



The Judiciary, State of Hawaii

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

Senate Committee on Judiciary and Government Operations

The Honorable Brian T. Taniguchi, Chair

The Honorable Dwight Y. Takamine, Vice Chair

Monday, March 2, 2009, 10:30 a.m.

State Capitol, Conference Room 016

by

Karen M. Radius

District Family Judge

Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 912, S. D. 1, Relating to Permanency Hearings.

Purpose: To amend HRS Chapter 587 to ensure compliance with federal Title IV-E hearing requirements.

Judiciary's Position:

The Judiciary has convened a planning group to collaboratively work toward a solution relating to the problems noted in Senate Bill No. 912. The first of several meetings was held on February 25th. Other meetings are scheduled for March 2nd, March 5th and March 11th. This planning group includes representatives from the Department of Human Services, Department of the Attorney General, University of Hawai'i William S. Richardson School of Law, guardians ad litem, parents' counsel, and the Family Court. This group has been working closely with representatives from the Federal Regional Office, Region IX, U.S. Department of Health and Human Services, Administration for Children and Families.

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



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

March 2, 2009

MEMORANDUM

TO: Honorable Brian T. Taniguchi, Chair
Senate Committee Judiciary and Government Operations

FROM: Lillian B. Koller, Director

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

Hearing: March 2, 2009, Monday, 10:30 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 912 SD1, an Administration bill, is to amend Chapter 587, Hawaii Revised Statutes (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 \$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 for a child in accordance with Section 475(5)(C)(1) of the

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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:

- 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
- Reimbursements 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.

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 the 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 this bill 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. This working group met on February 25, 2009 to discuss this bill with representatives from the Federal ACF and is scheduled to meet again on Monday, March 2, 2009 at 1:00 p.m. 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 Federal approval of our Title IV-E state plan.

Thank you for the opportunity to testify.