


**HOUSE OF REPRESENTATIVES**STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

February 21, 2008

OFFICIAL TESTIMONY

FROM: Rep. Rida Cabanilla 
State Representative, 42nd District
Chair, House Committee on International Affairs

TO: Rep. Marcus R. Oshiro, Chair, Finance Committee
Rep. Marilyn Lee, Vice Chair, Finance Committee
Honorable Members of the Finance Committee

SUBJECT: Testimony in support of HB2756, HB2757, HB2758, HB2759
3:30 PM / February 22 Agenda / Conference Room 308

Chair Oshiro, Vice Chair Lee, Members of the Finance Committee:

Thank you for the opportunity to submit testimony in strong support of House Bills No. 2756, 2757, 2758, and 2759. These measures, which I introduced, are critical to the success of not only the Hawaii Medical Center West (a/k/a HMC), but also for the continued well-being and health of the people of Leeward and Central Oahu.

At present, seventy percent of HMC's patients are Medicare/Medicaid and uninsured, far higher than that of other local hospitals. HMC is the lead hospital for providing services to the underserved and growing destitute patient population in Leeward and Central Oahu. HMC serves 8,000 inpatients for over 75,000 patient days per year, not including the thousands of outpatients served annually that other hospitals are not able to absorb. These four measures, House Bills No. 2756, 2757, 2758 and 2759 will all be essential in allowing HMC to continue its mission and will save lives.

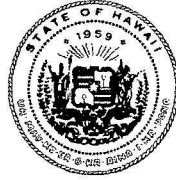
Mother Teresa, one of the world's greatest humanitarians said that "To keep a lamp burning, we have to keep putting oil in it." HMC is a critical lamp of hope to the people of not only my district, but all of Ewa, Waipahu, Waikele, Royal Kunia, Makakilo, Kapolei, Kalaheo, Mililani, Kapolei, Makakilo, Honokai Hale, Nanakuli, Lualualei, Maili, and many other communities, of whom HMC is the largest hospital providing care.

Dr. Livingston Wong testified with impassioned and charged words before the House Health Committee regarding these measures, saying: " *Any of these bills could help to*

secure the longterm viability of HMC. HMC is making great strides toward sustainable financial viability and medical excellence. Reasonable action by the Legislature will help ensure HMC remains an important part of Hawaii's healthcare system. HMC does not seek a hand out from the Legislature, but rather an investment. Given the important role HMC plays in the delivery of medical care to our community, it is proper for the Legislature to approve a public investment in HMC's future. The return on such an investment will benefit the entire state." Let us take his words to heart and take action by passing these measures. I wholeheartedly urge you to support this measure and pass it on to Final Reading.

Thank you for this opportunity to testify.

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 25, 2008

MEMORANDUM

TO: Honorable Marcus R. Oshiro, Chair
House Committee on Finance

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 2558, H.D.2 - RELATING TO CHILD PROTECTION

Hearing: February 25, 2008, Monday, 10:00 a.m.
Conference Room 308, State Capitol

PURPOSE: The purpose of H. B. 2558, H.D. 2 is to authorize the Department of Human Services to conduct unannounced visits to inspect a parental home in which a household member was convicted or adjudicated for certain offenses of child abuse or neglect as a minor and to establish a Well Child Follow-up Visit Pilot Project.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) cannot responsibly support this bill as written for the following reasons:

- 1) It is not clear whether the Department has authorization and the option of conducting the visits or whether this bill is mandating the visits.

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2) Page 2, line 3, states that these unannounced visits will be conducted for households if there is a household member who has been convicted of a misdemeanor or felony offense relating to child abuse or neglect within the past five years. We would interpret this to mean that the Department will be responsible to conduct unannounced visits for every parent, person, juvenile or other person statewide who is convicted of a misdemeanor or felony for any type of abuse involving a child.

3) This bill does not address the method by which every person in the State with this type of conviction who is living in the same home with a child will be identified nor does this bill provide the funding or the means to accomplish this identification.

In fact, this bill would require the Department to start out with no resources and a backlog of five years of visits that would be required on the day this bill is signed into law.

There are no provisions or funding to develop and implement a identification and tracking system to monitor the movements of every person with this type of conviction similar to the sex offender system, to ensure that the Department is able to track the convicted person, and verify they are living in a home with a child or when the person moves from one household to another household with children.

4) Page 3, line 6, addresses "the least intrusive means in all aspects of home visits to maximize individual privacy." This requirement is vague, unclear, and subject to interpretation and could result in lawsuits in cases where there is an objection to the visit, and a belief by the person visited that the Department was "intrusive".

