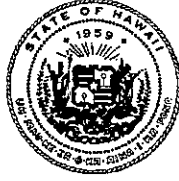


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April 1, 2008

MEMORANDUM

TO: Honorable Brian T. Taniguchi, Chair  
Senate Committee on Judiciary and Labor

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 523, H.D. 2, S.D. 1 - RELATING TO FOSTER CHILDREN

Hearing: Tuesday, April 1, 2008, 10:00 a.m.  
Conference Room 016, State Capitol

**PURPOSE:** The purpose of H.B. 523, H.D. 2, S.D. 1, is to establish guiding principles for foster children.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of H.B. 523, H.D. 2, S.D. 1, and offers the following comments. DHS already includes protection for the rights of foster children in our Hawaii Administrative Rules regarding foster care and in our Child Welfare Services Branch (CWSB) procedures.

Our Administrative Rules, policies and procedures already specify that services shall be provided without discrimination and in a culturally sensitive manner. They further state that the child

shall be provided with appropriate care, supervision, food, clothing and shelter, as well as medical and dental care.

Our Administrative Rules, policies and procedures also support safe and appropriate contact with family, placement with relatives and kin, services to assist with the development of knowledge and skills necessary for a successful transition to self-sufficiency, participation in case planning activities and court proceedings.

The Department strongly supports the guideline for direct contact with the social worker, guardian ad litem, and probation officer. This type of contact is a critical factor for proper and successful case planning and outcomes.

DHS supports the proposed subsection (7), page 2, line 12, relating to continuation in the same school following placement into foster care or a change in placement.

Subsection (8), page 2, line 16, calls for the provision of independent living skills training and a transition plan. The Department currently provides services to support our foster youth's transition to self-sufficiency. The Department's CWSB procedures require the identification of all youth age twelve and older who are likely to remain in foster care until they attain the age of eighteen years, the referral of these youth to an appropriate independent living services program, an individualized assessment of the youth's independent living knowledge base, skills and needs, and the creation of a developmentally appropriate, strengths based, individualized independent living transition plan that is based on an assessment of the youth's needs.

DHS has purchase of service contracts throughout the State for the provision of independent living program (ILP) services to current and former foster youth. Services on behalf of youth age twelve through fourteen are focused on the development of life skills, such as self-identity, interaction with peers, emotional, psychological, spiritual well-being, decision-making, problem-solving, planning, goal setting and communication.

For youth age 15 through 18, services in addition to the above include counseling and supportive services related to: educational support and assistance in completing high school; health, hygiene, and medical insurance; money management, household budgeting, and banking services; building knowledge of community resources and how to access them, such as clinics, housing assistance and transitional living arrangements; development of job readiness in accordance with the individualized living plan; assessment of vocational and employment choices and community referrals, including linkage with services provided in the Workforce Investment Act (WIA) of 1998; liaison with community resources and public agencies such as the Department of Labor, the Department of Health, and other State and Federal programs providing services designed to assist the youth's transition to self-sufficiency.

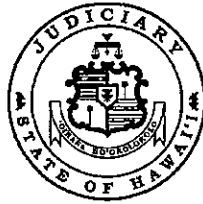
The Department would like to point out that participation in the ILP services is voluntary. Although the services are available, we cannot ensure that they are "provided" to the youth unless the youth chooses to participate.

For youth interested in post-secondary education and training, services include assistance with accessing scholarship and financial aid resources, supportive and directive services to facilitate the youth's attainment of academic, career, and vocational goals. Support and guidance are also provided to youth participating in the Department's higher education board allowance program through at least monthly contact between the youth and the provider. **To this purpose, the Department strongly supports S.B. 2246, S.D. 2, that will expand the availability of the higher education board allowance for former foster youth.**

Our CWSB procedures already require that an individualized independent living transition plan (ILTP) be developed with each foster youth age fifteen and older with a focus on the programs and services needed for a youth to make a successful transition to self-sufficient including plans for the completion of high school, higher education and vocational training, as appropriate. This plan is to be reviewed and updated at least every six months and provided to Family Court as part of the case plan. Information about our ILP services are shared with the youth, DHS staff and public in many ways, including the DHS website's independent living program webpage located at [http://hawaii.gov/dhs/protection/social\\_services/child\\_welfare/ILP](http://hawaii.gov/dhs/protection/social_services/child_welfare/ILP), the Hawaii Foster Parent (HFPA) Annual Conference and HFPA newsletters, and outreach by ILP providers.

