



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

February 12 2009

MEMORANDUM

TO: Honorable Suzanne Chun Oakland
Senate Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **S.B. 1006 - RELATING TO CHILDREN**

Hearing: Thursday, February 12, 2009, 1:45 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of this bill is to clarify the law to ensure that local customs of caring for children outside the home by friends and relatives are available alternatives for the Department of Human Services and the Court when considering the custody of children.

DEPARTMENT'S POSITION: The Department of Human Services strongly supports this bill because it will help to ensure the safety of children without unnecessary intervention by the Courts or the Department of Human Services.

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 wellbeing.

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 (i.e., hanai caregiving) is safe and appropriate for the child. 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 safely 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 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.

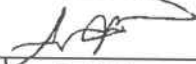
The proposed changes align our foster care system with previous legislation that provided eligible caregivers the ability to sign consents to meet a child's educational needs (Act 99, Session Laws of Hawaii (SLH) 2003) and medical care (Act 208, SLH 2005). Clearly, the Legislature has supported alternate 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.

Thank you for this opportunity to testify.



CATHOLIC CHARITIES HAWAII

TO: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Committee on Human Services & Housing

FROM: 
Lee J. Katsumoto, Program Administrator- Catholic Charities Hawaii

DATE: Thursday, February 12, 2009 (1:45 p.m., Room 016)

RE: **Support of SB 1006, Relating to Child Welfare Services**

Thank you for the opportunity to testify on SB 1006.
I am Lee Katsumoto, Program Administrator of the Comprehensive Counseling and Support Services Program at Catholic Charities Hawaii.

Catholic Charities Hawaii (CCH), is a tax exempt, non-profit agency that has been providing social services in Hawaii for over 60 years. CCH has provided critical services for abused, neglected and at-risk children and their families for a number of years. Our programs include: the Comprehensive Counseling & Support Services Program, Hale Malama, Therapeutic Services, Ka Malama Punua (Enhanced Healthy Start) and the Interstate Compact for the Placement of Children. **Our experience led us to strongly support SB 1006, Relating to Child Welfare Services.**

SB 1006 will allow, wherever appropriate, children to remain with relatives and friends when the Department of Human Services and the courts assume custody of the children. This alternative after appropriate review would benefit the children as they would not be traumatized by the removal from familiar surroundings. The removal of children from familiar surroundings can cause interruptions in development as children must re-bond with new caretakers.

Catholic Charities Hawaii asks for your support of SB 1006, Relating to Child Welfare Services. If I can provide any further information, please feel free to contact me via phone at 535-0170 or via email at katsumoto1@catholiccharitieshawaii.org.

Thank you.





FAMILY PROGRAMS HAWAI'I

Date: February 10, 2008

To: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

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

RE: Senate Bill 1006
Hearing on 2-12-09 1:45 PM Conference Room 016

Purpose: Senate Bill 7, SD –The purpose of this bill is to support the local customs of caring for children outside the family home by relatives and friends as an appropriate, available alternative to the Department of Human Services and the Court when assuming custody of children. This bill allows the legal caregiver to make alternate care arrangements that are safe and appropriate and preserve vital family and cultural connections by placing their children with extended family rather than having taken into custody unnecessarily placed in the Child Welfare System.

Introduction: I am Linda Santos, President and CEO of Family Programs Hawai'i. 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: Family Programs Hawai'i strongly supports this bill which supports the Hawaiian culture's concept of "hanai" allowing a person other than a child's parent to play a substantial role in raising children. This bill will provide a safe alternative for children without unnecessary intervention by the Department of Human Service or the Courts.



FAMILY PROGRAMS HAWAII

Our support is based on the fact that extended family involvement is critical to children especially when they are not able to remain in their homes because of allegations of abuse and neglect. DHS has put great effort in early identification and placement of children with kin or close friends. Additionally, extended family is a part of the child's family system and can provide support and continuity to an out-of-home placement and ensure that children continue relationships with family members.

Extended family supports the child's identity, history and family traditions and customs.

Parents are most qualified to designate who best can care for their children when they are not able. They know who the child is comfortable with and should be given the opportunity, in certain situation, to place children with extended family.

Thank you for the opportunity to testify.

Linda A. Santos, LSW, ACSW

President & CEO



February 12, 2009

The Honorable Suzanne Chun Oakland, Chair
Sen. Les Ihara Jr., Vice Chair
Senate Committee on Human Services

The Honorable Brian T. Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Senate Committee on Judiciary & Government Operations

SUBJECT: WRITTEN TESTIMONY IN SUPPORT OF
S.B. 1006 RELATING TO CHILD WELFARE SERVICES

Joint Committee Hearing: Thursday, February 12, 2009
1:45 p.m.
Conference Room 016, Hawai'i State Capitol

Dear Senator's Chun Oakland and Taniguchi,

Partners in Development Foundation, strongly supports the intent of SB 1006. We have worked extensively with the Department of Human Services (DHS) through our activities in foster care. The DHS' recognition of cultural extended family traditions is evident within our own Kokua 'Ohana Program where we have collaborated with the Department by using innovative approaches to foster care reform built around the notion of *'ohana helping 'ohana*.

