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February 25, 2009

TO: Honorable Mele Carroll, Chair
House Committee on Hawaiian Affairs

Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **H.C.R. 25/ H.R. 27 - REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ADOPT, AMEND, OR REPEAL RULES IN ORDER TO RECOGNIZE AND RESPECT THE HAWAIIAN SYSTEM OF HANAI DURING THE LICENSING OF FOSTER PARENTS**

Hearing: Wednesday, February 25, 2009, 10:40 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of these resolutions is to request the Department of Human Services to adopt, amend, or repeal rules in order to recognize and respect the Hawaiian culture and the system of hanai during the licensing process for foster parents, and to submit a report of findings and recommendations to the Legislature prior to the Regular Session of 2010.

DEPARTMENT'S POSITION: While the Department of Human Services (DHS) appreciates the intent of these resolutions to ensure that cultural values are acknowledged in the child welfare system, we respectfully recommend that in lieu of these resolutions, the Legislature pass H.B. 798, H.D.1, which will more effectively ensure that cultural values are promoted in the child welfare system. H.B. 798, H.D. 1,

will allow the Department to consider alternate care arrangements made by a legal and physical custodian of a child if a determination is made that the alternate care arrangement (i.e., hanai caregiving) is safe and appropriate for the child.

The changes to chapter 587, HRS, proposed in H.B. 798, H.D. 1, ensure that no child is taken into custody unnecessarily and will preserve the relationships that are important to the child's well-being.

The proposed changes in H.B. 798, H.D. 1, would 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 supported alternate care arrangements (i.e., hanai caregiving), both formal and informal, made by the legal and physical custodians of a child that are safe and appropriate. Most often, the alternate care arrangement will be with a member of the child's extended family, which ensures the child will develop and maintain positive and lasting relationships with their siblings and other family.

We also worked with the 2008 Legislature and the Hawaiian community to support and pass Act 199, Session Laws of Hawaii 2008, that defines hanai relatives and requires DHS to identify and locate hanai relatives and to give them placement preference for children who have to be removed from their home to ensure their safety.

The Hawaiian culture has long embraced a traditional system of "hanai" which allows a person other than a child's parent to play a substantial role in the care and upbringing of the child. The federal government, through the Child and Family Services Review (CFSR) of the Department's Child Welfare Services, recommends the use of culturally sensitive, family strengthening and supportive services to ensure the safety, permanency, and well-being of child. Allowing children to remain in safe and

appropriate homes identified by their legal caregivers, without undue governmental intervention, can allow the child to remain within their extended family system and help to preserve family and cultural connections that are important to the child's well-being.

Finally, please note that DHS has come a long way in the past few years to correct the disproportionality of Native Hawaiian children in foster care. In 2003, more than 50 percent of the children in foster care were of Hawaiian ancestry. For the past several months, the number of children in foster care has averaged about 1,500 a month, of which, only about 30 percent, or approximately 450 children, are of Hawaiian ancestry.

By creating an array of culturally sensitive services that can provide family strengthening, supportive, and case management services, the families are able to voluntarily participate in services that can ensure the safety, permanency and well-being of the child, while enabling the child to safely remain in their own family. This approach has been very successful in decreasing both the number and percent of Native Hawaiian and part-Native Hawaiian children entering foster care, as well as decreasing the total number of all children entering care.

Thank you for this opportunity to testify.



HCR 25

Requesting the Department of Human Services to Adopt, Amend, or Repeal Rules in Order to Recognize and Respect the Hawaiian System of Hanai During the Licensing of Foster Parents

House Committee on Hawaiian Affairs and Human Services

Date: February 25, 2009
Room: 329

Time: 10:40 a.m.

The Office of Hawaiian Affairs **supports HCR 25 with amendments.**

Native Hawaiian children are removed from their families due to unsafe circumstances. In these cases, Child Protective Services are called to assess the child, their family, and their circumstances.

When this happens, other family members, and close family friends are able to offer assistance, and care for the child appropriately. The Department of Human Services has recognized that in such cases, children can be left with caring adults in a safe home, without bringing the child into the system.

This resolution would strengthen the practice of allowing children to continue to live in a stable environment where their needs are met. Removing a child unnecessarily will cause a major disruption in the child's well-being, and place them at greater risk for family disconnection. Family connections and a sense of well-being are vital elements in developing a resilient child.

OHA appreciates the intent of HCR 25 as it would honor our local customs of long ago by empowering family members to care for their own, and significantly decrease the risk of placing a child with unfamiliar faces, and new environment. However, we would like to request for the support of the following bills, HB 798, HD1; and SB 1006 to be used instead. These bills will strongly encourage the safety of the child. Current law requires an assessment of the biological parents where the child originally left. This would show that the history of the biological parents to be unsafe, while the child has been placed in a more secured home for over six months. The current law is not helpful in securing a stable family environment for the child, and will remove the child without good reason.

We feel that a bills like HB 798, HD 1; and SB 1006 requesting the Department of Human Services to adopt, amend, or repeal rules in order to recognize and respect the Hawaiian system of hanai during the licensing of foster parents would hold strong support for change.

OHA would like to support HCR 25 with ammendments. Mahalo nui loa for allowing us to provide testimony.