



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 Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Angus L.K. McKelvey, Vice Chair

Wednesday, February 11, 2026 at 1:00 p.m.
State Capitol, Conference Room 225 & 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 ‘Ekah

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2540, Relating to Youth Penalties.

Purpose: Prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person’s minority, or against the person’s parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. Encourages the use of community service and other programs that employ ‘aina-based principles. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

Judiciary's Position:

The Judiciary **supports** Senate Bill 2540, which prohibits the assessment of fines, fees, or court costs against adjudicated minors and places guardrails on community service orders, and **requests an effective date of July 1, 2027**, to make and test the necessary operational changes in the district courts that would be required to implement this measure. We note, as indicated in the preamble, that the intent and purpose of this bill are admirable and evidence-based. As



Senate Bill No. 2540, Relating to Youth Penalties
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Hawai‘i family courts rarely impose fines, fees, or court costs against minors or their parents, this bill would not present a significant change in court operations.

The proposed statutory language regarding the family court’s consideration of programs employing ‘aina-based principles is sound and our experience has shown us that youth who form connections to their communities are less likely to recidivate and engage in law violating behavior; the bill also allows the court the ability to exercise its discretion based upon the unique circumstances of each child and family. It is also noteworthy that orders relating to victim restitution are still available to the family court under this bill. Further, as noted in the December 2024 Judiciary’s Report on the Assessment of Fees, Court Costs, Fines, and Restitution in Cases Against Minors, and acknowledged in the bill’s preamble, collection rates on fines, fees, and court costs imposed on minors are relatively low.

We thank you for the opportunity to offer testimony on this bill.



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SENATE BILL 2540

RELATING TO YOUTH PENALTIES

Ke Kōmike ‘Aha Kenekoa o ke Olakino a me ka Lawelawe Kanaka
Hawai‘i State Capitol

Pepeluali 11, 2026

1:00 PM

Lumi 225

Aloha e Chair San Buenaventura, Vice Chair McKelvey, and Members of Ke Kōmike ‘Aha Kenekoa o ke Olakino a me ka Lawelawe Kanaka:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2540**, which prohibits the assessment of fees, fines, and court costs against persons adjudicated for offenses committed as a minor, discharges outstanding youth court debt, and promotes community-based and ‘āina-based alternatives to financial penalties.

Research in Hawai‘i has consistently shown that Native Hawaiian youth are disproportionately represented at multiple stages of the juvenile legal system.¹ Prior OHA and Native Hawaiian Justice Task Force findings recognize that justice-system involvement often begins in youth and can function as an early pipeline into deeper system contact later in life.² Policies that add financial penalties to youth cases compound this harm without improving accountability or public safety.

Youth fees and fines are not an effective accountability tool. Judiciary reporting has shown that only a small fraction of fines assessed against minors are ever paid, demonstrating low collection value and limited deterrent effect.³ Instead, these penalties often prolong court involvement, create administrative burdens, and transfer debt to ‘ohana who may already be struggling with Hawai‘i’s high cost of living. Financial sanctions tied to youth behavior function less as accountability and more as a poverty penalty.

Further, Native Hawaiian households experience higher rates of economic hardship relative to other groups in the State.⁴ As a result, youth monetary sanctions can have disproportionate and compounding impacts — increasing family financial strain,

¹ Office of Hawaiian Affairs, *The Disparate Impact of Native Hawaiians in the Criminal Justice System* (2010), available at http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf

² Office of Hawaiian Affairs, Native Hawaiian Justice Task Force Report (2012), available at http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf

³ Hawai‘i State Judiciary Office of the Administrative Director of the Courts, *Report to the Thirty-Third Legislature – 2025 Regular Session – A Report on the Assessment of Youth Fees, Court Costs, Fines and Restitution Cases Against Minors* at p. 35 <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>

⁴ Department of Business, Economic Development and Tourism, *Demographic, Social, Economic, and Housing Characteristics for Selected Race Groups in Hawai‘i* (March 2018) at p. 11; p. 13, https://files.hawaii.gov/dbedt/economic/reports/SelectedRacesCharacteristics_HawaiiReport.pdf

destabilizing housing and employment, and eroding trust in public systems. Removing these penalties promotes fairness and aligns consequences with rehabilitative goals.

SB2540 appropriately shifts accountability toward community service, restorative approaches, and culturally grounded, ‘āina-based programs that strengthen connection to culture, place, and community. These approaches are more consistent with best practices in youth development and long-term behavior change, while still preserving meaningful accountability. The measure also clears uncollectible legacy youth debt, reduces administrative collection costs, and aligns Hawai‘i with a growing number of jurisdictions nationwide that have reformed or eliminated youth fees and fines.

For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2540**. Mahalo nui for the opportunity to provide testimony on this important measure.



