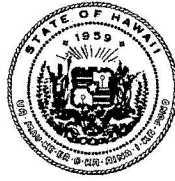


LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

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

March 11, 2008

MEMORANDUM

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

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2730, S.D.2 - RELATING TO CHILD PROTECTION

Hearing: March 11, 2008, Tuesday, 8:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of S. B. 2730, H. D. 2, is to establish a grandparent or other appropriate relative preference for out-of-home placement of children needing child protective services.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this bill. This bill seeks to acknowledge grandparents and other appropriate relatives, who are willing and able to care for a child, as a preferred placement for a child who is in need of out-of-home care pursuant to chapter 587, Hawaii Revised Statutes (HRS). The proposed change is consistent with national trend, Federal law and child welfare best practices to ensure that children in State's custody are provided with the opportunity to stay within their family, whenever safe and appropriate.

AN EQUAL OPPORTUNITY AGENCY

Specifying grandparents and other appropriate relatives as a preferred placement does not mean that children who need out-of-home placement will automatically be placed with grandparents or other appropriate relatives. The safety of the child is paramount and consideration of the child's safety is the most important part of any placement decision.

Also, children under the placement responsibility of the Department can only be placed into homes that meet foster home licensing requirements. The Department has been increasing capacity to provide support services and training to foster parents through our contract with Hui Ho'omaluu. Grandparents and other appropriate relatives would have access to all supportive services available for foster parents.

Grandparents and other appropriate relatives are a very special and integral part of the natural support system for a family. Placing a child with grandparents or other appropriate relatives will have positive effects and improve stability for the child. It helps to ensure that, when safe, the child can stay within the family system and sustain family and sibling relationships that support the child's safety, permanence and well-being and connection with family culture and heritage. In addition to simply being family, grandparents and other appropriate relatives often bring other strengths and resources, including additional life experience and maturity that benefit the child.

Perhaps the most compelling reason should be that grandparents and other appropriate relatives **are** part of our

children's family, our 'ohana - let them be so acknowledged. It **is** the right thing to do!

The Department supports the proposed provision [page 12, line 22 through page 13 line 4] to provide: a written response within sixty days of an inquiry from a relative as to the relative's potential as a foster parent based on available information; and the specific reasons for the denial of an application to become a foster parent and an explanation of the procedures for an administrative hearing.

Thank you for the opportunity to testify on this measure.



SB 2730, SD 2 RELATING TO CHILD PROTECTION
Senate Committee on Human Services & Housing

Date: March 11, 2008 Time: 8:30am
Room: 329

The Office of Hawaiian Affairs **strongly supports SB 2730** to establish a grandparent preference for out-of-home placement of children needing child protective services.

Pipili no ka pilali I ke kumu kukui.

The Pilali gum sticks to the kukui tree.

Said of one who remains close to a loved one all the time, as a child may cling to the grandparent he loves (`Olelo No`eau 2662).

There are over 14,000 kupuna raising their grandchildren in the state of Hawai`i. In a recent Department of Human Services report, there were almost 60% of Child Protective Service cases of which the children were of Native Hawaiian descent. The reasons of more grandparents raising their children include, "increase drug abuse among parents, teen pregnancy, divorce, the rapid rise of single-parent households, mental and physical illnesses, AIDS, crime, child abuse and neglect and incarceration" (Bryson and Casper 1998). Alarmingly, 90% of the Child Protective Service cases in which a child needs immediate intervention were drug related.

All families regardless of economic and social background face adversity. However, Native Hawaiian families face greater adversity due to additional stressors that may hinder a child's upbringing, emotional well-being and education, particularly in situations involving child protective services. Kupuna and children are the most vulnerable family members due to economic hardship and health risks. However, when a family faces crisis, the meaningful connection of family members can deter against the turbulent winds of challenges and obstacles. This can be true of the deep bond between a grandparent and grandchild.

The support of bill SB 2730, SD 2 can help to strengthen this connection that will enhance a commitment towards one another, quality time spent together, along with coping with stress and building resiliency.

This connection also serves as a gateway for instilling life values such as cultural knowledge and practices, family mo`olelo (storytelling), cultural identity, and spirituality to be transmitted from one generation to the next.

OHA supports SB 2730, SD 2 to establish a grandparent preference for out-of-home placement of children needing child protective services. Mahalo nui loa for the opportunity to present testimony.

**TESTIMONY OFFERING COMMENTS ON
SB2730 SD2 - RELATING TO CHILD PROTECTION**

March 11, 2008 at 8:30 a.m.