5) The Department already has the authority to conduct unannounced visits if there is a report of possible harm to a child through abuse or neglect. Chapter 350 and chapter 587, HRS, provide the Department the authority to conduct investigations and assess the safety of a home based on the fourteen Safe Family Home Guidelines and authorizes the Department and the Court to monitor the family after a child is returned to the family home from foster care with the assistance of the Guardian-Ad-Litem, and service providers involved with the family.

6) Our best estimate given the information that we have available, would be that funding in excess of **\$6,000,000** would be needed to implement the mandates of this bill. This includes staffing and other operational and administrative costs, as well funding needed for any follow up services. This estimate is based only on conservative estimates of approximately 4,000 cases involved with Child Welfare Services (CWS) and another 1,000 non-CWS cases. It

does not take into account the immediate five-year backlog of visits that will occur if the bill enacted into law.

Given that the visits are unannounced and with persons not necessarily interested in being visited, it is estimated that only one in three attempts would be successful. That means 15,000 attempts to see these 5,000 families.

Additionally, infrastructure and services must be immediately available when a when a family is visited and determined to be in need of services to provide for the safety of the child.

The Department cannot provide an estimate on how much it would cost to develop and implement a tracking system to identify the household member who has been convicted of a misdemeanor or felony offense relating to child abuse or neglect.

Based on the current austere funding climate, the provisions of this bill will clearly adversely impact and replace the priorities in the Executive Supplemental Budget.

In lieu of H. B. 2558, H.D.2, the Department strongly recommends support of H.B. 3134, H.D. 1, an Administration bill, to help ensure the continued safety and well-being of children.

The proposed pilot project in H.B. 3134, H.D. 1, will allow the Department to contract for or conduct a "well child" visit with

families who have been reported to and investigated by Child Welfare Services, but not confirmed for child abuse or neglect, pursuant to section 587-21,HRS.

The proposed pilot project in H.B. 3134 will allow the Department to review closed cases in an effort to determine if providing a face-to-face visit with the child and family within a year after a case is closed will decrease the possibility of later cases of substantial abuse or neglect involving the same child and family.

Additionally, Administration bills S.B.3055 and H.B. 3133, Relating to Mandatory Reporting of Child Abuse and Neglect, propose to broaden the group of persons required to report child abuse and neglect to include family members. The passage of these bills will help to ensure the safety of children.

The Department defers to the Department of the Attorney General on the constitutionality and legality of this bill.

We respectfully request that you defer this bill and give consideration to H.B. 3134, H.D. 1, which we believe will be more effective and acceptable to the community.

Thank you for the opportunity to testify on this measure.

FINtestimony

From: stacie Kira [stacieyk@yahoo.com]
Sent: Friday, February 22, 2008 5:25 PM
To: FINtestimony
Subject: 2/25/2008 HB2558 Agenda #1

Mr. Chairman and the Members of the Committee:

My name is Stacie Kira and I was born and raised on the Island of Oahu. I would like to take this opportunity to you for letting me submit this letter in support of H.B. No. 2558 H.D.2. This bill is in regards to the protection and welfare of children by allowing the child welfare agency to make unannounced home visits. The overall goal of this bill is to ensure that our children are protected from possible neglect and abuse from previous offenders.

Currently I am in nursing school and I have the opportunity to do my clinical at a behavioral hospital for adults and children. What I have learned both in lecture class and in the clinical setting is that children have dysfunctional relationships with their caregivers. When a child has a dysfunctional relationship with their caregiver, such as neglect and abuse, they may develop inappropriate coping behaviors. Sometimes when a child has been abused whether it may be sexually or physically abused may result in a disorder called Oppositional Defiant Disorder. This may result in the child being not only dysfunctional in his or her childhood, but also in his or her adulthood. Studies have shown that people who have been abused as children are more likely to abuse a child or others as an adult. The reason I feel you should support this bill is to protect the children of the future.

Supporting the H.B. No. 2558 regarding unannounced visits to homes of previous offenders could prevent children from ending up in a behavioral hospital. In addition, the support for establishing and appropriating funds for Well Child Follow-up, adequate time limit on prior convictions, not limiting these unannounced visits to the abused child, but to any child in the household, and lastly to allow unannounced visits in cases that have been closed.

Thank you very much again for allowing me to share my viewpoints on this issue with you.

Sincerely yours,
Stacie Kira

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