The Bill being heard today will allow children to remain in a secure and strong environment that is familiar to them. With such a large percentage of our foster children being of Native Hawaiian ancestry, the ability to adhere to cultural practices such as "hanai" will improve the foster care system and benefit the child as well as our State as a whole.

Thank you for the opportunity to testify in support of this Bill.

Mahalo Nui Loa,

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

Kokua Council
Hawaii's Voice for a Better Future
Testifier: Laura G. Manis

COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

Thursday, February 12, 2009, 1:45pm, Conference Room 016

SB1006 RELATING TO CHILD WELFARE SERVICES.

Adds definitions of "caregiver" and "safe home" to the Child Protective Act. Clarifies that local customs of caring for children outside the family home by relatives and friends are, where appropriate, available alternatives to the department of human services and the court assuming custody of children

SUPPORT:

Kokua Council whose mission includes advocating for the health of the elderly and those vulnerable populations who cannot advocate for themselves supports this bill.

This bill recognizes local culture by considering other safe alternatives. Considering how close family ties grandparents, other close relatives and 'ānānā² parents are esteemed in Hawaii, we are happy to see this gap being considered for closure with the proper investigations and protections in place.

Please support SB1006. Thank you for the opportunity to send in testimony in favor of this bill.

Laura G. Manis, Legislative Chair, Kokua Council
597-8838

February 11, 2009

TO: The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr., Vice Chair
Committee on Human Services

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

SUBJECT: WRITTEN TESTIMONY IN SUPPORT OF
S.B. 1006 RELATING TO CHILD WELFARE SERVICES

Hearing: Thursday, February 12, 2009
1:45 p.m.
Conference Room 016, Hawai'i State Capitol

PURPOSE: The purpose of this bill is to clarify the law to ensure that local customs of caring for children outside the home by friends and relatives are available alternatives for the Department of Human Services and the Court when considering the custody of children.

POSITION: I strongly support SB 1006. I am a licensed social worker in Hawai'i and have been working in the field for 15 years. I have had the opportunity to see first-hand how important it is to a child's well-being to remain in situations that are familiar to them and that are providing a safe and stable environment. Many times, these children are already dealing with loss and separation so to take them out of a home that is meeting their needs can further disrupt their sense of security and belonging.

The passing of this bill will allow children who need to be cared for outside of the family home the opportunity to be cared for by those they already have a connection with. This bill will greatly benefit not only Hawai'i's child welfare system but even more importantly, the children, families and communities that surround us.

I strongly urge the committee to pass SB 1006.

Thank you for this opportunity to testify.

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Phone (808) 426-4647
Cellular: (808) 783-9302
Fax (808) 696-1654

Kanani Kaaiawahia Bulawan

Date: February 9, 2009

To: Sen. S. Chun-Oakland, Chair Human Services
Sen. L. Ihara Jr., Vice Chair Human Services

Hearing: February 12, 2009 Thursday 1:45pm Rm 016

Measure: SB1006: RELATING TO CHILD WELFARE SERVICES

Aloha Chair Chun-Oakland, Vice Chair Ihara and committee members:

My name is Kanani Kaaiawahia Bulawan. I'm a kupuna, a resident of Waianae and a Kanaka Maoli. I ask for **SUPPORT with CHANGES** to SB1006 relating to Child Welfare Services by adding two new definitions. I would like to change "caregiver" omitting the language "but with whom a child has been residing for at least six months".

When a child is considered at harm in the "normal" family home, it is by our culture and nature that the child should be placed with family or a "caregiver" whom the child is most familiar with and is willing and able to provide care for the child during a period in which the department deems safe for the child to be returned to the parent(s). This measure will allow for the "caregiver" to take physical custody of the child and waives the responsibility of the department to make necessary determinations for placement of the child in "foster care". Expending time and money in making inappropriate placement decisions when there is a more practical and safe place for the child to be, keeping the child out of the system and possibly causing more harm than good.

Again I thank you for your time and ask that you **SUPPORT the bill with suggested CHANGES**. We need to hold our ohana more responsible for caring for each other and not allow the government to always intercede with laws that will delay the process of wellness and preservation. The ultimate responsibility for the protection and care of our children is our family, friends, neighbors and community.

Should you have any questions or need additional information feel free to call me at 426-4647, 682-4673 or 783-9302.

Mahalo,

Kanani Kaaiawahia Bulawan

IN SUPPORT

Providing Testimony for the Record

To Senator Suzanne Chun Oakland and the Senate Committee on Human Services for a Hearing scheduled for Thursday, February 13, 2009, 1:45 PM in Room 016

From Patricia Urieff, MSW, Licensed Social Worker, Certified by the American Montessori Association, and with thirty years of experience working with children and their families.

Regarding SB 1006

Report Title: Child Welfare Services

Description: Adds definition of “caregiver” and “safe home” to the Child Protective Act, Clarifies that local customs of caring for children outside the family home by relatives and friends are, where appropriate, available alternatives to the department of human services and the court assuming custody of children.