The Legal Aid Society of Hawaii hereby provides testimony to the Senate Committee on Judiciary and Labor on SB2730 SD2 - Relating to Child Protection.

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, including grandparents, throughout the state. Of many of the stakeholders involved in this conversation, we are one of the only stakeholders other than DHS who actively participate in all aspects of child welfare cases.

We believe that the current form of this bill is a step closer to a compromise that will meet the needs of involving relatives in the child welfare process and also keep in mind the most important part of a child welfare case – the child.

In its current form SB2730 SD1 will confer a preference to family members in the placement of children during the initial removal of a child from his or her parent, at the same time it will preserve the ability for the court in its discretion to continue custody of a child in a non-relative placement upon termination of parental rights.

In addition, the bill will require the Department of Human Services to make reasonable efforts to identify relatives within six months of a child entering foster custody, and report to the court in DHS' safe family home reports on their efforts to identify relatives.

One of the final areas, however, that we need to continue to work with the department on is to identify the best process to ensure that relatives are provided with timely responses to their inquiries on children placed in the foster care system. We believe that the current language providing for a sixty day response period provides some coverage, but it is critical to have a better system in place so that relatives are not left with no idea what they must do next to become a foster placement.

Thank you for this opportunity to testify.

Sincerely,

Nalani Fujimori
Deputy Director
527-8014



FOSTER FAMILY PROGRAMS
OF HAWAII

March 10, 2008

To: Honorable Representative Maile Shimabukuro, Chair

FROM: Linda Santos, President & CEO, Foster Family Programs of Hawai'i

RE: Senate Bill 2730: STRONG SUPPORT FOR BILL SB 2730 WITH DHS
AMMENDMENTS

Hearing: March 11, 2008, 8:30AM

Purpose: Senate Bill 2730, SD2 – Establishes a grandparent, or other appropriate relative, preference for out-of-home placement of children needing child protective services.

Introduction: I am Linda Santos, President and CEO of Foster Family Programs of Hawaii. We provide services to prevent foster care placement; support children and families involved in out of home placement; and assist young adults emancipating from the foster care system.

Agency Position: Foster Family Programs supports the intent of this bill, which gives preference to a child's grandparents and other appropriate relatives, when a child under the jurisdiction of the Department of Human Services, is being placed in out-of-home care due to abuse/neglect. Our support is based on the fact that relative involvement is critical especially in the beginning of the process and during assessments, placement, and concurrent planning. In the last couple of years, DHS have put great effort in early identification and placement of children with kin.

Relatives, particularly grandparents, are already a part of the child's family system and can provide support and continuity to a traumatic out-of-home placement. Relative placement can ensure that children continue relationships with family members and siblings and provide safety, stability and familial support. Grandparents also support the child's identity, history and family traditions and customs. Most importantly, grandparents are the often the most willing family member to take grandchildren into their home.

There is much evidence based practice and research that supports the long term benefits of placement of children with relatives. This research shows that kinship care is less traumatic and disruptive than non-kin foster care and provides more stability and fewer placement changes for the child. Additionally, kinship care provides more continuity in family relationships, community ties, and can offer growth and development within the child's culture and community. Lastly, research concludes that children placed in out-of-home care over 12 months maintain a higher stability rate with kin than non-kin.

Thank you for the opportunity to testify.

March 10, 2008

The Honorable Maile Shimbukuro, Chair
House Committee on Human Services & Housing (HSH)

SUBJECT: WRITTEN TESTIMONY IN SUPPORT OF
S.B. 2730, SD2 RELATING TO CHILD PROTECTION

Hearing: Tuesday / March 11, 2008
8:30 a.m.
Conference Room 329, Hawai'i State Capitol

Dear Representative Shimabukuro,

I strongly support the intent of SB 2730, SD2.

I am employed by Partners In Development Foundation (PIDF), and in my capacity as Communications Director, I have been intimately involved with programs that work extensively with elderly caregivers, intergenerational preschools, family education, the homeless, and intergenerational mentoring programs. PIDF is a service organization that reaches into areas of need within the native-Hawaiian community.

It does not take much to understand the role of the Grandparent in today's society, especially in Hawai'i where most of our various cultures, value and honor their place in the family. Passage of this Bill will demonstrate the Legislature's recognition of those from whom we came. And, upon whom many of us depend on daily...

How many of you as you work the long hours necessary as a Legislator, have left your children with their grandparents, even now as this hearing takes place?

The proposed measure does not ask for special consideration, only equal consideration. When the family is in crisis, Grandparents deserve the same opportunity for positive intervention to provide and protect the children of their children. This measure will allow them at least... a chance at the opportunity to do so.