Testimony in Support of SB2540 – Relating to Youth Penalties

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 50 years. I write in **strong support of SB2540**, which takes an important and long-overdue step toward a more just, trauma-informed, and developmentally appropriate juvenile justice system.

Every day, I work with young people who are already carrying far more than any child should; histories of abuse, neglect, housing instability, foster care involvement, and system-induced trauma. For these youth, court-imposed fees and fines do not teach accountability. Instead, they deepen shame, create barriers to rehabilitation, and often punish families who are already struggling to survive.

The data is clear. According to the Hawai‘i State Judiciary, **only 17% of juvenile fines imposed between 2021 and 2025 were ever paid**, demonstrating that these penalties are ineffective and unrealistic. Rather than deterring harmful behavior, these costs push youth and families further into crisis, undermining the very goals our juvenile justice system is meant to achieve.

Equally concerning is the **disproportionate impact on Native Hawaiian and Pacific Islander youth**, who make up **56% of youth adjudicated in juvenile proceedings** and bear the brunt of these financial penalties. As someone deeply committed to equity and the well-being of our lāhui, I believe we have a moral obligation to stop policies that perpetuate generational harm under the guise of accountability.

SB2540 is powerful because it does more than eliminate harmful practices and it **offers a better alternative**. By prohibiting the assessment of fines and fees for offenses committed while a person was a minor and encouraging the use of **community service and ‘āina-based, culturally grounded programs**, this bill aligns accountability with healing, growth, and connection. These are the approaches we know work. They help young people repair harm, build skills, and reconnect with their communities rather than trapping them in cycles of debt and court involvement.

At Hale Kipa, we see the difference every day when youth are given support instead of punishment, guidance instead of shame, and opportunity instead of debt. SB2540 reflects what families, providers, and youth themselves have long known: **children should not be billed for their mistakes**, and justice should never come at the expense of a young person’s future.

I respectfully urge you to pass SB2540 and continue Hawai'i's leadership in advancing a juvenile justice system rooted in compassion, equity, and evidence-based practice.

Mahalo nui loa for the opportunity to testify and for your commitment to Hawai'i's youth and families.

Me ka ha'aha'a,

A handwritten signature in black ink, reading "Venus Rosete-Medeiros". The signature is written in a cursive style with a large initial "V" and a long horizontal flourish at the end.

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

Opportunity for Youth Action Hawai'i

KAWAIILOA

February 11, 2026

Senate Committee on Health and Human Services

Hearing Time: 1:00 PM

Location: State Capitol Conference Room 225

Re: SB 2540, Relating to Youth Penalties - **Support**

Aloha e Chair San Buenaventura, Vice Chair McKelvey and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we submit this testimony in strong support of SB 2540, which prohibits the assessment of fees, fines, and court costs for offenses committed during a person's minority; discharges existing debt related to those offenses; repeals outdated penalties imposed on parents and guardians; and encourages the use of community service and other programs grounded in 'āina-based principles.

The imposition of fines, fees, and court costs on minors, and often their families, creates long-term financial burdens that disproportionately impact low-income families. These penalties do not promote accountability or public safety; instead, they perpetuate cycles of poverty and justice system involvement that can follow young people into adulthood. Therefore, this bill represents an important step toward a more equitable and developmentally appropriate justice system for young people.

We also strongly support the bill's emphasis on community service and 'āina-based approaches. Culturally grounded, community-centered programs foster accountability, connection, and healing, while aligning with what we know best supports healthy youth development. The Opportunity for Youth Action Hawai'i hui is a collaboration of nonprofit partners co-located at the Kawaiiloa Youth and Family Wellness Center since 2018. OYAH's culturally rooted, therapeutic programs support youth to connect to community resources and mentors, find their purpose, and thrive. Many youth come to Kawaiiloa seeking to overcome the negative impacts of inequitable systems of housing, education, health, child welfare, and justice. OYAH partners (RYSE, Kinai 'Eha, and Partners in Development Foundation) offer tailored programming for individual youth's needs. OYAH has worked closely with State agency partners, legislators, and policy leaders toward a shared goal: to replace punitive policies and practices with restorative and healing-centered approaches rooted in indigenous knowledge systems.

Together, we are creating a pu'uhoonua, or place of peace and healing, for youth, staff, and partners.

Mahalo for the opportunity to submit testimony.



February 10, 2026

Hawaii State Legislature
Senate Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Angus L.L. McKelvey, Vice Chair

Support for SB 2540- Relating to Youth Penalties

Aloha Chair San Buenaventura, Vice Chair McKelvey and Members of the Committee,

My name is Jamee Māhealani Miller, and I submit this testimony in strong support of **SB 2540** on behalf of ‘Ekolu Mea Nui, where I serve as Co-Executive Director. Our organization is also one of the co-authors of this measure, developed in direct response to long-standing implementation gaps we have observed across Hawai‘i’s juvenile justice system.

