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April 3, 2009

MEMORANDUM

TO: Honorable Marcus R. Oshiro, Chair  
House Committee on Finance

FROM: Lillian B. Koller, Director

SUBJECT: S. B. 912, S.D.2, H.D. 1, RELATING TO PERMANENCY  
HEARINGS

Hearing: April 3, 2009, Friday, 2:00 p.m.  
Conference Room, State Capitol

**PURPOSE:** The purpose of S.B. 912, S.D. 2, H.D. 1, an Administration-sponsored bill, is to amend chapter 587, HRS, to ensure compliance with Federal Title IV-E hearing requirements.

**DEPARTMENT'S POSITION:** The Department of Human Services cannot over-emphasize the importance of passing this bill. If the statute is not amended to ensure compliance with Federal Title IV-E requirements over of \$50,000,000 in Federal Title IV-E funds annually will be lost.

This legislation is necessary to ensure that HRS chapter 587, is compliant with Federal Title IV-E provisions related to permanency hearings. Currently, HRS chapter 587, does not specifically address the Federal requirement for permanency hearings at 12-month intervals to determine the permanency plan

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for a child in accordance with Section 475(5)(C)(1) of the Federal Social Security Act and 45 CFR 1356.21(h). Instead, HRS chapter 587, continues to require 18-month dispositional hearings along with requirements that were made obsolete by the amendments in the Federal Adoption and Safe Families Act of 1997 (P.L. 105-89).

The Department is in the process of submitting an updated Title IV-E State Plan and the amendment proposed in this bill is one of the Federal requirements needed to ensure compliance and finalize approval of our State Plan.

If the statutory changes are not made, the Department has been informed by the Federal government that our State Plan will not be approved and the State will be restricted from obtaining Federal Title IV-E funds until the statute is revised.

Currently, the Department is drawing down over \$50 million in Title IV-E Federal funds for Hawaii, which covers the following expenditures:

- 600 CWS positions
- Foster parent and CWS staff training
- Foster board payments
- Adoption assistance payments
- 19 Purchase of services contracts
- Administrative costs for the Department
- Reimbursement to the Department of Attorney General, the University of Hawaii School of Social Work, the University of Hawaii Law School, the Department of Health/CAMHD and

Office of Youth Services who provide support for Child Welfare Services.

**As it is apparent from the above list of Title IV-E covered expenditures, our Child Welfare Services agency would literally have to shut down if this bill is not passed to ensure our Federal compliance and continued receipt of \$50 million in Title IV-E Federal funds.**

Prior to submitting this legislation the Department explored implementation via administrative rules, and changes to the procedures in HRS chapter 587 reviews and permanent plan hearing sections.

We were informed by our Regional Office of the Federal Administration for Children and Families (ACF), in consultation with the ACF Central Office, that the options we proposed in lieu of the proposed legislation will not be acceptable.

We believe, based on the information and instructions given to the Department by ACF, that we do not have any other viable option besides legislation that will amend HRS Chapter 587, to ensure compliance with the requirements of Title IV-E prior to our deadline, at the end of the Legislative session in May.

To ensure the most appropriate statutory language we are partnering with the Family Court, the Department of Attorney General, the Court Improvement Project, a parent advocate representative and representatives from the Guardian ad Litem program. The working group is having on-going meetings with representatives from the Federal Administration for Children and Families. We are confident that our group will be able to propose amended language that minimizes the impact of the

required hearings on Court and agency operations, but still meets the Federal Title IV-E requirements needed to ensure an approved Title IV-E state plan.

Thank you for the opportunity to testify.

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April 3, 2009

Testimony

To: The Honorable Marcus Oshiro, Chairman of the  
House Finance Committee, and Members of the  
Committee

Hearing: Friday, April 3, 2009, at 2:00 p.m.  
Agenda No. 1 RE: SB No. 912, SD2, HD1  
Relating to: Permanency Planning

From: Terrance Tom

I am a member of the Planning Committee referenced in the Judiciary's testimony in opposition to SB No. 912, SD2, HD1, Relating to Permanency Hearing, scheduled to be heard before your committee on Friday, April 3, 2009 at 2 p.m. - Agenda No. 1. I have reviewed their testimony and am in agreement with the Judiciary's position.

As a former State House Member, I can certainly appreciate the Finance Committee's hard work in addressing difficult, challenging, and pending financial issues and concerns impacting Hawaii's future. As a Guardian Ad Litem for Hawaii's "Keiki" for over ten years, our children are our most precious resource. We must continue to preserve and to protect the best interests of our children. Acting too hastily with this legislation will not be in our children's best interest. I believe that Chapter 587 HRS provides adequate protection for our children's safety and well-being.

Aloha,

Terrance W.H. Tom