Thank you for allowing me to testify in support of SB 2370, SD 2.

Respectfully Submitted,

Billy Richards
Director of Communications
Partners In Development Foundation
2040 Bachelot Street
Honolulu HI 96817

March 10, 2008

The Honorable Maile Shimabukuro
Chairperson
House Committee on Human Services & Housing (HSH)

SUBJECT: S.B. 2730, SD2 RELATING TO CHILD PROTECTION

Hearing: Tuesday, March 11th, 2008 @ 8:30 A.M.
Conference Room 329, Hawai'i State Capitol

Dear Chairman Shimabukuro,

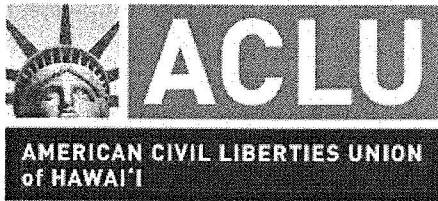
I strongly recommend the passage of S.B. 2730, SD2.

Our foundation provides services to thousands of children and families in Hawai'i. These include foster parents, the homeless on our beaches, and children and their caregivers through our free traveling preschool, Tutu and Me. In providing this myriad of services, all of us on the foundation staff have come to appreciate just how greatly the grandparents of our children contribute to their education, care, and well being.

We have also come to know the great struggles many of these Tutu have gone through to gain custody for their mo'opuna. Our community places great value on the 'ohana, but our courts jealously keep grandparents from having standing in discussions that impact the custody of their grandkids. We are encouraged by the changes in DHS that have prompted this bill and we ask that you would take a stand with us for the Tutu and the families of Hawai'i by passing out S.B. 2730, SD2 in its present form.

Mahalo Nui Loa,

Jan E. Hanohano Dill
President
Partners in Development Foundation
2040 Bachelot Street
Honolulu, HI 96817



BY EMAIL: HSHtestimony@Capitol.hawaii.gov

Committee: Committee on Human Services & Housing
Hearing Date/Time: Tuesday, March 11, 2008, 8:30 a.m.
Place: Room 329
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 2730, Relating to Child Protection

Dear Chair Shimabukuro and Members of the Committee on Human Services and Housing:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **opposition** to S.B. 2730.

This bill is unnecessary and will undermine the court’s current flexibility in determining child placement. While we recognize the interest of relatives in caring for their kin, it may be in the best interest of foster children to be placed with non-relative caregivers. By requiring a preference for relatives, a foster child’s placement determination may not be in the child’s best interest and may not result in the most appropriate placement.

Furthermore, this bill may actually lead to discrimination against a child’s relatives. A child may not be related by blood to her or his parents/guardians (as in the case of adopted children or children under the care of same-gender couples); under this bill, that child’s grandparents – the parents of the child’s parents/guardians – would be given a lower preference than blood relatives. This defeats the intent of this bill.

This bill should be limited to mandating relative notification to ensure that a child’s relatives have the opportunity to be considered as a placement.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

IN SUPPORT
Testimony for the Record

To Committee on Human Services & Housing, Representative Maile Shimabukuro, Chair. Representative Karl Rhoads, Vice Chair, and Committee Members, regarding Hearing on Tuesday, March 11, 2008, 8:30 a.m., in Conference Room 329.

From Patricia Urieff, MSW, ACSW, LSW, employed with twenty-four years of experience providing social work services to children and families, including grandparents raising grandchildren.

RE: SB 2730, SD2 (SSCR2869)

RELATING TO CHILD PROTECTION.

Establishes a grandparent, or other appropriate relative, preference for out-of-home placement of children needing child protective services. (SD2

DHS says that the system is now set up to find relatives quickly when children are removed from parents for safety.

DHS says that the system will do a comprehensive assessment including clearances [1) criminal history; 2) CPS Protective Registry].

Regarding who will care for the children and provide a home for them.

This bill supports that DHS decisions give preference to grandparents and other relatives.

Desired Outcomes

- **More children (in the CPS System) growing up within their extended family system.**
- **DHS is supposed to oversee the foster placement and provide supports to meet the children's needs.**

This bill should not result in DHS transferring custody to relatives because that will remove DHS monitoring/assessment of how the traumatized children are adjusting, and will remove monthly Foster Care Board for meeting the children's needs. Grandparents raising grandchildren are senior citizens living on limited income. Committed and brave Grandparents should not have to go without new glasses, dental needs, prescriptions, etc. to buy medical care insurance, sports equipment, and other things to support youth development. When DHS has custody of the traumatized children, there is better chance that those children receive therapy and other services to support the children to heal from the traumas.

