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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.