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# A BILL FOR AN ACT

RELATING TO THE OFFICE OF COMMUNITY SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The purpose of this part is to improve the  
3 delivery of services to vulnerable populations such as  
4 immigrants and low-income individuals by transferring the office  
5 of community services from the department of labor and  
6 industrial relations to the department of human services.

7 SECTION 2. The Hawaii Revised Statutes is amended by  
8 adding a new chapter to be appropriately designated and to read  
9 as follows:

10 "CHAPTER

11 OFFICE OF COMMUNITY SERVICES

12 § -1 Findings and purpose. The State of Hawaii has been  
13 a leader among the states in the development of progressive and  
14 innovative undertakings on behalf of its neediest residents.  
15 Securing the well-being of all of the State's citizens continues  
16 to be a policy objective of the highest priority.

17 As the State commits a growing share of its resources to  
18 programs and services to assist those at the lowest end of the



1 income scale such as the disadvantaged, refugees, immigrants,  
2 and other people in need, the State must also ensure that  
3 government resources are used prudently and in the most cost-  
4 effective manner possible. The State recognizes that changes in  
5 societal attitudes, values, and emphasis have produced new  
6 issues requiring new approaches for their resolution.

7 The purpose of this chapter is to establish the office of  
8 community services within the department of human services. The  
9 primary purpose of the office is to facilitate and enhance the  
10 development, delivery, and coordination of effective services  
11 and programs for some of the State's most vulnerable residents.  
12 The establishment of the office of community services in the  
13 department of human services would:

- 14 (1) Improve the efficiency and effectiveness of the  
15 operations of the executive branch;
- 16 (2) Improve the delivery of services to disadvantaged  
17 persons, refugees, and immigrants;
- 18 (3) Improve responsibility and accountability for  
19 successfully carrying out programs, policies, and  
20 priorities of the office of community services; and
- 21 (4) Improve responsiveness to the needs of the people of  
22 Hawaii.



1           §   -2 Office of community services; establishment;  
2 executive director. (a) There is established the office of  
3 community services within the department of human services for  
4 administrative purposes. The following programs shall be under  
5 the auspices of and coordinated through the office:

- 6           (1) The progressive neighborhoods program;
- 7           (2) The Hawaii office of economic opportunity;
- 8           (3) The refugee resettlement program; and
- 9           (4) The state immigrant services center.

10           (b) The office of community services shall be headed by  
11 the executive director of the office of community services. The  
12 executive director shall have:

- 13           (1) Training and experience in the field of social work,  
14           education, public health, or related fields;
- 15           (2) Direct experience in programs and services related to  
16           disadvantaged persons, refugees, or immigrants; and
- 17           (3) Experience in working in a supervisory, consultative,  
18           or administrative capacity.

19 The executive director shall be appointed by the governor  
20 without regard to chapter 76 and shall be compensated at a  
21 salary level no less than that of a second deputy. The



1 executive director shall be included in any benefit program  
2 generally applicable to the officers and employees of the State.

3 § -3 General functions, duties, and powers of the  
4 executive director. The executive director shall:

5 (1) Serve as a principal official in the coordination of  
6 state government programs for low-income persons,  
7 disadvantaged persons, refugees, and immigrants;

8 (2) Oversee, supervise, and direct the performance by  
9 subordinates of activities in areas that include  
10 planning, evaluating, and coordinating programs for  
11 low-income persons, disadvantaged persons, refugees,  
12 and immigrants;

13 (3) Assess the policies and practices of public and  
14 private agencies impacting low-income persons,  
15 disadvantaged persons, refugees, and immigrants;

16 (4) Devise and recommend legislative and administrative  
17 actions for the improvement of services for low-income  
18 persons, disadvantaged persons, refugees, and  
19 immigrants;

20 (5) Serve as a member of advisory boards and panels of  
21 state agencies in areas that include human services,  
22 housing, child development programs, elderly health



1 and medical assistance programs, refugee assistance  
2 programs, and immigrant services programs;

3 (6) Administer funds allocated for the office of community  
4 services; and apply for, receive, and disburse grants  
5 and donations from federal, state, county, and private  
6 sources for programs and services to assist low-income  
7 persons, disadvantaged persons, refugees, and  
8 immigrants;

9 (7) Adopt, amend, and repeal rules pursuant to chapter 91  
10 to implement this chapter;

11 (8) Retain staff as may be necessary for the purposes of  
12 this chapter, who may be exempt from chapter 76; and

13 (9) Contract for services as may be necessary for the  
14 purposes of this chapter.

