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MEMORANDUM

TO: Honorable Maile S. L. Shimabukuro, Chair  
House Committee on Human Services and Housing

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 2558 - RELATING TO CHILD PROTECTION

Hearing: February 5, 2008, Thursday, 9:00 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of H. B. 2558 is to authorize the department of human services to conduct unannounced visits to inspect a parental home within 3 to 6 months of the return of a child against whom a household member of the parental home has committed a misdemeanor or felony offense relating to child abuse or neglect or has been adjudicated of conduct that would constitute such an offense.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) is unable to formulate a position to this bill as written because it is unclear who are the targeted children whom the Department is expected to inspect and the bill appears to be duplicative of existing statutes and departmental procedures.

First, the bill appears to restate the provisions of: a)  
the Department's proposed administrative bills S.B. 3056 and

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H.B. 3134 to establish a "well child" follow up visit pilot project with families of children who have been reported to and investigated by child welfare services without a confirmation of abuse or neglect; and b) chapter 587-2 Hawaii Revised Statutes (HRS) relating to the definition and scope of "family supervision".

Second, the intent of the bill's references to juvenile offenders is unclear. On page 1, line 12 of the bill, it refers to a household member who has committed offenses relating to child abuse against the child under section 571-11(1) which states that "any person who is alleged to have committed an act prior to achieving eighteen years of age". It is unclear if the intent is to focus on the actions of a household member who has been convicted for misdemeanor or felony child abuse or neglect against a child committed when a minor but not as an adult.

Third, provisions of this bill's page 1, lines 13 - 17, and page 2, lines 1 - 2, require home visits after a "child has been returned to the parental home for at least three months but not more than six months", but it is unclear whether this bill's references to a child in foster care pursuant to chapter 587 HRS is duplicative of existing statutes.

Under chapter 587, HRS, when a child is reunified with his or her parents, the legal status is changed from "foster custody" to "family supervision". Family supervision provides the Department with the duties and rights to monitor and supervise the child in the child's family home and to place the child in foster care and automatically assume temporary foster custody of

the child. Usually following reunification and a 3 to 6 month period of supervision, family supervision will terminate and the child's family involvement with child welfare service will end.

If the intent of this bill is not in reference to foster children for whom the Department has placement responsibility in accordance with chapter 587, there is not a mechanism for the Department to identify these children who are returned to their parents through private family arrangement between the parents and their caretakers. It is within parents' rights to make appropriate living arrangements for their children.

This bill's provisions for an inspector, an inspection and a written report [page 2, lines 3 - 5] are also unclear. There are no specifications for the inspection criteria nor the inspector's qualifications.

This bill's provisions on page 2, lines 6 through 12, for reporting imminent harm and follow up visits are already contained in chapter 587 and the Department's Hawaii Administrative Rules and procedures.

Additionally, the Department would require additional funding if it is required to develop additional programs for inspection and reporting as detailed in this bill.

Thank you for the opportunity to testify on this measure.