The DHS also provides support for the Hawaii Foster Youth Coalition (HFYC), an organization comprised of current and former foster youth, and its active outreach to youth.

Thank you for this opportunity to testify.



*The Judiciary, State of Hawaii*

**Testimony to the Twenty -Fourth State Legislature, 2008 Session**

Senate Committee on Judiciary and Labor  
The Honorable Brian T. Taniguchi, Chair  
The Honorable Clayton Hee, Vice Chair

Tuesday, April 1, 2008, 10:00 a.m.  
State Capitol, Conference Room 016

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 523, H.D. 2, S.D. 1, Relating to Children

**Purpose:** Provides guiding principles re: foster children. Provides that the Family Court may issue necessary orders to the departments to ensure adherence to these principles.

**Judiciary's Position:**

The Judiciary takes no position on this measure but offers the following comments.

National research has shown that without adequate preparation, foster children who remain foster children at age 18 have a difficult time becoming productive adult citizens. The Legislature's recognition of these difficulties is heartening and will greatly benefit both the youths and the community. The percentage of homelessness and unemployment of these youths is shockingly high.

The Judiciary supports the language in subsection (b), which authorizes the Family Court to issue orders to ensure adherence with these guiding principles.

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

**TESTIMONY IN SUPPORT OF AND REQUESTING AMENDMENTS**  
**HB523 HD2 SD1 - RELATING TO CHILDREN**

April 1, 2008 at 10:00 a.m.  
Senate Committee on Judiciary and Labor

The Legal Aid Society of Hawaii hereby provides testimony to the Senate Committee on Judiciary and Labor on HB523 HD2 SD1 – Relating to Children, in strong support of the bill.

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, Maui, Hawai'i, Moloka'i and Lana'i, a significant number of whom have aged out in foster custody.

Since 2005, when the first Foster Children Bill of Rights was introduced, we have been concerned about the need to protect foster children and improve the quality of life for foster children. As wards of the state their well-being is in the hands of, not their parents, but a system of rules and regulations which at times balances the liability to the state over the interest of the child. This bill would establish guiding principles, in one place, by which the state would need to abide by in caring for children in the foster care system.

The bill helps promote the stability of placements and respects the dignity of children who have been removed from their parents' care by enabling them to maintain their important religious, school, and familial ties. Further, it promotes responsibility by giving children more voice in their cases and promoting the development of independent living skills.

We realize that the Department of Human Services, Department of Education and Department of Health may already provide many of the protections listed in this bill administratively, however we believe that the articulation of these principles in one statute is critical to assisting foster children understand the protections available to them when they enter foster custody.

Many children in care feel disempowered, uninformed, and lost. The protections in this bill, providing for greater stability of placement, increased information, increased participation in the decision-making process, greater independent living skills, and maintenance of important personal connections will improve their experiences.

We also request this Committee to give strong consideration to adding the contents of HB524 HD2 SD1 – Relating to Child Welfare to HB523 HD2 SD1 which will provide notice to foster youth over the age of fourteen and statutorily provide for them to attend hearings regarding themselves. Foster youth are already parties to their cases, so such provisions would not convey any new party status. Such notice and provisions are necessary to keep the child welfare system in check and to ensure that the parties involved are doing what's best for those foster youth who have their parents' rights terminated. In the alternative, we request that the Committee hear HB524 HD2 SD1.

For these reasons, we support HB523 HD2 SD1. Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori  
Deputy Director  
527-8014