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TO: The Honorable Josh Green, Chair
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **SB 745 – Relating to Child Abuse**

Hearing: Friday, January 27, 2017, 2:45 p.m.
Conference Room 016, State Capitol

DEPARTMENT’S POSITION: The Department of Human Services (DHS) appreciates the intent, however, DHS has concerns about the proposal and offers comments. DHS defers to the Department of the Attorney General regarding the specific provisions of the bill, and the state and federal law enforcement community as to the added duties proposed by the measure.

PURPOSE: The purpose of this bill is to amend Section 587A, Hawaii Revised Statutes, of the Child Protective Act, to specify certain rights of a parent or guardian after the Department of Human Services (DHS) receives a report concerning child abuse or neglect and requires the DHS and the law enforcement authority to provide written notice at the time of any initial face-to-face contact with a child’s parent or guardian of their rights related to DHS’ child abuse or neglect investigation.

Section 106(b)(2)(B)(xviii) of the Child Abuse Prevention and Treatment Act , requires the State to have provisions or procedures to advise the individual subject to a child abuse or neglect investigation of the complaint or allegations made against him or her at the time of the initial contact.

Currently, CWS is working in consultation with the U.S. Department of Health & Human Services, Administration for Children and Families (ACF), the federal agency responsible for child abuse prevention and intervention programs, to improve the Department’s efforts to

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advise the individual who is subject to a child abuse and neglect investigation of the complaints or allegations made against the individual at the time of initial contact with the individual, in a manner that is consistent with laws protecting the rights of the informant. With technical assistance from ACF, CWS is scheduled to have its final proposed changes to its procedures done by June 30, 2017.

Currently, CWS informs the parent of the complaint or allegations and provides a child's parent or guardian with A Guide to Child Welfare Services which details CWS's responsibility: 1) to conduct an investigation of child abuse or neglect, 2) ability to interview a child without the consent of the parent or guardian, 3) forward all reports to the police to determine if they will conduct a criminal investigation, and 4) inform a parent or guardian of their right to obtain an attorney and/or advocate. A link to the guide is provided:

<http://humanservices.hawaii.gov/ssd/files/2013/04/A-GUIDE-TO-CHILD-WELFARE-FINAL.pdf>

Interpreter services are also offered and provided to each parent or guardian when needed.

CWS has concerns about the bill as delaying an investigation may put children at more risk of harm or continued neglect. Immediate action is often required when responding to reports of abuse and neglect to assess the safety of children. An investigation and assessment includes communication with parents and caregivers; delay in communicating with parents or a refusal to communicate and work with Child Welfare Services may result in the removal of the child, trauma associated with removal, require Family Court intervention, and increase the number of children placed in foster care. Timely communication and partnership with the child's parent or guardian is critical in the assessing the child's safety, and determining if the child can safely remain in the family home.

Further, the requirements of this bill would create an adversarial situation in an already difficult situation, undermine the safety and well-being of the child and is contrary to the mission of the Child Welfare Services (CWS) "to ensure, in partnership with families and communities, the safety, permanency and well-being of those children and families where child abuse and neglect has occurred or who are at high risk for child abuse and neglect."

Thank you for the opportunity to testify.