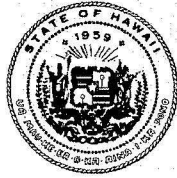


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DEPARTMENT OF HUMAN SERVICES
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February 5, 2008

MEMORANDUM

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

FROM: Lillian B. Koller, Esq., Director

SUBJECT: H. B. 3007, RELATING TO CHILD PROTECTIVE SERVICES

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

PURPOSE: H. B. 3007 requires that the Child Protective Review Panel review proceedings taken prior to or without a court order upon the request of the child's family who believe that the child was wrongfully removed from the family home.

DEPARTMENT'S POSITION: The Department does not support this bill as written for the following reasons:

First, the Department's review panel -- the Child Protection Multidisciplinary Team -- was established to review serious harm and child fatality cases. The Team is not intended, as proposed by this bill, to provide a hearing process on any case where the child's family disagrees with actions taken by the Department to remove a child from the family home. The review required by this bill is already appropriately available to the child's parents through administrative appeal hearings pursuant to chapter 17-602.1, Hawaii Administrative Rules, and the Family Court process

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in accordance with chapter 587, Hawaii Revised Statutes, the Child Protective Act.

Second, the bill does not define "child's family" and, as written, could include any and all members of the child's family. This could mean that a family member who is not involved in the case, or who has no intention of providing support to the child, or who does not participate in services for the child or child's family, could still request a review panel.

Additional hearings that are already available to the child's parents will adversely impact the Department's limited resources. This bill is an unfunded mandate requiring an appropriation for the Department to pay for a duplicative process and to require members of the Child Protection Multidisciplinary Team to attend many more reviews. This bill will also require social workers to attend additional hearings at the expense of their other duties for children who have been harmed or are at risk of harm.

Thank you for this opportunity to testify.

**TESTIMONY OPPOSITION TO
HB3007 - RELATING TO CHILD PROTECTION SERVICES**

February 5, 2008 at 9:00 a.m.

The Legal Aid Society of Hawaii hereby provides testimony to the House Committee on Human Services and Housing in opposition to HB3007 – Relating to Child Protection Services.

The Legal Aid Society of Hawaii is the largest non-profit provider for direct civil legal services in the State. Further, since 1996, we have assisted over 2,000 children as guardian ad litem on Oahu, Kauai, Maui, Hawai'i, Moloka'i and Lāna'i. We also represent parents on Kauai, Maui, Hawai'i, Moloka'i and Lāna'i and have represented kinship caregivers.

We believe this bill is to allow the child protective review panel to review the actions of the Department of Human Services in removing a child prior to court action. We believe conferring such ability to the child protective review panel could raise serious due process rights issues.

The child protective review panel is an appointed panel that currently reviews serious abuse cases, including re-hospitalizations and deaths. It is made up of members appointed by the DHS Director and its members are unpaid. It is not a formal adjudicatory panel rather a group of volunteers who assist the DHS Director with these most difficult cases. Without formal rules to guide such a panel, the potential for abuse is significantly high.

As such, we oppose this bill at this time.

Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori
Deputy Director
527-8014