



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Brian T. Taniguchi, Chair

Senator Karl Rhoads, Vice Chair

Tuesday, February 27, 2018 9:30 AM

State Capitol, Conference Room 16

By

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Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2790, Senate Draft 1, Relating to the Rights of Children in Foster Care.

Purpose: Amends the Child Protective Act, chapter 587A, Hawai‘i Revised Statutes, by deleting the existing section 587A-3, Guiding Principles for children in foster care, and replacing it with a new section 587A - Rights of children in foster care. (SD1)

Judiciary's Position:

The Judiciary writes in strong support of this bill because it expresses the Legislature’s strong support of foster children—their welfare and their independence.

This bill codifies best practices; practices that were developed with significant input from foster children and former foster children. In our own state, these practices have been discussed at annual gatherings among foster youth, former foster youth, the family court, and child serving public and private agencies. These practices garnered strong consensus among all of the participants. Whenever possible, the Family Court applies best practices that are within our control. For example, at page 5, from line 13, the bill affords a foster child the right to “meet with and speak to the presiding judge in the child’s case.” For years, the Family Court of the First Circuit has required that foster children are informed of the court’s invitation to them to come to court. When the system began, we had very few “takers.” However, as the entire system became accustomed to this requirement, more and more children and youth came to court



Senate Bill No. 2790, Senate Draft 1, Relating to the Rights of Children
in Foster Care
Senate Committee on Judiciary
Tuesday, February 27, 2018 9:30 AM
Page 2

to talk to “their” judge. Just recently, in a morning calendar for one judge, 22 children claimed this right and each spoke to “their” judge individually.

We respectfully offer one amendment to the bill.

At page 4, from line 12, the bill recognizes the importance of equipping the aging out youth with basic documents that we all take for granted, including, certified birth certificates and social security cards. However, as it is drafted, there may not be enough time for these documents to be gathered. The bill requires that the youth be in foster care for at least 6 months before the section is activated. If a youth goes into foster care at 17.5 years, this section becomes effective at the same time the youth “ages out.” This section also appears to place the burden of collecting these documents on the youth. This task calls for the ability to navigate different and sometimes labyrinthine bureaucracies. We respectfully suggest the following changes:

“(14) If the child ~~has been~~ in foster care is 17 years old, for more than six months, and is aging out of care, receive assistance in the department shall ~~obtaining for the child prior to aging out of care~~ certain personal records such as an official or certified copy of the child's United States birth certificate, a Social Security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records or information to access the child's medical records free of charge, immigration documents, a driver's license or state identification card issued by the State in accordance with the requirements of the REAL ID Act of 2005, Pub.L. 109-13, 119 Stat. 302;”

[the proposed changes without Ramseyer formatting]

“(14) If the child in foster care is 17 years old, the department shall obtain for the child prior to aging out of care certain personal records such as an official or certified copy of the child's United States birth certificate, a Social Security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records or information to access the child's medical records free of charge, immigration documents, a driver's license or state identification card issued by the State in accordance with the requirements of the REAL ID Act of 2005, Pub.L. 109-13, 119 Stat. 302;”

We commend the Legislature for its care and support of one of the most vulnerable populations in our community. These children have very few family resources and are ill equipped to move toward adulthood. And yet, in our courtrooms, we are consistently moved and



Senate Bill No. 2790, Senate Draft 1, Relating to the Rights of Children
in Foster Care

Senate Committee on Judiciary

Tuesday, February 27, 2018 9:30 AM

Page 3

impressed by the resilience and grace exhibited by these children. On their behalf, we respectfully ask for favorable consideration of our proposed amendments and we urge passage of this bill.

Thank you for the opportunity to submit testimony on this measure.