



The Judiciary, State of Hawai'i

Testimony to the House Committee on Human Services

Representative Mele Carroll, Chair

Representative Bertrand Kobayashi, Vice Chair

Thursday, February 6, 2014

9:30 a.m.

State Capitol, Conference Room 329

By

R. Mark Browning

Senior Judge, Chief Deputy Judge

Family Court of the First Circuit

Bill No. and Title: House Bill No. 2298, Relating to Notice to Children Pursuant to the Child Protective Act.

Purpose: Provides that instead of a summons, the petitioner give the child notice of the proceedings no less than 24 hours prior to the hearing.

Judiciary's Position:

The Judiciary respectfully submits the following comments on this bill:

1. This bill will require promulgating a new series of rules of court to govern this newly created "notice." For example, the court will have to dictate the form of this notice and the filing requirements so that DHS will be able to prove their compliance with this new statutory mandate.

2. The person at the center of the court action, i.e., the children and youth who the state alleges to have been abuse and/or neglected and who are often already taken from their home, deserve more than a minimum of 24 hours notice. We are unaware of any other civil cause of action with a 24 hour minimum for notice of the complaint or petition, other than a temporary foster custody hearing, under this law. A mere one day notice to the beginning of a court action that could change the entire course of your life certainly is inadequate notice.



3. This bill appears to be contrary to the ABA recommendations requiring more information and notice, not less, to abused and neglected children and youth.

Thank you for the opportunity to submit comments on this bill.