

SB 2086



LATE

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

February 12, 2008

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing

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

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2086 - RELATING TO CHILD WELFARE

Hearing: Tuesday, February 12, 2007 9:00 a.m.
Conference Room 016, State Capitol

PURPOSE: To authorize the Department of Human Services to engage the services of a qualified individual or organization to investigate the whereabouts of missing and exploited children. The bill will also require the Department of Human Services to convene a task force to coordinate the development of a State corps of retired Federal, State, and local law enforcement professionals who are willing to volunteer their expertise in investigating missing, abducted, and exploited children.

DEPARTMENT'S POSITION: The Department supports the goal of ensuring the safety of children. However, we cannot support the bill as written.

Currently, the Department has the responsibility to ensure a safe placement for foster children, including locating runaways, who are placed into its custody pursuant to chapter 587, Hawaii

Revised Statutes (HRS). The Department is not responsible for all missing and exploited children in our State as implied in this bill.

The Department does not support the placement of the responsibility to develop services to locate "missing and exploited children" or the convening of a task force to coordinate of a Statewide corps of retired law enforcement professionals within the Department. This is beyond the scope of responsibilities of the Department as we are not a law enforcement agency.

The proposed language on Page 4, Line 13 and 14, defining "exploited children" to mean "children who are the subject of actual or alleged abuse or neglect", would alarmingly exceed and expand the Department's statutory mandate as set forth in chapter 350, HRS, to protect children who are harmed or at risk of being harmed by their caretakers, who are responsible for the children's care. If it is the intent to expand the Department's mandate to become a law enforcement agency, an appropriation to fund this expansion would be necessary and may adversely impact or replace the priorities in the Executive Supplemental Budget.

The reference to "Peter Boy Kema" in Section 1 implies a population of "missing children" that far exceeds the scope of the Department's authority under our Hawaii statutes. Peter Boy was not under the placement responsibility of the Department and was not in foster care when he was first reported by his father that he was not living with the Kema family. The Department has

fully cooperated with the Police, the Prosecutor's Office and the Family Court in the investigation of Peter Boy's disappearance.

As acknowledged in this bill, the Department is already making efforts to ensure the safety of foster children and youth and to find those who run away from a foster care placement. Our efforts include contacting the police, the biological family, relatives and foster families, checking out the last known "hangouts" for the youth, and checking in with known friends.

In addition to these efforts, in July 2005, the Department began releasing names and photographs of missing foster children. This initiative enlists the help of families, friends, the media and the public in locating these children and returning them to safe homes. Persons who know the whereabouts of missing foster youth are advised to call their local police Departments.

Foster youth who run away are typically teenagers who voluntarily leave their foster home without notifying the foster parents or social worker. Many of these teens have run away on multiple occasions. To help prevent further runaways, the Department partners with the Hawaii Foster Youth Coalition (HFYC) to encourage youth to stay in care or to return to care. HFYC is comprised of current and former foster youth who provide support and resources to their peers. HFYC has facilitated local conferences for foster youth on various islands that have included discussions regarding the issue of runaway teens. More conferences are planned throughout the State.

We have found that a closing working relationship with the Police and involving the foster youth in the discussions and decisions regarding placement options and providing respite visits with approved family members can lead to increased stability and decreased in runaway episodes.

Thank you for this opportunity to testify.

Testimony on Senate Bill No.2086-**Child Welfare Services; Investigation**
By Howard S. Garval, President & CEO
Child and Family Service
February 12, 2008, 9:00 a.m.

I am Howard S. Garval, President and Chief Executive Officer of Child and Family Service, Hawaii's oldest and largest private, non-profit human service organization that touches the lives of 40,000 Hawaii residents each year and serves over 20,000 directly. We are statewide with services on Oahu, Maui, Kauai, Hawaii, Molokai, and Lanai. We serve all ages from keiki to kupuna with an array of services to:

- prevent child abuse
- strengthen families
- help adults and children heal and recover from domestic violence
- help youth with various challenges improve their functioning
- help our kupuna to live as long as possible in the community and support their caregivers

I am writing to support SB 2086-**Child Welfare Services; Investigation** that authorizes the Department of Human Services (DHS) to engage the services of a qualified individual or organization to investigate the whereabouts of missing, abducted, and/or exploited children. It also requires DHS to convene a task force to coordinate the development of a state corps of retired federal, state, and local law enforcement professionals who are willing to volunteer their expertise in investigating missing, abducted, and exploited children.

As an organization whose mission is: **strengthening families and fostering the healthy development of children** Child and Family Service knows that missing, abducted and exploited children are at risk of, or have already been abused or neglected. It is critical to do all we can to find these children.

DHS must respond to such a high volume of abuse and neglect reports and investigate them in a timely manner, that it does not have the ability to prioritize the investigation of missing, abducted or exploited children.

Other states have successfully addressed this problem by contracting with a private investigator to search for these children, and the National Center for Missing and Exploited Children has a program called **Project ALERT (America's Law Enforcement Retiree Team)** that is comprised of over 155 retired federal, state, and local law enforcement professionals who volunteer their time and expertise to provide free consultation to law enforcement in this country.

I urge your support of SB 2086 to strengthen efforts to find missing, abducted and/or exploited children.

Mahalo for giving me this opportunity to submit testimony.



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A JOINT LEGISLATIVE EFFORT

E-Mail to: espero1@capitol.hawaii.gov
Regarding: Senate Committee on HSP/JDL Hearing
Hearing on: February 12, 2008 @ 9:00 a.m. in room 016.

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Date: February 11, 2008

To: Senate Committee on Human Services & Public Housing
Honorable Suzanne Chun Oakland, Chair
Honorable Les Ihara, Jr., Vice Chair

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

From: Kelly M. Rosati, JD
Executive Director, Hawaii Family Forum
Lobbyist, Roman Catholic Church in the State of Hawaii

Re: **Support for SB 2086 Relating to Child Welfare**

Honorable Chair and members of the Senate Committee on Human Services & Public Housing and the Senate Committee on Judiciary and Labor, I am Kelly Rosati, **representing both the Hawaii Family Forum and the Roman Catholic Church in the State of Hawaii.**

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. The Roman Catholic Church in Hawaii, under the leadership of Bishop Larry Silva, represents over 210,000 Catholics in Hawaii.

We support SB 2086 which authorizes the department of human services to engage the services of a qualified individual or organization to investigate the whereabouts of missing and exploited children. In addition, the bill requires the department of human services to convene a task force to coordinate the development of a state corps of retired federal, state, and local law enforcement professionals who are willing to volunteer their expertise in investigating missing, abducted, and exploited children.

Both Hawaii Family Forum and Hawaii Catholic Conference support legislation that ultimately aids in the protection of missing, abducted or exploited minors.

We urge the committee to pass SB 2086. Mahalo for this opportunity to testify.