representation for youth in foster care. I support this bill because youth should have a say in what their future holds for them.

Mahalo, for your time and consideration of these important issues. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System have the representation and voice they deserve. Mahalo, for listening.

*Kanioloihouniamaikaainaloa "Aina" Torcato*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha Kakou,

My name is Anastasia “Ana” Neumann, and I’m a 24-year-old advocate with lived experience in Hawai‘i’s Child Welfare System. I currently serve as President of the O‘ahu HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai‘i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who’ve experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai‘i’s Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678 I support this bill because it will give youth in the Child Welfare System access to legal representation, improve family court processes to be fairer and youth-friendly, and ensure that youth voices are heard in decisions that directly affect our lives. When I was in care, I often felt confused and powerless during court proceedings because no one was there solely to represent my interests or explain what was happening. Having legal counsel would have helped me better understand my rights, feel safer speaking up, and trust that my voice truly mattered.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai‘i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai‘i’s Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*Anastasia “Ana” Neumann*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Destiny-Jade Roberts-Wada, and I'm an 18-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the O'ahu HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678. I support this bill because it will give youth in the Child Welfare System access to legal representation and ensure that youth voices are heard in decisions that directly affect our lives. When I was in care, having legal counsel would have helped me feel like I was part of the decisions that impacted my life and not just simply hope that my Guardian Ad Litem (G.A.L.) has the same plans for my life that I did.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*Destiny-Jade Roberts-Wada*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Serenity Soto and I'm a 17-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the O'ahu HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678. This bill is important because it ensures that youth in the Child Welfare System have access to legal representation, which is something many of us currently lack. Having an attorney would help make family court processes more fair, transparent, and youth-friendly, while also ensuring that young people's voices are heard and respected in decisions that directly impact our lives. When I was in care, I often felt disconnected from my own case. Important decisions were made about my future without my full understanding or meaningful involvement. If I had legal counsel and was more involved in my case, I would have felt more connected, more informed, and more confident that my voice truly mattered. Youth deserve to understand what is happening in their cases and to have someone who can advocate for their rights and best interests.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*Serenity Soto*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Aponi Boyer and I'm a 25-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the Maui HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678. I support this bill because it will give youth in the Child Welfare System access to legal representation. When I was in care, I wish I had an attorney who advocated for me in the best way possible. I often felt that I had no one on my side when it came to my wants and needs while in foster care of being reunited with my grandpa. If I had access to legal representation, I feel that I would have been reunified with my grandpa. Reunifying with my grandpa would have helped me feel like I belonged somewhere and have better support in connecting with my biological family as I navigated adulthood.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*Aponi Boyer*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Keira Arcangel, and I'm a 21-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the Maui HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678. I support this bill because it will give youth in the Child Welfare System access to legal representation and ensure that youth voices are heard in decisions that directly affect our lives. When I was in care, I really wish I had an attorney who actually fought for what I wanted and needed. My GAL kept saying it was in my "best interest" to stay in a home that I knew wasn't good for me, even though I kept speaking up about the psychological harm I was going through. She was the only person who had the power to help me leave, but because she saw things like me having my own room and being involved in school, she decided that was enough – even after I tried over and over to explain what was really happening. If I had my own attorney, someone whose job was to listen to me and advocate for my voice, I honestly believe things would have been different. I wouldn't still be dealing with the impact of that experience now as an adult.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*Keira Arcangel*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is James Lee. I am a youth with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the East Hawai'i HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678. I am writing in support of this bill because I believe that it will help give youth in the Child Welfare System access to legal representation and make sure that youth voices are heard in discussions that will affect us. When I first got put in the foster care system, I felt lost and did not feel represented looking back. I wish I had an attorney to help support and represent me.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*James Lee*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Kaprice Kuhl and I'm a 21-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the West Hawai'i HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678. I support this bill because it will give youth in foster care, a legal voice, one that is often not heard or uplifted. I was 12 years old when I was taken into foster care and was 14 years old when the idea of going into guardianship was proposed to me. At the time, it was advertised as the perfect solution to all the instability and uncertainty of my Child Welfare case. With everyone, from my resource caregiver to my guardian ad litem telling me it was the best thing to do, I agreed with no hesitation. Shortly after gaining guardianship over me, my guardian began to show her true colors. Things only got more and more difficult until I turned 18 and left. This same situation also happened to two of my foster brothers who are still in that home today. Who knows how many kids in care have experienced similar, if not worse situations? I now realize guardianship was not the best thing for me as a child; it was only the best thing for the Child Welfare case. If I had a lawyer back then, they could explain the guardianship situation, help me realize exactly what that meant, and advocate for what I wanted in the court, which was not that. If I had a lawyer back then, I could have avoided the next four grueling years when I was stuck with my guardian. With this bill, making it mandatory for the youth to have legal representation within their case will create better, more child-focused, outcomes. That way, no kid is looked at as just another case number.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System have the representation and a voice they deserve.