Much of the past years’ testimonies has rightly focused on the moral and research-based case for eliminating fines and fees imposed on youth and their families. I would like to offer an additional perspective on why **SB 2540** is not only just, but operationally necessary.

In our work throughout the continuum of the juvenile justice system, we have seen that juvenile monetary penalties are rarely enforced in practice, inconsistently assessed across jurisdictions, and inefficient to administer. Judiciary data confirms that only a small fraction of juvenile fines are ever collected¹. Despite this, the State continues to carry the administrative burden of tracking, billing, enforcing, and referring these debts, often for years, long after a youth has exited the system.

SB 2540 resolves this inefficiency. By eliminating youth fines and fees entirely, the bill reduces administrative overhead, prevents the accumulation of uncollectible debt, and allows courts and agencies to redirect time and resources toward supervision, diversion, and services that actually improve outcomes.

Importantly, SB 2540 does not remove accountability. It replaces ineffective financial penalties with community service and ‘āina-based, culturally grounded alternatives that are already being used successfully across Hawai‘i, but without consistent statutory support.

¹ HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

These approaches allow youth to repair harm, remain connected to school and family, and build skills and responsibility without destabilizing their households.

From an implementation standpoint, this bill also creates clarity. It standardizes practice across courts, reduces discretion-based inequity, and prevents families from being penalized simply because a case was handled in one circuit instead of another.

Finally, **SB 2540** proactively discharges legacy juvenile debt, therefore preventing childhood court involvement from continuing to block employment, housing, education, and military eligibility well into adulthood. This is not only equitable; it is fiscally sound.

SB 2540 reflects what Hawai‘i is already doing in practice—but does so clearly, consistently, and lawfully. As bill co-authors, we can confidently say this measure is ready, workable, and overdue.

For these reasons, ‘Ekolu Mea Nui respectfully urges your support for **SB 2540**.

Mahalo for the opportunity to provide testimony.

Me Ka Ha‘aha‘a,

Jamee Māhealani Miller, EdD, LSW

Dr. Jamee Māhealani Miller
Co-Executive Director
‘Ekolu Mea Nui
jamee@ekolumeanui.org



Committee: Senate Committee on Health and Human Services
Hearing Date/Time: Wednesday, February 11, 2026, at 1:00 PM
Place: Conference Room 225 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SB2540 Relating to Youth Penalties**

Dear Chair San Buenaventura, Vice-Chair McKelvey, and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU-HI") **supports SB2540**, which prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the act.

A U.S. Department of Justice's 2023 Dear Colleague Letter recommended that, in addition to juvenile justice agencies, state and local courts should operate with the understanding that "children and youth under the jurisdiction of the juvenile justice system should be presumed indigent and unable to pay fines and fees."¹

This guidance is moral, fair, just, and pragmatic. In a U.S. Department of Justice report, former Associate Attorney General Vanita Gupta wrote: "eliminating the unjust imposition of fines and fees is one of the most effective ways for jurisdictions to support the success of youth and low-income individuals, honor constitutional and statutory obligations, and reduce racial disparities in the administration of justice."²

Studies from criminologists found that youth who had fees and fines imposed on them had a significantly higher likelihood of recidivism, even when controlling

¹ Clarke, K., Solomon, A.L., & Rossi, R. (2023, April 20). *Dear Colleague Letter to Courts Regarding Fines and Fees for Youth and Adults*. U.S. Department of Justice.

<https://www.justice.gov/archives/media/1288301/dl?inline>; Also see

² U.S. Department of Justice. (2023). *Access to Justice Spotlight: Fines & Fees*.

https://www.justice.gov/d9/2023-11/doj-access-to-justice-spotlight-fines-and-fees.pdf?utm_campaign=doj_fines_and_fees_announcement&utm_medium=email&utm_source=juvjust

for demographics and case characteristics.³ As fees and fines increased, so did the youth's chances of recidivism.⁴

Fees are designed to cover administrative costs associated with the system. Fines are intended to punish or deter future behavior. However, research shows that fines and fees usually make up less than 1% of state and local budgets, and they are notoriously difficult to collect — with some localities even losing money.⁵ Data from other states show that jurisdictions often spend more on collection than they generate in revenue from fees and fines charged to youth.⁶

Financial costs for juveniles associated with fines, fees, or court costs are unnecessarily punitive and can result in long-lasting financial harm and stress for these youth and their families. The majority of youth have no means to pay fees and fines as they have little to no income or assets of their own. As a result, the burden falls largely on their families. Because Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile legal system, this burden tends to fall more heavily on those families.

By passing SB2540, Hawai'i will join dozens of states that have already achieved debt free justice for youth and their families.

Over 20 states and localities are acknowledging the harm created by imposing fines and fees on young people by abolishing them from their juvenile justice systems. Others are reducing fees as well.⁷ Research on these localities suggest that eliminating fees for

³ Piquero, A. & Jennings, W. (2016). Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders. *Youth Violence and Juvenile Justice*, 15(3).

