

Testimony to the Twenty-Fourth Legislature, 2008 Session

House Committee on Human Services & Housing
The Honorable Maile S.L. Shimabukuro, Chair
The Honorable Karl Rhoads, Vice Chair

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

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 3136, Relating to Child Welfare Services.

Purpose: Amends HRS Chapter 587 to include provisions under which DHS may permit a child to remain with caregivers who are not the child's legal/physical custodian but with whom the child has been residing for at least 6 months with consent from the child's legal/physical custodian. Deletes existing provisions regarding a police officer's discretionary assumption of protective custody of a child.

Judiciary's Position:

The Judiciary takes no position on this measure. However, we have the following specific concerns:

1. (p.4) subsection (v): If the caregiver and child are entitled to the same benefits and services available to a foster parent and a child, then they should receive these benefits and should be provided assistance to secure these benefits, if requested by the caregiver.
2. Who will monitor the notification of the return of the child to parents who are deemed harmful?

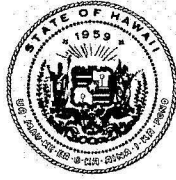


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3. If the legal parents/guardian cannot be located, then there will be a need for the Department of Human Services or these caregivers to be authorized to sign necessary consents for medical, education, etc. services, including the minor's obtaining a driver's permit/license, etc.
4. If there is a need for services, the caregiver should be able to receive these services. Otherwise, problems will become more entrenched and more difficult to deal with when the State subsequently becomes formally involved in the case.

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

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 5, 2008

MEMORANDUM

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

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 3136 - RELATING TO CHILD WELFARE SERVICES

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

PURPOSE: The purpose of this bill is to clarify that the children who have an appropriate caregiver do not have to be removed from the caregiver's home if they are safe and add the definitions of "caregiver" and "safe home" to section 587-2, Hawaii Revised Statutes (HRS).

DEPARTMENT'S POSITION: The Department of Human Services strongly supports this Administration bill.

The proposed changes to chapter 587, HRS, will clarify that the Department may consider alternate care arrangements made by a legal and physical custodian of a child if a determination is made that the alternate care arrangement is safe and appropriate for the child. This will ensure that local customs of caring for

children outside the home by friends and relatives are an available alternative when considering the custody of children.

The Department will not be required to petition for jurisdiction, or remove a child from a safe home, if it has been established that the child has been living in the caretaker's home with the legal and physical custodian's written or verbal consent for more than 6 months. This will ensure that no child is taken into custody unnecessarily and will preserve the relationships that are important to the child's well-being.

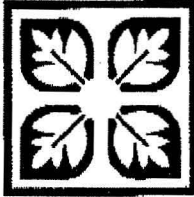
Chapter 587, HRS, currently requires that the Department assess the safety of the home of the legal and physical custodians of a child who has been reported to the Department as abused or neglected and assigned for investigation. This means, paradoxically, that the Department must base its determination of the safety of the child on our assessment of the home of the child's legal and physical custodians, even if they have made safe and appropriate arrangements with family members, or others, to care for and supervise the child outside of the family home.

The proposed changes align our foster care system with previous legislation that provided eligible caregivers the ability to sign consents to meet a child's educational needs (Act 99, Session Laws of Hawaii (SLH) 2003) and medical care (Act 208, SLH 2005).

Clearly, the Legislature has recognized and sanctioned appropriate care arrangements, either formal or informal, made by the legal and physical custodians of a child that are safe and appropriate. Most often, these care arrangements are with a


member of the child's extended family (hanai caregivers), helping children develop and maintain positive and lasting relationships with their siblings and other family.

Thank you for this opportunity to testify.



CATHOLIC CHARITIES
HAWAII

TO: Representative Maile S.L. Shimabukuro, Chair
Representative Karl Rhoads, Vice Chair
Committee on Human Services & Housing

FROM: 
Lee J. Katsumoto, Program Administrator

DATE: Tuesday, February 5, 2008 (9:00 a.m., Room 329)

RE: **Support of HB 3136, Relating to Child Welfare Services**

Catholic Charities Hawaii (CCH), is a tax exempt, non-profit agency that has been providing social services in Hawaii for over 60 years. CCH has provided services for abused, neglected and at-risk children and their families for a number of years. Our programs include: the Comprehensive Counseling & Support Services Program, Hale Malama, Therapeutic Services, Ka Malama Punua (Enhanced Healthy Start) and the Interstate Compact for the Placement of Children. **We strongly support HB 3136, Relating to Child Welfare Services.**

The proposed changes to Chapter 587, HRS, will enable children to remain in their alternative care arrangements if these arrangements are deemed safe and appropriate by the Department of Human Services. These children will be spared from being taken into protective custody and thus they will not have to enter the foster care system. Children who are removed from their homes experience emotional and psychological trauma as their connections to their families are severed. Families will be empowered to continue caring for their children in the least intrusive manner.

Catholic Charities Hawaii asks for your support of HB 3136, Relating to Child Welfare Services. If I can provide any further information, please feel free to contact me via phone at 535-0170 or via email at katsumoto@catholiccharitieshawaii.org.

Thank you.