*Kaprice Kuhl*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Kysha Rae Pacheco-Paglinawan, and I'm a 22-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the West Hawai'i HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB2678. I support this bill because it will amplify youth's voices and meaningfully represent their position within the court, which will directly benefit them during their time in foster care. This bill will also improve access to services and resources being provided to the youth, which will allow youth in care to feel more equitable with their peers. I believe this bill is essential to ensuring that youth are not only present within these spaces but truly listened to and so that others take accountability over them. When I was in care, I rarely felt that my voice was rarely considered or taken seriously. Decisions were made on my behalf by the adults who believed that they knew what was best for me. However, through constant challenges, and countless conversations, I made the effort to ensure that the adults around me knew of my circumstances and best interests through my perspective. Our voices matter--especially as we are the ones most often overlooked.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB2678 out of committee so that all youth in Hawai'i's Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*Kysha Rae Pacheco-Paglinawan*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)





Aloha,

My name is Elena Barr, and I'm a 21-year-old advocate with lived experience in Hawai'i's Child Welfare System. I currently serve as a Board Member of the West Hawai'i HI H.O.P.E.S. Youth Leadership Board, where I work alongside other young leaders to uplift foster youth voices and drive meaningful change.

HI H.O.P.E.S.—which stands for Hawai'i Helping Our People Envision Success—is a statewide initiative dedicated to ensuring that young people who've experienced foster care, especially those ages 14 to 26, have the relationships, resources, and opportunities they need to thrive. We partner with public and private organizations at both the state and local levels to improve policies and practices, promote youth voice and leadership, apply research and evaluation, and build strong community connections. Our work centers on creating pathways to success in areas like permanency, education, employment, housing, health, financial capability, and social capital. As Youth Leadership Board Members, we are committed to educating, advocating, and collaborating to transform the foster care system and improve outcomes for current and former foster youth. The HI H.O.P.E.S. Youth Boards also serve as the official youth advisory council to the Child Welfare Services Branch of Hawai'i's Department of Human Services—ensuring that youth perspectives help shape the very systems that impact our lives.

I am submitting testimony in support of SB 2678. I support this bill because it will make sure that youth voice is valued and heard in decisions that affect us and them. When I was in foster care, it was very hard to make sure my voice was heard and it was difficult for me to have someone hear me out, listen to what I needed, and to be by my side. It was also so stressful to not have a say about decisions that had to do with me about things that would affect me and my life. Not being heard made me feel like I was like a rag doll in the system; the same system that is supposed to be there for kids and help them.

Thank you for taking the time to consider this important issue and for your commitment to foster youth in Hawai'i. I respectfully ask that you pass SB 2678 out of committee so that all youth in Hawai'i's Child Welfare System are guaranteed meaningful representation and the opportunity to have their voices heard in decisions that shape their futures.

*Elena Barr*

1130 N. Nimitz Hwy., Ste. C-210 Honolulu, HI 96817  
Phone: (808)838 - 7752 | Email: [epic@epicohana.org](mailto:epic@epicohana.org)



**Testimony in Support of SB2678  
Relating to Child Welfare Services  
Keiki Caucus; Judiciary; Child Welfare System; Legal Services for Youth**

Aloha Chair, Vice Chair, and Members of the Committee,

My name is **Venus Kau‘iokawēkiu Rosete-Medeiros**, and I am the President and CEO of **Hale Kipa**, a Hawai‘i-based nonprofit that has served vulnerable youth and families for over 55 years. I am writing in **strong support of SB2678**.

