



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

February 11, 2009

MEMORANDUM

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

Honorable Mele Carroll, Chair
House Committee on Hawaiian Affairs

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 798 RELATING TO CHILDREN

Hearing: Wednesday, February 11, 2009, 9:05 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of this bill is to require that rules adopted by the Department of Human Services regarding the licensing process for foster parents or the certification process for foster family boarding homes provide for the recognition and respect of the Hawaiian culture and the system of hanai.

DEPARTMENT'S POSITION: The Department appreciates the intent of this bill to ensure that cultural values are acknowledged, however, we cannot support this bill as written.

Data cited in Section 1 of this proposed bill is no longer correct. The Native Hawaiian and part-Native Hawaiian children and youth were once very much over-represented, constituting over fifty per-cent of the foster care population. Following the 2003 Federal Child and Family Services Review (CFSR) and the subsequent Program Improvement Plan (PIP), the Department has made great efforts to ensure that children only come into foster care

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unnecessarily. Included in these efforts was the development of an alternative differential response system to reports of child abuse and neglect instead of using the one-size-fits-all response to such reports.

Often times the situations that bring a family to the Department's attention are not actual safety issues for the child. 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 children entering care.

Also, through concerted efforts to broaden our outreach and collaboration with members of the Hawaiian community, and community stakeholders, including purchase of services contracts focusing on the recruitment and training of Hawaiian resource foster families, the Department has been able to increase the number of resource foster families with ethnic and cultural backgrounds that are similar to those of the foster children.

The concept of requiring "the recognition and respect of the Hawaiian culture and the system of hanai" is admirable and the Department supports this as a policy approach, however, this phrase is too broad to enable a practical application.

We would like to strongly suggest that favorable consideration be given to the Office of Hawaiian Affairs sponsored bill, H.B. 912, which proposes changes to chapter 587, HRS, that 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.

H.B. 912 aligns 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.

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.

Thank you for this opportunity to testify.

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Tuesday, February 10, 2009 12:53 PM
To: HUS testimony
Subject: HB798 to be heard Wednesday, February 11th at 9:05am in Room 329 by the Committees on Human Services & Hawaiian Affairs

TO: Representative John Mizuno, Chair
Representative Tom Brower, Vice Chair
Members of the Committee on Human Services

Representative Carroll, Chair
Representative Shimabukuro, Vice chair
Members of the Committee on Hawaiian Affairs

FROM: Dara Carlin, M.A.
881 Akiu Place
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RE: Support for HB798

Hawaii is the only place on earth where the indigenous Hawaiian culture can be claimed which makes it a rarity and something that should be strenuously preserved in every/any way possible. Just as other states in our nation have had to accommodate existing native cultures, beliefs and customs into US and state policies and practices, Hawaii should be granted the same.

The system of hanai has long been a part of the Hawaiian family system and when considering foster care placement for children of Hawaiian ancestry, this aspect should be taken into account and not marginalized. Before Hawaii had a Department of Human Services, the hanai system was the Hawaiian foster care system for generations: "if the biological parents were unable to adequately provide for the needs of the child, someone else would be chosen to be the hanai parents" (from "*Ho'ao a'a and the Ohana*" by K.A.M., LBD Coffee "Coffee Times" 2006). The system of hanai that remains alive in the Hawaiian culture today should be taken into account, recognized and respected in instances where foster parents and/or foster home placement is being considered for children of Hawaiian ancestry.

Thank you for your time and consideration.

Respectfully,

Dara Carlin, M.A.
Independent Domestic Violence Survivor Advocate