



**Testimony to the Twenty -Fourth State Legislature, 2008 Session**  
House Committee on Human Services & Housing  
The Honorable Maile S. L. Shimabukuro, Chair  
The Honorable Karl Rhoads, Vice Chair

Thursday, January 31, 2008, 8:40 a.m.  
State Capitol, Conference Room 329

by  
Frances Q.F. Wong  
Senior Judge / Deputy Chief Judge  
Family Court, First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 3135, Relating to Federal Maximization.

**Purpose:** Amends Act 194 of 2006 to require the Judiciary to maximize federal benefits for children before state general fund revenues can be expended. Requires that the Judiciary report to the Governor.

**Judiciary's Position:**

The Judiciary is dismayed with the language of this bill but, nevertheless, takes NO POSITION. It is a legislative prerogative, short of constitutional and other civil rights challenges, to pass a law that says "[n]o state general funds may be expended on behalf of a child within the juvenile justice system until the judiciary has maximized the benefits for which a child is eligible under all relevant federal programs . . . ." (Section 2 of the bill)

As we pointed out in our 2006 testimony on Senate Bill No. 2323 (later enacted as Act 194), the majority of the children under court jurisdiction and in foster care are already under the supervision of the Department of Human Services (DHS), an agency well skilled at drawing down federal funding streams.

We agreed, last year, to avail ourselves of the expertise of the DHS. In anticipation of our report to this year's Legislature, an inquiry was made to the DHS. Their reply is attached.



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Section 1 of the bill is replete with innuendoes that require further explanation. The assertion is made that "the judiciary should be able to increase the moneys available for services to the children under its care by 25%." This is one of the reasons why we looked to the DHS for their expertise. The DHS asserts that monies can be drawn for minors other than those in foster care. We do not dispute this; we would like to have this information rather than the assertion.

The Bill states that our youthful population has increased and that there is a threat of Title IV-E funds converting to block grants. These have been realities throughout the current Presidential administration. We do not take a position on this prediction; we merely want concrete assistance.

It is apparent that this Bill's language is modeled on Pennsylvania law. In the same paragraph, it is also apparent that half of the states are still in the position that Hawaii is alleged to be in so that perhaps it is, after all, not that "commonplace." The paragraph regarding the newspaper editorial and the DHS' inability "to secure all of the available federal funding for these programs because court order language and case planning and case management practices do not meet the requirements of the federal program" is particularly troubling.

In our reading of Title IV-E of the Social Security Act, we cannot find a provision that covers minors on probation *in general*. That Act appears to say that a child must meet certain eligibility criteria and that continued funding is dependent on the child's continuing eligibility.

It appears to us that the Act requires that:

- (1) the child has been removed from his/her home and placed in a licensed foster care home/institution, and;
- (2) they or their families meet the AFDC requirements, and;
- (3) the court has made certain required findings OR there is a voluntary placement agreement, and;
- (4) responsibility for placement and care is vested with the State's IV-E agency.

The actual number of minors adjudicated under H.R.S. Chapter 571 (juvenile delinquency/status offenses) and placed in foster care is quite small compared to those under Chapter 587 (child abuse/neglect). DHS appears to have special knowledge regarding how best to capitalize on this eligibility (apparently beyond the numbers of children who actually have been removed from their home and placed in foster care). We would be interested in knowing their specific strategies. We are willing to attempt to adopt those strategies if they are in the best interest of each individual child and if those strategies are legal and do not place an undue burden on the court's resources.



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Thank you for the opportunity to submit testimony on this matter.

Enc.

LINDA LINGLE  
GOVERNOR



LILLIAN B. KOLLER, ESQ.  
DIRECTOR

HENRY OLIVA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

October 23, 2007

The Honorable Frances Q. F. Wong  
Senior Judge, Family Court of the First Circuit  
P. O. Box 3498  
Honolulu, HI 96811-3498

Dear Judge Wong:

This is in response to your letter of October 4, requesting input to the Judiciary's annual report to the Legislature, required under Act 194 of 2006. Act 194 provides that the Judiciary may establish a federal revenue maximization program, in coordination with the Department of Human Services (DHS).

DHS pursues federal revenue enhancement and service integration initiatives on an on-going basis. Representatives of Benton and Associates, a national consulting firm engaged by DHS to assist in service integration strategies, have held preliminary meetings with various members of your staff. DHS and Benton and Associates look forward to renewing efforts to develop a program similar to those outlined in the National Council of Juvenile and Family Court Judges publication "Training and Technical Assistance Bulletin, Vol. 2, No. 2, 2004" and elsewhere in national professional literature.

My office's coordinator for the type of effort discussed above is Joseph Woodard, Senior Policy Advisor. Joseph can be reached at 587-4298, or [jwoodard@dhs.hawaii.gov](mailto:jwoodard@dhs.hawaii.gov). We look forward to working with your office and staff to expand funding and services for children under the jurisdictions of the Family Courts statewide.

Sincerely,

A handwritten signature in black ink, appearing to read "Lillian B. Koller".

Lillian B. Koller  
Director

FAMILY COURT  
1ST JUDICIAL CIRCUIT  
STATE OF HAWAII  
2007 OCT 30 PM 3:38  
DEPUTY CHIEF JUDGE