15 § -4 General duties and powers of the office of  
16 community services. The office of community services shall:

17 (1) Establish statewide goals and objectives relating to  
18 low-income persons, disadvantaged persons, refugees,  
19 and immigrants;

20 (2) Study and conduct research concerning the needs of  
21 low-income persons, disadvantaged persons, refugees,  
22 and immigrants in the State. The research shall be



1 carried out whenever possible through the departments  
2 or agencies of the state and county governments  
3 responsible for providing services in the fields of  
4 health, education, housing, social services,  
5 employment, and related areas. Where the research  
6 cannot be performed within established state or county  
7 government agencies, it shall be conducted by the  
8 office of community services or as contracted by the  
9 office of community services;

10 (3) Review legislation pertaining to programs within the  
11 purview of the office of community services and  
12 appropriations made for services to low-income  
13 persons, disadvantaged persons, refugees, and  
14 immigrants; recommend needed revisions to the  
15 programs; and on September 1 of each year, submit a  
16 report to the governor including any recommended  
17 legislation;

18 (4) Evaluate the availability, adequacy, and accessibility  
19 of all services for low-income persons, disadvantaged  
20 persons, refugees, and immigrants within the State;

21 (5) Assist and coordinate the efforts of all public and  
22 private agencies providing services that affect low-



1 income persons, disadvantaged persons, refugees, and  
2 immigrants including the department of health, the  
3 department of human services, department of labor and  
4 industrial relations, and department of education, and  
5 no later than twenty days prior to the convening of  
6 each regular session submit a report of the facts and  
7 recommendations to the governor and to the  
8 legislature. The executive heads of all the  
9 departments and agencies shall make available to the  
10 office of community services any information that the  
11 office deems necessary for the effective discharge of  
12 its duties under this chapter;

13 (6) Maintain contacts with county, state, and federal  
14 officials and public and private agencies concerned  
15 with planning for low-income persons, disadvantaged  
16 persons, refugees, and immigrants; and

17 (7) Encourage and foster local action on behalf of low-  
18 income persons, disadvantaged persons, refugees, and  
19 immigrants.

20 § -5 Relationship with other departments and agencies  
21 and cooperation with the office of community services. Every  
22 state department, county agency, or other public or private



1 agencies providing programs and services to low-income persons,  
2 disadvantaged persons, refugees, and immigrants shall be  
3 encouraged to actively work with the office of community  
4 services and to coordinate the development of its program  
5 plans. The executive heads of all the departments and agencies  
6 shall cooperate with the office of community services in  
7 providing information deemed necessary for the effective  
8 discharge of its duties. Nothing in this chapter shall be  
9 deemed to delegate or detract from the functions, powers, and  
10 duties prescribed by law for any other department or agency of  
11 this State or any county, nor to terminate any existing  
12 contracts between any department or agency and any private  
13 organization for the development or administration of programs  
14 or services to low-income persons, disadvantaged persons,  
15 refugees, and immigrants. Notwithstanding that each county  
16 shall maintain maximum control over the development and  
17 administration of human service programs tailored to meet county  
18 needs, each department, agency, officer, and employee of the  
19 State and of the counties shall cooperate with and assist the  
20 office of community services in the performance of the  
21 functions, powers, and duties of the office."





1 SECTION 3. Chapter 371K, Hawaii Revised Statutes, is  
2 repealed.

3 SECTION 4. All rights, powers, function, and duties of the  
4 department of labor and industrial relations relating to the  
5 office of community services are transferred to the department  
6 of human services. The sixteen permanent full-time equivalent  
7 (16.0 FTE) positions in the office of community services are  
8 hereby transferred from the department of labor and industrial  
9 relations to the department of human services to carry out the  
10 purposes of this part. All officers and employees whose  
11 functions are transferred by this part shall be transferred with  
12 their functions and shall continue to perform their regular  
13 duties upon their transfer, subject to the state personnel laws  
14 and this part.

15 No officer or employee of the State shall suffer any loss  
16 of salary, seniority, prior service credit, vacation, sick  
17 leave, or other employee benefit or privilege as a consequence  
18 of this part.

19 If an office or position held by an officer or employee  
20 having tenure is abolished, the officer or employee shall not  
21 thereby be separated from public employment, but shall remain in  
22 the employment of the State with the same pay and classification



1 and shall be transferred to some other office or position that  
2 the officer or employee is eligible under the personnel laws of  
3 the State as determined by the director of human resources  
4 development.

5 All appropriations, records, equipment, machines, files,  
6 supplies, contracts, books, papers, documents, maps, and other  
7 personal property made, used, acquired, or held by the  
8 department of labor and industrial relations, its agencies,  
9 divisions, or offices relating to the functions of the office of  
10 community services that are transferred to the department of  
11 human services shall be transferred with the functions to which  
12 they relate.