I support the Bill, and strongly recommend the following.

Add language that gives clarity about specifics about (1) what can be done to assure safety and (2) to strengthen the living situation for the child and thereby make an effort to prevent disruption.

- I. Add that the DHS assessment will include checking (1) *Criminal History* and (2) *The Child Protective Registry* regarding members of the “caregivers” household where the child may remain.
- II. Add that if findings from the DHS assessment show that the minor or the “caregivers” have needs, they will be linked as appropriate to supports and resources prior to DHS closing the matter.

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: JOHNNY L. HARMON
Organization: Individual
Address:
Phone:
E-mail: threeptharmon@alo.com
Submitted on: 2/11/2009

Comments:

SB1006 THIS BILL HELP POTECT EXTENDED FAMILY MEMBERS, INCLUDING FRIEND OF THE FAMILY, THAT IS ENSURING CARE, SAFETY, AND WELFARE FOR A CHILD NO MATTER WHAT THE REASON COULD BE THAT THE BIOLOGICAL OR LEGAL PARENTS HAVE TO PLACE THEM THEIR. THIS WILL GIVE THE RIGHT TO GRANDPRANETSS ESPECIALLY. IN ADDITION, IT ALSO PREVENT THE "DEPARTMENT" TO TAKE THE CASE INTO TRIAL OR FILINNG A PETITION WITH THE COURTS IMMEDIATELY; BECAUSE THEY WILL NEED TO TAKE IT TO A THIRD-PARTY FOR EVALUATION AND THAT THIRD-PARTY WILL NEED TO FILE THE PETITION IF THEY SEEM TO FIND CAUSE FOR A PETITION. ALSO I THOUGHT THAT THE LAW ALREADY STATED THAT FIMLY AND CLOSE FRIEND HAD TO BE INTERVIEWED FOR PLACEMENT FIRST AND THAN FOSTER HOMES. WHAT IS MISSING IS ENFORCEMENT. SO, IF THE BILL PASS AND THERE IS NO ENFORCEMENT...WELL???????? ARE WE IN THE SAME SPOT AS NOW.....

HARMON

JOHNNY L.

TESTIMONY - THE SENATE - 25TH LEGISLATURE

REGULAR SESSION OF 2009 2/12/09 1:45 PM
CONF. RM. 016 STATE CAPITOL 415 BERETANIA ST
HONOLULU, HI TABLE END

NAME: MARGARET LEVY-DORANDS, CNA

POSITION: BOARD MEMBER

ORGANIZATION: STATEWIDE INDEPENDENT LIVING COUNCIL

DATE: 2/12/09

TIME: 1:45 PM

COMMITTEE DIRECTION: COMMITTEE ON HUMAN SERVICES
SEN. CHUN OAKLAND, SEN. IHARA

- 1. MEASURE # SB 1210 - I AM AGAIN THIS MEASURE
- 2 " " SB 1189 - "
- 3 " " SB 915 - "
- 4 " " SB 918 - "
- 5 " " SB 1330 - "
- 6 " " SB 921 - "
- 7 " " SB 1177 - "
- 8 " " SB 913 - "
- 9 " " SB 916 - "

I AM FOR THE FOLLOWING MEASURES

- 10. MEASURE # SB 1016 - I AM FOR THIS MEASURE
- 11. " " SB 133 - "
- 12. " " SB 801 - "
- 13 " " SB 1006 - "
- 14 " " SB 1014 - "

THANK YOU

MARGARET LEVY-DORANDS, CNA
PO BOX 1664

PAAOA, HI 96778

(808) 936-9365

e-mail: tropicalbelt@yahoo.com



The Judiciary, State of Hawaii

Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

Senate Committee on Human Services
The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr., Vice Chair

Thursday, February 12, 2009, 1:45 p.m.
State Capitol, Conference Room 016

by
Frances Q.F. Wong
Deputy Chief Judge/Senior Judge,
Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1006, Relating to Child Welfare Services.

Purpose: Amends HRS Chapter 587 to include provisions under which the Child Welfare Services may permit a child to remain with caregivers who are not the child's legal custodian but with whom the child has been residing for at least 6 months, with consent from the child's legal custodian.

Judiciary's Position:

The Judiciary takes no position on this measure. However, we have the following specific concerns relating to Section 2 of this bill:

1. Notice to the department when a caregiver intends to return the child should be mandatory.
2. Special and general powers of attorney should be in place so that the caregiver will be able to provide consents on behalf of the child to ensure that the child receives educational, medical, and other services. If the child's legal custodian cannot be located, the department must determine how these consents will be provided.



Senate Bill No. 1006, Relating to Child Welfare Services
Senate Committee on Human Services
February 12, 2009
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3. How does the “appropriate caregiver” (page 5, subsection (1), lines 5-6) differ from the definition of “caregiver” (page 1, definitions) and, if there is no written consent, how will the police determine whether the person with the child is an “appropriate caregiver.”

Thank you for the opportunity to submit testimony on this measure.