<https://doi.org/10.1177/1541204016669213>; Also see: Piquero, A., Baglivio, M., & Wolff, K. (2023). A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity. *Youth Violence and Juvenile Justice*, 21(4).
<https://doi.org/10.1177/15412040231180816>

⁴ Shapiro, L.R. (2020). The Crippling Costs of the Juvenile Justice System: A Legal and Policy Argument for Eliminating Fines and Fees for Youth Offenders. *Emory Law Journal*, 69(6).
<https://scholarlycommons.law.emory.edu/elj/vol69/iss6/4>

⁵ Mitchell, M. (2026, January 7). *States Should Reduce or Eliminate Criminal Fines and Fees, Even Amid Challenging Fiscal Landscape*. Center for Budget and Policy Priorities.
<https://www.cbpp.org/research/state-budget-and-tax/states-should-reduce-or-eliminate-criminal-fines-and-fees-even-amid>

⁶ Menendez, M., Eisen, L-B., Atchinson, N., Crowley, M. (2019, November 21). *The Steep Costs of Criminal Justice Fees and Fines*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>

⁷ Tiano, S. (2024, January 17). *DOJ Calls on States to Eliminate Juvenile System Fines and Fees*. The Imprint.
<https://imprintnews.org/justice/juvenile-justice-2/doj-fines-and-fees/247097>

youth reduces financial burdens for families of justice-involved youth.⁸ Many more are following their lead. We urge you to pass SB2540 and implement debt-free justice for youth, which aligns with Hawai‘i’s commitment to reform its juvenile justice system.

Mahalo for the opportunity to testify.

Sincerely,
Donavan Kamakani Albano
Donavan Kamakani Albano
Policy Fellow
ACLU of Hawai‘i
dalbano@acluhawaii.org

With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving our communities in Hawai‘i for over 60 years.

⁸ Chambers, J.E., Martin, K.D., & Skeem, J.L. (2021). *Eliminating fees in the Alameda County juvenile justice system meaningfully reduced financial burdens on families*. California Policy Lab. <https://www.capolicylab.org/wp-content/uploads/2021/11/Eliminating-fees-in-the-Alameda-County-Juvenile-Justice-System.pdf>



**THE HONORABLE JOY SAN BUENAVENTURA, CHAIR
THE HONORABLE ANGUS MCKELVEY, VICE CHAIR
SENATE COMMITTEE ON HEALTH & HUMAN SERVICES**

**Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

February 11, 2026

RE: S.B. No. 2540: RELATING TO YOUTH PENALTIES

Dear Chair San Buenaventura, Vice Chair McKelvey, and Members of the Committee:

Debt Free Justice Hawai'i respectfully submits the following testimony to express our support for S.B. No. 2540, relating to youth penalties.

Fees and fines assessed against youth in the juvenile system are punitive and impose long-lasting financial and emotional harm on youth and their families. Juvenile financial penalties can range dramatically, from \$10 to \$5,000 for any given fee or fine.ⁱ These costs can accumulate, quickly becoming an insurmountable debt that imposes long-lasting financial and emotional harm on youth and their families.ⁱⁱ These monetary sanctions exacerbate existing economic inequality and disproportionately harm low-income, and Native Hawaiian and Pacific Islander (NHPI) families. By ending this ineffective and criminogenic practice, the Legislature would join the majority of states across the country in achieving debt free justice for our youth.

Fees and fines are unaffordable for the youth and families who make up Hawai'i's juvenile legal system. Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile legal system, making up 56% of all youth adjudicated in the state.ⁱⁱⁱ This burden tends to fall more heavily on NHPI youth and families, who are assessed an estimated \$40,000 each year in juvenile court financial penalties.^{iv} This functions as a regressive tax against NHPI youth and families, who have the lowest median income of all major ethnic groups throughout the state.^v

Fees and fines do not support youth rehabilitation or fund court administration. A report submitted to the Hawai'i State Legislature by the Administrative Director of Hawai'i Courts revealed that, from 2019 to 2024, youth and families managed to pay only 17% of fines assessed to them in juvenile cases.^{vi} Hawai'i courts do not rely on these costs to operate, and many judges use their discretion to enter court orders without fines because they are ineffective and unaffordable for low-income youth and their families. In fact, criminology studies have confirmed that youth, specifically youth of color, had significantly higher likelihood of recidivism (reoffending) when assessed court-ordered fees and fines, even when controlling for

demographics and case characteristics.^{vii} Data from other states show that jurisdictions often spend more on collection than they generate in revenue from fees and fines charged to youth.^{viii}

The federal Department of Justice, national associations of judges,^{ix} prosecutors,^x correctional leaders,^{xi} and law enforcement professionals^{xii} all support the elimination of fees and fines for young people. The majority of states in the country have taken action to achieve Debt Free Justice for youth, including the elimination of court costs and the discharge of outstanding debt.^{xiii}

Hawai‘i is an outlier in continuing to authorize monetary sanctions under state law. By removing court-assessed fees and fines against system-involved youth, this bill would bring Hawai‘i in-step with the national movement to repeal youth fees and fines. Advocates from across the state of Hawai‘i, from juvenile system attorneys to community-led restorative justice organizations, have already joined the call to end youth fees and fines.^{xiv} Removing authorization for assessing fees and fines on youth aligns the law with Hawai‘i’s existing general practices and its dedication to reforming its justice system.