13 All rules, policies, procedures, guidelines, and other  
14 material adopted or developed by the agencies, divisions, or  
15 offices transferred or placed for administrative purposes under  
16 this part, shall remain in full force and effect until amended  
17 or repealed by the department of human services pursuant to  
18 chapter 91, Hawaii Revised Statutes.

19 All deeds, leases, contracts, loans, agreements, permits,  
20 or other documents executed or entered into by or on behalf of  
21 the agencies, divisions, or offices transferred or placed for



1 administrative purposes with the department of human services by  
2 this part, shall remain in full force and effect.

3 The provisions of this section are to be liberally  
4 construed to effectuate its purposes.

5 SECTION 5. All acts passed by the legislature during this  
6 regular session of 2012, whether enacted before or after the  
7 effective date of this part, shall be amended to conform to this  
8 part unless such acts specifically provide that this part is  
9 being amended.

10 PART II

11 SECTION 6. The legislature finds that one of the goals of  
12 the federal Violence Against Women Act is to protect women who  
13 are victims of domestic violence or sexual assault, including  
14 undocumented immigrants, from their perpetrators.

15 The United States Department of Justice, through the Office  
16 on Violence Against Women, encourages nonprofits, community-  
17 based organizations, and other social service organizations to  
18 aid victims of violence by providing legal and social services  
19 to enable women to report abuse and cooperate with law  
20 enforcement without fear of being legally reprimanded due to  
21 their immigration status. The Violence Against Women Act  
22 created special rules for undocumented immigrants who are



1 victims of domestic violence or sexual assault to allow them to  
2 apply for a work permit and a U-visa, which provides immigration  
3 status to noncitizens willing to assist authorities in  
4 investigating crimes.

5       However, despite the provisions of the Violence Against  
6 Women Act, many domestic violence or sexual assault victims do  
7 not report perpetrators or help to prosecute them because of  
8 fear of deportation. Also, many victims are unfamiliar with the  
9 laws that protect them and their children. Additionally, women  
10 who have cooperated with authorities have been unable to  
11 financially support their families because of a lack of job  
12 experience, job training, and interviewing skills.

13       The purpose of this part is to request that the department  
14 of human services establish a pilot project to enable community-  
15 based organizations to provide legal advice and social services  
16 to victims of domestic violence or sexual assault who are  
17 undocumented immigrants, in accordance with the goals of the  
18 federal Violence Against Women Act.

19       SECTION 7. (a) The department of human services may  
20 establish a pilot project to assist undocumented immigrants who  
21 are victims of domestic violence or sexual assault, including



1 assistance qualifying for protection under the federal Violence  
2 Against Women Act.

3 (b) If established, the pilot project shall provide the  
4 following services to undocumented immigrants who are victims of  
5 domestic violence or sexual assault:

- 6 (1) Assistance with restraining orders;
- 7 (2) Assistance with applications for petitions under the  
8 federal Violence Against Women Act, U-visas, and work  
9 permits;
- 10 (3) Workshops on building self-esteem and self-confidence;
- 11 (4) Instruction on appropriate workplace etiquette and  
12 appearance;
- 13 (5) Training in effective job search techniques;
- 14 (6) Career assessments, when appropriate, to identify  
15 marketable skills and assess employability;
- 16 (7) Information about current labor market trends for  
17 employment and training;
- 18 (8) Placement with employers who agree to hire a  
19 prearranged number of victims;
- 20 (9) Post-employment services;



1 (10) Legal assistance with divorces, child custody and  
2 support, housing and consumer issues, and other family  
3 law issues; and

4 (11) Case management needs, including language learning,  
5 and information and assistance using public  
6 transportation, obtaining identification, and other  
7 skills as necessary.

8 (c) If the pilot project is established, the department of  
9 human services shall submit a report to the legislature no later  
10 than twenty days prior to the convening of the regular session  
11 of 2014. The report shall include the number of victims who  
12 received services and the types of assistance they received.

13 PART III

14 SECTION 8. This Act shall take effect on July 1, 2012;  
15 provided that sections 6 and 7 shall be repealed on June 30,  
16 2014.

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INTRODUCED BY:

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# H.B. NO. 2282

**Report Title:**

Office of Community Services; Pilot Project; Domestic Violence

**Description:**

Transfers the office of community services from the DLIR to the DHS. Authorizes DHS to establish a pilot project to assist undocumented immigrants and refugees who are victims of domestic violence.

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