Every day, young people in Hawai‘i’s child welfare system are asked to navigate life-changing decisions where they will live, whether they can stay connected to siblings, where they will attend school, and when or if they will return home. Too often, these decisions are made **without the youth having legal guidance or an advocate whose sole responsibility is to represent their wishes and protect their rights**.

There have been many instances in our youth shelters where young people have shared that they felt unheard, lacked a clear understanding of their legal cases, and experienced a sense of isolation throughout the process. There is such a need to help these youth navigate the child welfare system and complex and unfamiliar court system.

SB2678 takes an important step forward by establishing a working group within the Judiciary to improve family court processes, including access to legal representation for youth in the child welfare system. This bill recognizes a fundamental truth: **youth deserve to be seen, heard, and meaningfully included in decisions that shape their lives**.

When youth have an attorney, the impact is profound. Research consistently shows that youth with legal representation experience better outcomes, including:

- **40% greater likelihood of exiting foster care within six months**
- **45% higher rates of reunification with biological parents**
- **30% fewer placement changes**
- **65% fewer unnecessary school moves**

These outcomes are not abstract statistics they reflect **greater stability, improved safety, and stronger long-term well-being** for our keiki.

Today, Hawai‘i remains one of only **13 states** where foster youth do not yet have a guaranteed right to their own attorney. SB2678 represents a meaningful opportunity for Hawai‘i to lead with compassion, equity, and accountability by examining how our family court system can better serve the voices and needs of young people.

As someone who works closely with youth who have experienced trauma, instability, and loss, I can say with confidence: **having a trusted legal advocate can be life-changing**. It can be the difference between feeling powerless and feeling protected; between being spoken about and being spoken with.

I respectfully urge you to support SB2678 and invest in a child welfare system that honors the dignity, rights, and voices of our keiki.

Mahalo for your commitment to Hawai‘i’s children and families.

Me ka ha‘aha‘a,

A handwritten signature in black ink, appearing to read "Venus Kau'iokawēkiu Rosete-Medeiros".

**Venus Kau‘iokawēkiu Rosete-Medeiros**  
President & CEO, Hale Kipa



**TO:** Chair Rhoads, Vice Chair Gabbard, members of the House Committee on Human Services & Homelessness

**FROM:** Dana Matsunami, Child Welfare Attorney at the National Center for Youth Law

**RE:** Testimony in support of SB 2678 Relating to Child Welfare Services

Aloha e Committee Members,

My name is Dana Matsunami, I am an attorney at the National Center for Youth Law where I focus on issues relating to foster care in our state. I am testifying in support of SB 2678, which creates a working group to explore and advance youth in foster care's access to meaningful legal representation in their child welfare case.

In my work, I have had the privilege of collaborating with current and former foster youth throughout Hawai'i to hear their stories, challenges, and visions for a better future. These conversations are not easy. Youth have shared harm they experienced during their child welfare case and the lasting impact on their lives. There are themes: many share that they were left in the dark about their case; experienced abuse while in foster care but feared retaliation if they sought help; and had vital decisions made about their lives without their knowledge or input, causing lasting trust issues and trauma. We know from the brave personal stories of youth, the tragedies that have occurred in our state, and the hard work of community partners that youth in Hawai'i's foster care system can experience terrible—sometimes tragic—outcomes. We also know that child welfare interventions overwhelmingly disrupt the lives of Native Hawaiian families. It is, as one former Hawai'i foster youth put it, "a system of luck," where some get lucky and escape the worst outcomes, but many do not.

Children and youth have legal rights while in foster care, including a right to family integrity, community connection, and safety. However, under current state, youth in Hawai'i can be removed from their families, communities, and homes; separated from siblings; placed in state custody; prevented from attending extracurricular activities; forced to change schools; permanently legally severed from their parents; and more, all without a lawyer or an advocate who is required to advocate for what the youth wants and needs. Advancing effective, culturally-responsive, and well-trained legal representation to youth in child welfare cases is an essential step to ensuring youth voices are heard and that their rights are upheld. As one youth said, "how can you make decisions that change our lives forever without ever even hearing from us?"