ⁱ See, e.g., Haw. Rev. Stat. § 291E-61 (providing for mandatory fines of up to \$3,000 for first-time juvenile vehicular offenses), § 291E-61.5 (providing for mandatory fines of up to \$5,000 for repeat juvenile vehicular offenses).

ⁱⁱ Depending on the circuit, youth and families are charged, on average, over \$600 in court costs per case. See HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

ⁱⁱⁱ HAW. DEP’T HUM. SERVS., OFF. YOUTH SERVS., HAWAI‘I THREE-YEAR COMPREHENSIVE JUVENILE JUSTICE PLAN App’x C.1 (2025), <https://drive.google.com/drive/u/0/folders/1KQ81Uaj12OdUvPZWx26NtRrNu0dWfHxZ> (“Race and Ethnicity by Decision Point, Total Counts FY 2021-2023”).

^{iv} “Financial penalties” includes court-ordered fees, fines, and restitution. Calculated by comparing total juvenile adjudications by race, *id.*, to total juvenile financial penalties ordered from 2019 to 2024. See HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

^v See *Income Inequality and Native Hawaiian Communities in the Wake of the Great Recession: 2005 to 2013*, OFFICE OF HAWAIIAN AFFAIRS 2 (2014), <https://www.oha.org/wp-content/uploads/2014/05/Income-Inequality-and-Native-Hawaiian-Communities-in-the-Wake-of-the-Great-Recession-2005-2013.pdf>; see also *Demographic, Social, Economic, and Housing Characteristics for Selected Race Groups in Hawaii*, HAWAI‘I DEP’T OF BUS., ECON. DEV. AND TOURISM 12 (2018), https://files.hawaii.gov/dbedt/economic/reports/SelectedRacesCharacteristics_HawaiiReport.pdf.

^{vi} HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

^{vii} Alex Piquero, *Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, YOUTH VIOLENCE AND JUVENILE JUSTICE, 15(3), 325 (2017); Alex Piquero, Michael Baglivio, Kevin Wolff, *A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity*, YOUTH VIOLENCE AND JUVENILE JUSTICE, 21(4), 279 (2022).

^{viii} BRENNAN CENTER FOR JUSTICE, *THE STEEP COSTS OF CRIMINAL JUSTICE FEES AND FINES* (2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

^{ix} Nat’l Council of Juv. And Fam. Ct. Judges, *Resolution Addressing Fines, Fees, and Costs in Juvenile Courts* (Mar. 2018), https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII_FinesFeesCosts_Resolution.pdf.

^x Fair And Just Prosecution, *Fines, Fees, and the Poverty Penalty* (2017), https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf.

^{xi} Youth Corr. Leaders for Just., *Statement on Abolishing Youth Fines and Fees* (May 2021), <https://yclj.org/fines-and-fees>.

^{xii} L. Enf’t Leaders to Reduce Crime & Incarceration, *Ensuring Justice and Public Safety: Federal Criminal Justice Priorities for 2020 and Beyond* (Apr. 2020), https://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf.

^{xiii} See *State Activity*, DEBT FREE JUSTICE, <https://debtfreejustice.org/state-activity>.

^{xiv} COMM. ON JUD. & HAW. AFFS., HAW. ST. LEG., TESTIMONY ON HOUSE BILL 129 (2025), https://www.capitol.hawaii.gov/sessions/session2025/Testimony/HB129_HD1_TESTIMONY_JHA_02-05-25_.PDF.



February 10, 2026

TESTIMONY IN SUPPORT OF SB 2540
Relating to Juvenile Fees and Fines

Committee: Senate Committee on Health and Human Services

Hearing Date: Wednesday, February 11, 2026

Time: 1:00 PM

Submitted by: Nā 'Ōpio Waiwai

Position: STRONG SUPPORT

Aloha Chair San Buenaventura, Vice Chair McKelvey, and Members of the Committee,

We Aubree K-aloha, Zoe Martinez, 'Ōhāwai Manuel and Hailee K-aloha of Nā 'Ōpio Waiwai collective committed to uplifting Native Hawaiian youth and dismantling intergenerational incarceration through cultural practices and advocacy. As young leaders rooted in the values of aloha 'āina (love for the land) and 'ohana (family), we strive to empower justice-impacted communities and transform systems that disproportionately harm our people. We would have preferred to provide testimony in person today however, we are in school.