March 10, 2008

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

FROM: Aimee Kaalakea, LSW
1717 Mott-Smith Dr. #507
Honolulu, HI 96822

SUBJECT: S.B. 2730 SD2 Relating to Child Protection

Hearing: Tuesday, March 10, 2008, 8:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of S.B.2730 SD2 is to establish a grandparent preference for out-of-home placement of children needing child protective services.

POSITION: I strongly support Senate Bill 2730 SD2 to give preference to grandparents for out-of-home placement of children needing child protective services.

I am a Licensed Social Worker in Hawaii, and have worked both for the Department of Human Services, Child Welfare Services, and for private agencies. Over the past 10 years I have worked with foster children, foster families, and biological families in a variety of different settings. In my work with children displaced from their family home, I have seen how critical it is for these children to maintain family ties. When children are connected to their family and culture, they tend to develop a stronger sense of identity and self-worth. Children who were placed with relatives, including grandparents, may experience more stability, tend to do better in school, and experience greater success as adults. Children who enter foster care have experienced trauma, abuse, and neglect. If the system of care can minimize other changes and sources distress, children will be better able to concentrate on being a child – developing a secure sense of self and their place in the world. Research shows that kinship placement provides more continuity in family relationships and community ties and is less traumatic and disruptive than non kin foster care.

By establishing a grandparent preference, we are moving forward in our drive to protect children and decrease the trauma they experience. The passage of this bill would only serve to give foster children an opportunity to experience increased stability and to develop a better sense of self and their place in this world. In consideration of the welfare of foster children, I strongly urge the committee to pass SB 2730 SD2. Thank you for this opportunity to testify.

March 10, 2008

TO: Committee on Human Services & Housing
Rep. Maile Shimabukuro, Chair

FROM: Cynthia Shimabukuro, LSW, ACSW
46-441 D Kahuhipa Street
Kaneohe, HI 96744

SUBJECT: House Hearing on SB 2730--SD2 on March 11, Tuesday @ 8:30 Rm. 329

PURPOSE: The purpose of S.B.2730 is to establish a grandparent preference for out-of-home placement of children needing child protective services.

POSITION: I strongly support Senate Bill 2730 to give preference to grandparents for out-of-home placement of children needing child protective services.

As a community based social worker for the past 20 years in Hawai'i working with children and families I have witnessed the need for foster children to have family connections. I worked for several years with youth who were emancipating from foster care. Invariably, those with family ties seemed to do better as adults than those in which the ties were not maintained. The continuity of care, connectedness to culture and family values, as well as the strength of family ties can be brought to the foster care relationships by grandparents. I believe that by establishing a grandparent preference, we are moving forward in our drive to protect children yet, not do further harm to them by increasing the likelihood that children needing out of home care will be placed with appropriate family members in safe and loving homes and able to maintain their family connections.

I strongly urge the committee to pass SB 2730 with amendments as recommended by DHS.

Thank you for this opportunity to testify.

March 10, 2008

TO: Representative Maile Shimabukuro, Chair
Committee on Human Services & Housing

FROM: Carol Morimoto, LSW
1011 Prospect St. #806
Honolulu, HI 96822

SUBJECT: S.B. 2730-SD2 Grandparent/Relative Preference

Tuesday, March 11, 2008, 8:30 am
Room 329, State Capitol

PURPOSE: The purpose of S.B.2730-SD2 is to establish a grandparent preference for out-of-home placement of children needing child protective services.

POSITION: I strongly support Senate Bill 2730-SD2 to give preference to grandparents for out-of-home placement of children needing child protective services.

I am a licensed social worker in Hawai'i and have been working in the field for 15 years. Throughout my career, I have had the opportunity to see first-hand the positive impact that grandparents can have on the well-being of children. It has been proven through research that placing children with relatives can have lasting benefits to the child. Grandparents can provide not only a stable and loving home but they also bring their culture, life experiences, knowledge and family connections that are all integral components to a child's identity. Other states have recognized the importance of family connections. In 2005 alone, 11 states created or revised provisions of their state law relating to relative placement for abused or neglected children. Hawai'i needs to be a part of this important initiative by passing SB 2730-SD2.

The passing of this bill will be extremely beneficial to Hawai'i's children who are in need of out-of-home placement. I strongly urge the committee to pass SB 2730-SD2.

Thank you for this opportunity to testify.