

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

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 3058 - RELATING TO CHILD WELFARE SERVICES

Hearing: Tuesday, February 5, 2008, 1:15 p.m.
Conference Room 016, 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.