The importance of youth representation in child welfare cases is backed up by research. Access to counsel makes a world of difference: children represented by specifically trained legal counsel are 40% more likely to leave the foster system within their first six months and experience a 45% higher reunification rate with their biological parents. They also experience a 30% reduction in the rate of placement moves, and 65% reduction in the rate of unnecessary school moves. By creating a working group—guided by youth lived experts—to explore a model of representation that serves Hawai'i's unique legal and cultural needs, this bill works toward our shared goals of keeping youth safe and families and communities together.

*Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.*

To: Senate Committee on Judiciary  
RE: **SB2678 Relating to Child Welfare**  
Hawaii State Capitol & Videoconference  
February 6, 2026; 9:00 AM

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the committee,

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, I am writing in **SUPPORT of SB2678** which would establish a working group within the Judiciary to improve family court processes, including access to legal representation for youth in the child welfare system.

This bill represents an important step towards establishing legal counsel for youth in the child welfare system in Hawai'i. Hawai'i is one of only 13 states that does not guarantee foster youth the right to legal representation in their court proceedings.

This bill establishes a working group to advance access to legal representation for foster youth, ensuring they are included in decisions affecting their lives and that their rights are consistently protected throughout their cases. These cases involve decisions that profoundly impact a young person's safety, family connections, and future. Foster youth deserve a meaningful voice in these proceedings.

Youth with legal counsel have better outcomes, including 40% more likely to exit the foster system within 6 months, 45% more likely to reunify with biological parents, and 65% fewer unnecessary school moves.<sup>1</sup> This bill helps to ensure that youth have legal counsel to help them understand their rights, amplify their voice in court, and assist in supported decision making. These outcomes promote greater stability and safety for youth and contribute to their long-term well-being.

Firsthand accounts shared by youth lived experts<sup>2</sup> in Hawai'i as well as national research<sup>3</sup> finds that legal counsel for children is necessary to improve the safety and well-being of children and youth involved in the child welfare system. Children and youth facing the challenges and trauma of navigating the child welfare system deserve to have their voices heard and to be listened to regarding the course of their lives.

Mahalo for the opportunity to provide this testimony. Please support this bill.

Sincerely,

Nicole Woo  
Director of Research & Economic Policy

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<sup>1</sup> National Association of Counsel for Children (URL: <https://improvechildrep.org/Home.aspx>)

<sup>2</sup> Mālama 'Ohana Working Group Final Report and Recommendations (URL: <https://www.malamaohana.net/>)

<sup>3</sup> National Association of Counsel for Children (URL: <https://improvechildrep.org/Home.aspx>)

**SB-2678**

Submitted on: 2/4/2026 2:19:22 PM  
Testimony for JDC on 2/6/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lila Mower	Individual	Support	Written Testimony Only

**Comments:**

I strongly support this measure.

**Judith F. Clark**  
48-218 Kamehameha Highway  
808-499-9966  
[Judithforceclark@gmail.com](mailto:Judithforceclark@gmail.com)  
Kaneohe, Hawaii 96744

February 2, 2026

To: Representative Karl Rhoads, Chair  
And members of the Committee on Judiciary

**Testimony in Support of SB 2678 Relating to Child Welfare Services**

As a community advocate and the former Executive Director of Hawaii Youth Services Network, I support SB 2678.

The Malama Ohana Work Group's report contains recommendations to strengthen the Family Court process in child welfare cases. This includes reducing delays in legal proceedings and ensuring access to legal representation for youth.

Hawai'i is 1 of 13 states where foster youth do not have the right to an attorney in their court cases. Our youth deserve more. They deserve to be heard in decisions about their lives, their families, and their futures. This bill creates a working group to advance foster youths' access to legal representation, to ensure youth are included in decisions and that their rights are upheld in their cases.

Youth with lawyers have better outcomes, including 40% more likely to exit the foster system within 6 months, 45% more likely to reunify with biological parents, and 65% fewer unnecessary school moves.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH

## FOSTER CHILDREN IN HAWAII AND THEIR RIGHT TO COUNSEL

According to the Department of Human Services, more than 4200 children went through the foster care system in Hawaii in 2003. Of the children in foster care, a significant number of them are also wards of the State of Hawaii. That is, they have no responsible adult or parent to serve as their legal guardian. The State of Hawaii is their legal guardian and that duty is largely discharged by the DHS social worker assigned to the child and the attendant family court case.

