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February 16, 2016

TO: The Honorable Representative Dee Morikawa, Chair  
House Committee on Human Services

FROM: Rachael Wong, DrPH, Director

SUBJECT: HB 2503, Relating to Foster Boarding Homes

Hearing: Thursday, February 18, 2016, 9:00 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) respectfully opposes this bill as the identity and location of the DHS resource (foster) homes are confidential per section 346-10(f), Hawaii Revised Statutes (HRS), to ensure the safety of foster children and resource families.

**PURPOSE:** This bill would require DHS to: 1) distribute confidential lists of foster boarding homes in the community to the respective chiefs of police, and 2) conduct interviews of neighbors of persons and organizations seeking approval to operate a foster boarding home.

The Child Protective Act, Chapter 587A, makes "paramount the safety and health of children who have been harmed or are in life circumstances that threaten harm." Protecting the location and identity of the foster (resource) home and family are essential parts to establishing the child's safety. Disclosure of a foster (resource) home identity is prohibited by section 346-10(f), HRS, which in part provides: "[t]he identity of foster parents...and the location of the foster home...is confidential...The identity, mailing address, and telephone number of licensed or certified foster parents and approved relative caregivers...shall not be released...without the consent of the foster parent or relative caregiver."

Releasing confidential lists of resource homes and interviewing neighbors and businesses within a one-hundred yard radius would threaten the safety of foster children and resource (foster) families.

All resource care givers must meet rigorous criteria to become licensed and their homes must meet minimum standards because of the serious and significant responsibilities resource caregivers undertake. Hawaii Administrative Rules §17-1625-17 require resource caregiver applicants and all adults in the home to be responsible, stable, and emotionally-mature individuals who exercise sound judgement and can make appropriate decisions. They must demonstrate sufficient ability, training, and experience in caring for children, and not have a background which poses a risk to the health, safety, or well-being of the children in their care. All adults must undergo criminal history and child abuse and neglect background checks, health clearances, and employment and income verification. Applicants are required to submit at least two personal references from people who have knowledge of the family's background, character, and ability to care for children. Additionally, in-depth home studies are completed on all applicants to assess their physical and personal capacity to provide a safe and nurturing home for children in foster care. Department licensing staff inspect each home so that all rooms are safe and sanitary, with sufficient living and bedroom space, and have adequate light and ventilation. The home must be protected from fire hazards, drugs, poisons, harmful household supplies, dangerous tools, weapons, firearms, and potentially dangerous animals.

Child Welfare Services (CWS) focuses on the continuous safety, health and well-being of all children within its care, and CWS workers visit each foster child in person every month. At least six of these visits each year are in the resource home to make sure that living conditions continue to meet licensing standards. The CWS workers also maintain ongoing contact with the resource caregivers to evaluate the child's safety and well-being, as well as to assess and address any needs or problems.

All concerns and complaints about resource caregivers or their homes are taken seriously and fully investigated. Complaints may be made to the Child Abuse or Neglect Reporting Hotline 808-832-5300 or (toll free) 1-800-494-3991 (from neighbor islands). Trained investigative DHS staff make unannounced visits to resource caregivers' homes to follow-up on complaints and take necessary action, including removing foster children and revoking licenses if concerns are serious,

warranted, and confirmed. Child Welfare Services staff work diligently to keep children in our program safe and under good care.

Thank you for the opportunity to testify on this bill.



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Human Services**

Representative Dee Morikawa, Chair

Representative Bertrand Kobayashi, Vice Chair

Thursday, February 18, 2016, 9:00 a.m.

State Capitol, Conference Room 329

By

R. Mark Browning

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 2503, Relating to Foster Boarding Homes.

**Purpose:** Requires DHS to distribute confidential lists of foster boarding homes in the community to the respective chiefs of police. Requires DHS to conduct interviews of the neighbors of persons and organizations seeking their initial certificate of approval to operate and maintain a foster boarding home.

**Judiciary's Position:**

The Judiciary respectfully opposes passage of this bill. Requiring canvassing neighbors and businesses within 100 feet of a prospective foster home and releasing a list of foster homes with valid certificates of approval to the police departments are simply not necessary for community safety.

Foster homes house and protect abused and neglected children. The laws already have safeguards in place through the requirement of valid certificates of approval which are to be reviewed frequently. This bill appears to subject potential and existing foster parents and foster children to additional scrutiny which may impinge on their privacy rights. This may, in turn, discourage new potential foster homes from applying and discourage existing foster homes from re-applying for the valid certification process. Given the great need for more foster homes and our state's responsibility to protect abused and neglected children, we should be directing our



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resources to encouraging rather than discouraging foster homes to provide our foster children with the safety and nurturance they deserve.

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

**LATE**

February 18, 2016 9:00am

Conference Room 329

House Committee of Human Services

To: Representative Dee Morikawa, Chair

Representative Bertrand Kobayashi, Vice Chair

Re: **TESTIMONY IN SUPPORT OF HB 2503**

Chair Morikawa and Vice Chair Kobayashi thank you for allowing me to provide testimony in support of HB 2503. My name is Darrin Sato, I am a Licensed Clinical Social Worker in the State of Hawaii and I am testifying as a private citizen. I am an employee at Kalihi-Palama Health Center, former President of National Association of Social Workers Hawaii Chapter and former Red Cross Mental Health Volunteer who assisted survivors and family members in Xerox shootings and Sept 11<sup>th</sup> attacks in New York with over 25 years of experience in the field.

I am in support of HB 2503 as it provides much needed protection for foster children and the neighboring community and businesses. As a mental health provider, I see many patients who are children, teenagers and adults who have been victimized by abuse and neglect. Many of them have been abused by family members or close family friends. Some of my patients have also been re-traumatized within the foster care system. **It is important for the Department and the State to ensure the best fit in placing vulnerable children. By sending information to the Police Department and getting additional information from neighbors and businesses, are deemed essential ways to protect our children and ensure the safest placement possible.** In our work we utilize Duty to Warn to inform potential victims that there have been threats made which could endanger their lives from someone who suffers from a mental illness. The bill will provide that type of protection for the children in foster care. It also provides a safety measure for the neighbors and businesses that reside near the prospective foster parents.

This bill will also provide the police to monitor and provide information to the Department in case a subsequent law or inappropriate behaviors occurs which impact the child can be handled in a timely manner. Children see their care takers as role models and protectors. Once that trust has been broken it becomes much more difficult to treat repeated wounds over time.

I urge the committee to pass this bill for sake of our children and community. I again want to voice my support of HB 2503. Thank you for your time in reviewing my testimony.

**LATE**

My name is Kelly Terakawa and I support HB 2503. This bill is attempting to provide more safety to our foster youth in Hawaii. Those in the foster care system have been through much abuse, violence, etc. and ensuring those surrounding them are providing them a safe environment is much needed. I also agree with doing interviews with the business, homeowners, residents, etc. within a 50-yard radius because they are the community the future youth will be surrounded by. These people need to be not only a safe influence but a positive one as well. Distributing a list to the Chief of Police regarding foster boarding homes is also important. This creates accountability and also ensuring these boarding homes are staying within safety regulations for the sake of the youth.