



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary

Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 21, 2018 at 2:15 p.m
State Capitol, Conference Room 325

By
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Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2790, S.D.2, H.D.1, Relating to the Rights of Children in Foster Care.

Purpose: Replaces the guiding principles for children in foster care under the Child Protective Act with the rights of children in foster care, which preserves the current rights of children in foster care and provides certain additional rights. (SB2790 HD1)

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 20, 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 be informed of the court’s invitation to them to come to court. When the system first began, we had very few “takers.” However, as the entire system became



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accustomed to this requirement, more and more children and youth came to court to talk to “their” judge. Just recently, in one morning calendar for one judge, 22 children claimed this right and each individually spoke to “their” judge.

We wish to acknowledge that Senate Draft 2 made an important change to the original senate bill. At page 4, from line 20, the original bill recognized 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 was originally drafted, there was not sufficient time for the documents to be gathered before the youth’s “aging out.” Further, it appeared that the primary task of navigating different and sometimes labyrinthine bureaucracies rested on the youth. Senate Draft 2 improved upon the original bill by expanding the time period as well as clearly placing the primary responsibility for gathering the documents on the department.

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 impressed by the resilience and grace shown by these children. On their behalf, we respectfully urge immediate passage of this bill.

Thank you for the opportunity to testify on this measure.