We submit this testimony in **strong support of Senate Bill 2540**, on behalf of youth leaders, community advocates, and partners who have spent years championing the elimination of juvenile system fees and fines in Hawai'i.

Building on the Legislature's unanimous adoption of House Concurrent Resolution 174 last session, SB 2540 also takes an important step forward by encouraging **'āina-based community service programs** as alternatives to harmful and ineffective financial punishment. These approaches reflect Hawai'i values, accountability rooted in restoration, connection to place, and pathways to healing rather than debt.

Importantly, concerns about system funding should not be used to justify continued financial punishment of youth. The **Judiciary and the Department of Human Services already maintain independent contracts and purchasing agreements** to provide court-ordered services, including drug treatment, probation supervision, and community-based programs. These services remain fiscally solvent through **state-allocated funds**, not youth-paid fees. SB 2540 simply ensures that the cost of the system is not shifted onto children and their families.



Nā 'Ōpio Waiwai

NOW: THE YOUTH LED COUNCIL
OF 'EKOLU MEA NUI

Youth voices matter in this conversation, not as an afterthought, but as a guiding force. We the 'ōpio that have advocated for this bill understand firsthand that debt does not equal accountability, and punishment does not equal rehabilitation. What works are **supportive, culturally grounded, and community-based responses** that allow youth to learn, repair harm, and move forward without lifelong financial consequences.

This bill reflects years of collaboration among youth advocates, community organizations, legal partners, and policymakers committed to advancing **debt-free justice for Hawai'i's keiki**. For these reasons, we respectfully urge the Committee to **pass SB 2540**. Mahalo for the opportunity to submit testimony and for your continued commitment to the well-being of Hawai'i's youth.

Me ke aloha,

Hailee K-aloha

'Ōhāwai Manuel

Zoe Martinez

Aubree K-aloha

Nā 'Ōpio Waiwai
'Ekolu Mea Nui Youth Council



February 10, 2026

**TESTIMONY IN STRONG SUPPORT OF SB 2540
Relating to Juvenile Fees and Fines**

Committee: Senate Committee on Health and Human Services

Hearing Date: Wednesday, February 11, 2026

Time: 1:00 PM

Position: STRONG SUPPORT

Aloha Chair San Buenaventura, Vice Chair McKelvey, and Members of the Committee,

My name is Brytni Kalei K-aloha and I submit this testimony in **strong support of Senate Bill 2540** from the perspective of a parent and a member of this community who deeply cares about the future of Hawai'i's children.

As parents, our greatest hope is that our children will **thrive**, live meaningful lives, and grow into adults who are connected to their communities and confident in their ability to contribute positively to society. We also know that young people are still learning. They make mistakes not because they are bad, but because growth requires guidance, patience, and support. When a young person makes a mistake, our response matters. We can either **punish and burden them**, or we can **nurture, teach, and redirect them toward better paths**. Senate Bill 2540 recognizes that learning does not come from financial punishment. Fees and fines do not build accountability or character. Instead, they create barriers, trap families in cycles of debt, and keep youth unnecessarily entangled in systems they should be able to move beyond.

As a parent, I want our youth to learn responsibility through **community engagement, connection, and restoration**, not through debt. 'Āina-based service, mentorship, and culturally grounded programs allow young people to understand the impact of their actions while remaining connected to their families, culture, and community. These are the lessons that last.

It is also critical to acknowledge that **Native Hawaiian youth are already overrepresented in the juvenile system**. Continuing to impose fees and fines only deepens inequities and disproportionately harms Native Hawaiian families, the very people of this land. We must ask ourselves why we continue policies that compound harm instead of investing in healing and opportunity for our own communities. Our children should not be stuck in the system simply

because their families cannot afford to pay. Justice should never depend on income. SB 2540 takes an important step toward ensuring that Hawai'i's juvenile system reflects our values fairness, restoration, and mālama for the next generation. As parents, caregivers, and community members, we want systems that help our keiki grow, not ones that hold them back. I respectfully urge the Committee to **pass SB 2540 with a favorable recommendation** and move Hawai'i closer to a future where all youth are given the chance to learn, heal, and thrive.

Mahalo for your time and consideration.

Me ke aloha,

A handwritten signature in black ink, appearing to read 'Brytni Kalei K-aloha'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Brytni Kalei K-aloha

Co-Executive Director of 'Ekolu Mea Nui

Program Director of Nā 'Ōpio Waiwai



Carrie Ann Shirota
Attorney at Law

Committee on Health and Human Services
Sen. Joy A. San Buenaventura, Chair
Sen. Angus L. K. McKelvey, Vice Chair
Wednesday, February 11, 2026 at 1:00 P.M.
Conference Room 225

Support for S.B. 2540 Relating to Youth Penalties

Dear Chair San Buenaventura, Vice Chair McKelvey, and Committee Members:

My name is Carrie Ann Shirota, and as an attorney deeply committed to restorative justice, I strongly support **S.B. 2540 Relating to Youth Penalties**.

