

Honolulu, Hawaii
FEB 15, 2008

RE: H.B. No. 1895
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1895 entitled:

"A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN CHILDREN,"

begs leave to report as follows:

The purpose of this bill is to protect the cultural and traditional interests of native Hawaiian children by establishing the Native Hawaiian Child Welfare Act. Among other things, this bill establishes:

- (1) The Na Kupuna Tribunal and grants it exclusive jurisdiction over child custody proceedings involving native Hawaiian children; and
- (2) A pilot project prior to the full implementation of this bill.

This bill also requires that the cultural needs of a child be considered as part of the best interests of the child standard in any custody and placement decisions under the Child Protective Act.

The Department of Human Services (DHS), Na Kupuna O Waianae, Na Kupuna O Kahana, Iron Workers Stabilization Fund, Kahana Valley residents, and several individuals testified in support of this bill. An individual also supported the intent of this measure. The Office of Hawaiian Affairs opposed this bill.



Your Committee recognizes that cultural sensitivity is an important factor in child welfare matters and is encouraged that DHS seeks to make its child welfare program as culturally competent as possible. At the same time, the establishment of any new child welfare system must face a range of legal concerns. This bill contains various unclear or impracticable provisions as well as technical inconsistencies that remain to be addressed.

Your Committee has amended this bill by changing its effective date to July 1, 2112, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1895, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1895, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