If your child, who is not in foster care, suffers and injury or harm at the hands of another, such as an automobile accident, schoolyard fall etc., you as the parent may choose to consult a lawyer on your child's behalf to see if the child has a claim for damages. In the event a lawyer decides there is a claim, he will appoint you to serve as your child's *prochien ami*, or next friend, so that the claim can be filed in court. In Hawaii a minor under 18 years of age cannot hire a lawyer on his own and can only be represented if the court approves a responsible adult or parent to act on his or her behalf.

If a child in foster care who is also a ward of the State of Hawaii is involved in an accident or otherwise suffers harm, the paradigm changes dramatically. First of all, if there are physical injuries involved requiring medical care, the State of Hawaii steps in and pays the medical bills through the Department of Human Services MedQuest program. However, there is no one present in the child's life at this point that has the legal authority to act on the child's behalf and in their best interest to investigate if there is a claim for damages. If there is a Volunteer Guardian Ad Litem involved with the child, the local office has taken the position that it is out side the authority of the VGAL to act in this area or to even investigate a possible claim for the child. The Department of Social Services has taken the position in at least several cases that it isn't their responsibility to even report such an injury let alone seek an independent voice to represent the best interests of the child and investigate a possible claim. Most troublesome of all, if the State of Hawaii discovers there is an insurance company involved, they will seek to "represent" the child in a claim for damages but only to the extent that they are able to recover back the "out of pocket" expenses they incurred by extending the MedQuest benefits to the injured child. The State of Hawaii is certainly entitled to try and assert their lien rights in such a case by attempting to secure reimbursement for their medical costs. However, they ethically cannot do that while standing in the child's shoes, pretending to be the child's lawyer on one hand, and their own lawyer on the other. The old adage that you cannot serve two masters applies here. The child should be entitled to their own independent voice and counsel who would seek full recovery for any claims of damage they might have against a third party who caused the injury, not simply limited to recovering their medical expenses for the purpose of reimbursing the State of Hawaii. That is the Attorney General's job, but not as the lawyer for the child.

Under the present system an entire class of children has been fundamentally disenfranchised of their right to counsel in the event they suffer injury at the hands of another because they had the misfortune of becoming wards of the State through no fault of their own.

There is, however, a remedy at hand that could go a long way to mitigate this troubling injustice, variations of which have been tested and proved effective in other Family Court jurisdictions. We first need to have in place, by way of a Rule or Order change in the Family Court a reporting mechanism to insure that in each and every instance where harm occurs to a foster child who is a ward of the State of Hawaii, it is reported to the judge presiding over the case in Family Court. In my view, the most logical person who should be mandated to make such a report is the DHS social worker assigned to the child. That is the individual who should be most knowledgeable about the child's circumstances and who will be involved in submitting or approving any medical bills for payment that arise from accidental harm. In order for such a rule revision or standing order to be meaningful, such a requirement must have sanctions attached for the failure to report such harm.

There is already precedent in this area as we know that law enforcement personal, social workers, school personal and physicians are all mandated persons required by law to report suspected child abuse.

As we know, some children in foster care are injured while in foster care, either because of intentional misconduct on the part of the foster family and or because of negligence on the part of the State resulting from improper placement or negligent supervision in foster care. We have all seen recent examples where the State failed to remove a child from an abusive situation that can lead to harm as in the infamous Rueben Buentipo case, the infant thrown onto the Freeway a year ago or most recently, the children left for 5 years in the "house of torture" in the Waianae coast resulting in the imprisonment of former foster parents and State appointed legal guardians. It is important that the reporting requirement be clear that the DHS worker is required to report ALL cases involving injury or harm, even when those cases may in effect require them to report their own agency as the alleged agent of harm.

While there is a provision in the Family Court Rules for the family court judge to appoint what is described as a Special Master under Rule 66 to act in the child's best interest in investigating such claims and securing a *prochien ami* and or counsel to represent the child, there are other systems in place that appear to offer the same remedy, more efficiently and comprehensively. In some California jurisdictions for example, their Juvenile courts automatically appoint litigation or civil counsel in the event that a ward of the jurisdiction suffers harm.

Steve Lane

*Note: Mr. Lane is a licensed foster parent with the State of Hawaii and had raised 4 foster children, all who have completed their college educations, one of which he adopted. He served as a VGAL with the Family Court for 2 years and is a practicing paralegal. .*