Hawai'i has made strides in implementing best practices in juvenile justice reform. However, we have yet to codify the best practice of debt-free justice for youth in Hawaii's statutes.

The time for transformative change is now. Contrary to myth, research shows that fines and fees do not support youth rehabilitation. In fact, recent criminology studies have confirmed that imposing court-ordered financial penalties significantly increases the likelihood of recidivism, particularly for youth of color, even accounting for all other factors.¹

This crisis is amplified by systemic inequity: Native Hawaiian and Pacific youth are tragically overrepresented in the juvenile legal system, constituting 56% of all youth adjudicated in Hawai'i. Instead of imposing financial penalties against families who have the lowest median income of all major ethnic groups throughout Hawai'i, we should look to meaningful alternatives that promotes accountability and restoration.

The youth of Nā 'Ōpio Waiwai have advocated for the passage of this measure for several years, and have consistently testified about the transformative and healing power of engaging in 'Āina- based education as a profound alternative to imposing financial penalties.

¹ Alex Piquero, Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders, *YOUTH VIOLENCE AND JUVENILE JUSTICE*, 15(3), 325 (2017); Alex Piquero, Michael Baglivio, Kevin Wolff, A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity, *YOUTH VIOLENCE AND JUVENILE JUSTICE*, 21(4), 279 (2022).

In a literature review prepared by Dr. Jackie Ng-Osori, she notes the essential benefits of 'Āina-based education for Native Hawaiians and other ethnic groups:

“'Āina-based education goes beyond traditional classroom learning and incorporates cultural practices, values, and perspectives. It promotes a holistic learning process that integrates indigenous knowledge and honors the qualities and values of Hawaiian culture. The inclusion of 'āina-based education in schools is seen as essential for the overall well-being of students, as it allows them to see themselves within the curriculum and develop a deeper sense of belonging and resiliency. Research has shown that skills were learned by all students, those that identified as Native Hawaiian and nonNative Hawaiian, therefore, demonstrating that 'āina-based education can be beneficial beyond culturally specific groups.²”

SB2540 is not a radical proposal. It is a moral imperative and a standard practice strongly supported by the U.S. Department of Justice, national associations of judges, prosecutors, correctional leaders and law enforcement professionals.

Now is the time to pivot from punitive fines to meaningful, restorative alternatives that promote true accountability and healing for our youth and their families.

Mahalo for your consideration and for the opportunity to submit testimony in strong support of **S.B. 2540 to establish debt-free justice for youth in Hawai'i**.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota, Esq.
Honolulu, Hawaii 96813

²https://www.hauolimaui.org/images/%CA%BB%C4%80ina-based-Education-Literature-Review_Enhanced-FINAL-1.pdf; See also, https://www.ksbe.edu/assets/pdfs/Mohala_i_ka_wai_Cultural_Advantage.pdf

SB-2540

Submitted on: 2/9/2026 3:54:22 PM

Testimony for HHS on 2/11/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Zehr	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members:

I support SB2540 because it advances accountability that actually works, while preventing long-term harm to youth and families.

Court fines, fees, and surcharges in juvenile cases function less as “accountability” and more as a poverty penalty. They routinely fall on parents and guardians, compound financial instability, and can drive noncompliance, without improving public safety. When the vast majority of youth monetary sanctions go uncollected, that is a clear signal the system is generating paperwork and debt, not better outcomes.

SB2540 takes a more effective approach: it ends the assessment and collection of fees, fines, and costs for conduct committed while a person was a minor, and it voids uncollectible legacy debt that can follow people into adulthood. This is sound policy because it restores proportionality: youth should face consequences that are developmentally appropriate and connected to repair, learning, and behavior change, not lifelong financial encumbrances.

Importantly, the bill preserves meaningful accountability tools such as community service, restorative justice, and community-based programs, including culturally grounded and ‘āina-based options that strengthen connection and responsibility. It also protects school and work commitments, ensuring that accountability does not undermine education or stability; the very factors most associated with reduced recidivism.

Finally, eliminating youth monetary sanctions improves administrative efficiency. It reduces collection activity, avoids costly enforcement against families with limited ability to pay, and focuses limited justice resources on interventions that prevent future harm.

For these reasons, I respectfully urge you to pass SB2540.

Mahalo for the opportunity to testify.

