



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Human Services**

Representative Dee Morikawa, Chair  
Representative Bertrand Kobayashi, Vice Chair

Tuesday, March 22, 2016, 10:00 a.m.  
State Capitol, Conference Room 329

By

R. Mark Browning  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

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**Bill No. and Title:** Senate Bill No. 2878, S.D. 1, Relating to Youth Transitioning from Foster Care.

**Purpose:** Extends the application deadline for financial assistance for higher education available to foster or former foster youth, clarifies that financial assistance is for related higher education costs, and clarifies eligibility and program requirements of the Young Adult Voluntary Foster Care Program. (SD1)

**Judiciary's Position:**

The Judiciary supports this bill that recognizes the hurdles faced by foster youth who turn 18 years old without the stability of a loving permanent family.

We respectfully raise concerns about the language found at page 5, beginning at line 16 and line 20. This bill requires a determination that legal guardians and adoptive parents are “no longer willing to provide emotional and financial support.” While other requirements in the current statute and in this bill can be objectively determined, willingness or unwillingness “to provide emotional and financial support” can be quite subjective and could produce unintended barriers for former foster youths. The bill does not specify a process for determining this new requirement. None of the testimony offered thus far appear to provide a basis for this portion of the bill.



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We are also concerned about the reference to “*other* program requirements” found at page 7, line 12 (emphasis added). In comparison, page 6, line 5, refers to “meets the program requirements.” The “program requirements” reference on page 6 is clearly delineated by the statute. The “*other* program requirements” reference is not defined and could lead to youth being subjected to program requirements that fall outside of the statute and for which they have no notice.

In summary:

We respectfully suggest deleting the new language found on page 5, lines 16 to 18, and page 5, line 20 to page 6, lines 1 and 2, so that the original language remains the same as follows:

- (B) A child who was placed in guardianship after attaining the age of sixteen ~~and the legal guardians are no longer willing to provide emotional and financial support;~~ or
- (C) A child who was adopted after attaining the age of sixteen[;.] ~~and the adoptive parents are no longer willing to provide emotional and financial support;~~

We further respectfully suggest the following change on page 7, from line 10:

- (1) The obligation for the young adult to continue to meet the conditions for eligibility described in section 346-395 and ~~other~~ the program requirements for the duration of the voluntary care agreement;

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