**SENATE COMMITTEE ON HUMAN SERVICES
THE THIRTY-THIRD LEGISLATURE, 2026 SESSION
WRITTEN TESTIMONY IN SUPPORT OF SB2540 — RELATING TO YOUTH PENALTIES**

Submitted by: *Naomi Manuel*

Hearing Date: *Wednesday, February 11, 2026*

Aloha e Chair San Buenaventura, Vice Chair McKelvey, and Members of the Committee on Health and Human Services,

I respectfully submit this testimony in **strong support of SB2540**, which seeks to prohibit the assessment of fines, fees, and court costs against individuals for offenses committed while they were minors, and to encourage restorative, community-based practices in lieu of punitive financial penalties.

SB2540 represents a meaningful step toward equity-driven justice reform in Hawai'i's juvenile legal system. The current practice of imposing fines and court costs on youth has been shown to be ineffective at promoting rehabilitation or accountability, disproportionately impacts Native Hawaiian and Pacific Islander minors, and often exacerbates economic hardship for families. By eliminating these financial penalties, Hawai'i can instead uplift alternatives that focus on healing, connection, and community responsibility.

For Native Hawaiian youth, justice cannot be defined solely by abstract legal processes divorced from 'ohana, 'āina, and cultural identity. True accountability is rooted in relationship, responsibility to community, and restoration of balance — values central to Native Hawaiian epistemologies and practices.

SB2540's emphasis on community service and other programs that "employ 'āina-based principles, connecting youth and their parents or guardians to their culture, community, and the land itself" reflects this grounding. By lifting up these alternatives, we:

- Reduce racial and economic disparities in juvenile justice outcomes;
- Strengthen youth identity, purpose, and connection to 'ohana and 'āina;
- Nurture leaders who can contribute positively to their communities;
- Interrupt cycles of intergenerational incarceration.

SB2540 is not soft on accountability, it is forward-looking, evidence-based, culturally anchored, and aligned with restorative practices that uplift youth instead of compounding harm. It affirms that mistakes made in youth should not be compounded by lifelong financial penalties that limit future opportunity — especially for Native Hawaiian and Pacific Islander families who disproportionately shoulder these burdens.

For the sake of equity, dignity, and the strengthening of Hawai'i's young people, **I urge this committee to pass SB2540 with strong support.**

Mahalo nui loa,
Naomi Manuel

JON N. IKENAGA
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LATE

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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

February 11, 2026

**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Health and Human Services**

S.B. 2540: RELATING TO YOUTH PENALTIES

Chair San Buenaventura, Vice-Chair McKelvey, and Members of the Committee:

The Office of the Public Defender **strongly supports S.B. 2540:**

The Office of the Public Defender represents indigent juveniles in the criminal justice system. Most of our juvenile clients come from families with limited incomes and live in poverty. Many of our juvenile clients are not only entangled in the criminal justice system but may also be in foster care and have limited access to resources that many in our community take for granted. We strongly support the purpose of S.B. 2540 and join in the call for the elimination of fines, fees, and court costs against any person adjudicated for an offense committed during the person's minority, or against the person's parent or guardian.

The core principles and goals espoused in HRS § 571-1, which established the Family Courts, read in part as follows:

This chapter shall be liberally construed to the end that children and families whose rights and well-being are jeopardized shall be assisted and protected, and secured in those rights through action by the court; that the court may formulate a plan adapted to the requirements of the

child and the child's family and the necessary protection of the community and may utilize all state and community resources to the extent possible in its implementation.

This chapter created within the State a system of family courts and **it shall be a policy and purpose of said courts to promote the reconciliation of distressed juveniles with their families, foster the rehabilitation of juveniles in difficulty, render appropriate punishment to offenders, and reduce juvenile delinquency.**

Many of our juveniles involved in the court system are struggling with everything – from access to food and basic amenities, access to a safe place to live, access to transportation, access to a computer and internet access, and access to a working phone. Juveniles in distress include children who are victims of physical and sexual abuse, children who have experienced traumas and face mental health challenges resulting from those traumas. They include children in our foster care system who do not have a loving responsible parent to care and provide for them.

This measure will help juveniles and their families and caregivers concentrate their financial resources on accessing other services more in line with rehabilitation: providing basic needs, maintaining safe and stable housing, accessing counseling services, educational services, mental health services, and reducing some of the daily pressures on families living in poverty by eliminating court-imposed debt that does nothing to promote rehabilitation, education, or the personal growth of youth in the criminal justice system.

We also note and strongly support the important inclusion of aina-based principles and options for juvenile community service as noted on page 56 of the measure.

Thank you for the opportunity to comment on this measure.

LATE

SB-2540

Submitted on: 2/10/2026 2:05:27 PM

Testimony for HHS on 2/11/2026 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Isis Usborne	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair San Buenaventura, Vice Chair McKelvey, and Members of the Committee,

Please support this vital bill to allow children involved in the criminal legal system to focus on building skills and restoring opportunities. Kids should not be put in debt by our government as a punishment!

Mahalo,

Isis Usborne
JD Candidate 2026