

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 12, 2019

TO: The Honorable Representative Chris Lee, Chair
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 383 - RELATING TO CHILD WELFARE SERVICES**

Hearing: February 14, 2019, 8:30 a.m.
Conference Room 312, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent, and offers comments.

PURPOSE: This bill would establish a child welfare services task force to examine the work of the Child Welfare Services Branch (CWSB).

The Department is committed to increasing child safety and continuous quality improvement, and there already exist numerous evaluative bodies and methods to provide feedback and direction to Hawaii's Child Welfare Services Branch.

Based on the results of the recent review by the federal Administration for Children and Families (ACF), which the bill references, CWSB has completed a thorough root-cause analysis with guidance from ACF and the federal child welfare Capacity Building Center for States (CBCS). This analysis involved examinations of CWSB data from multiple perspectives, focus groups with staff, meetings and discussions with administrators, community partners, and stakeholders. Out of this thorough analysis, an action-based, formal Program Improvement Plan (PIP) has been developed with support from ACF and the CBCS. This PIP includes twenty-four

AN EQUAL OPPORTUNITY AGENCY

distinct activities that are anticipated to result in improved outcomes for children and families. As part of the PIP, these activities will be regularly evaluated for efficacy, and altered, if needed, based on the evaluation data.

In addition to the federal ACF review, two independent groups meet regularly to review relevant data and information and then provide guidance to CWSB. The Citizens' Review Panel is made up of statewide community volunteers, who meet monthly, examine ways to improve CWSB practice, and provide feedback to CWSB. The Child Welfare Advisory Council meets quarterly, with statewide representation from numerous state agencies, community groups, service providers, stakeholders, and CWSB leadership. The Advisory Council reviews CWSB data, discusses CWSB projects and initiatives, and provides direction to CWSB.

Additionally, every year, CWSB's data is subject to federal audit, as well as State audit. Any deficiencies found in these audits are formally addressed through the implementation of written corrective action plans, whose progress is externally monitored.

CWSB's continuous quality improvement (CQI) focus is also evident in the partnered projects with its CQI contract with University of Hawaii, Maui College. The biggest collaborative project is the statewide reviews of CWSB cases. These reviews are conducted continually throughout the year, using the same formal evaluation tool as the federal case review system. The outcomes of these reviews become the basis of geographic-specific action plans to improve both CWSB performance and the outcomes for families in each area of the State.

Thank you for the opportunity to testify.

HB-383

Submitted on: 2/12/2019 8:08:01 PM

Testimony for HSH on 2/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Yamamoto	Hawaii Family Advocacy Team	Oppose	No

Comments:

I am an advocate for families in the child welfare system and for child welfare reform since 2012 when my first case uncovered one dozen violations of Hawaii laws and the Policy and Procedures manual. I have read online research from the federal website childwelfare.gov and a follower of papers from the CEO of the NCCPR (National Coalition for Child Protection Reform), Richard Wexler, a journalist and researcher since 1976.

Hawaii DHS has been violated by the Administration for Children and Families twice since 2012, two of which were 14th amendment, due process federal rules in CAPTA 1974 that authorizes federal foster care funding. The Hawaii State Auditor reported deficiencies in 1999 and noted that those deficiencies were still not corrected in 2003. ACF then failed CWS in all three rounds of federal evaluations in 2003, 2009 and 2017. ACF told me last year that the reason for state CFSR failures is the lack of management support for good standard practices. Four decades is long enough to get child protection right.

I have watched task force panels organized in at least 5 states that created a list of recommendations that were never implemented. My expectation is that more state funding will be on the list of recommendations. The department does not need money; it needs strong leadership from the perspective of compliance with child welfare law and procedures. It needs to reduce foster care to only cases where removal is the only choice, not the "grab 'em and ask questions later" culture. The judiciary needs to hold court appointed lawyers, who are the checks and balances for due process, accountable to prevent overreach of power by CWS that harms more families than they help.

From my perspective of having seen hundreds of cases, child welfare removes children from families that do not rise to the level of guidelines for abuse or neglect and because of that case overload, overlooks actual abuse cases.

Recommendation by testimony for the companion bill SB1022 has resulted in the addition of 4 panel members, but they are to be selected and appointed by DHS, the very department that has failed to improve in spite of 2 years of PIP supervision by ACF for each of the three evaluations. This bill leaves the oversight and problem-solving to

DHS and its control over who sits on the panel. The chair should be an independent party and the added members should be selected by the Chair from parties who apply to serve on the panel. There should be a CWS defense attorney on the panel and a therapist who is not contracted by DHS.

EAST HAWAII FRIENDS OF FOSTER FAMILIES

February 14, 2019

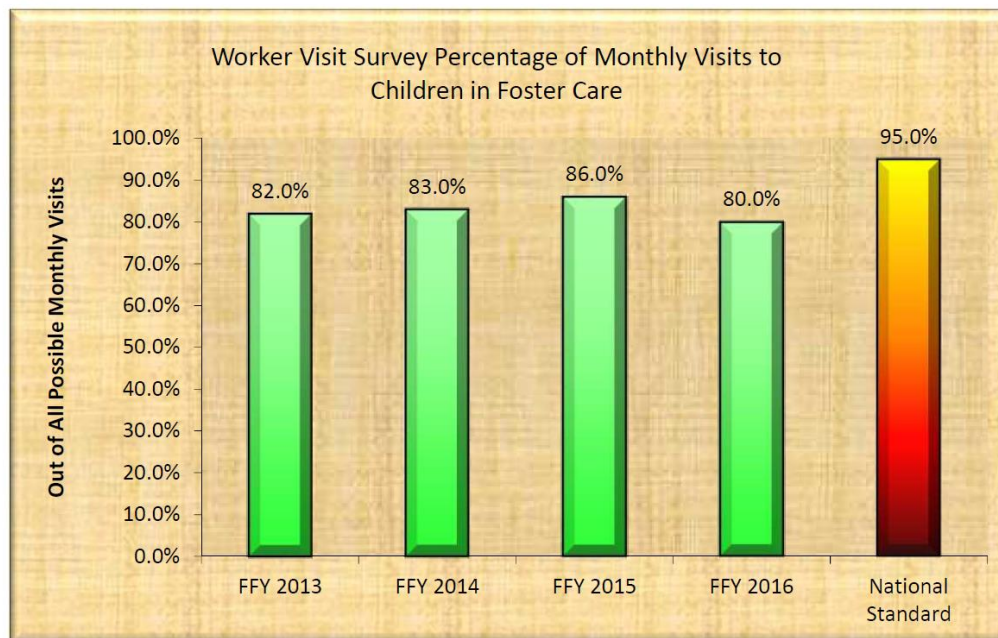
**The Honorable Representative Joy San Buenaventura, Chair
House Committee on Human Services and Homelessness
Hearing at 9:00am in Conference Room 329
Testimony in SUPPORT of HB383**

CURRENT SITUATION:

The federal government in 2018 evaluated Child Welfare Services and found no improvement from the last evaluation in 2009. In the seven outcome categories reviewed, the state failed to be in *substantial conformity* in all seven, the same as eight years ago. Our hope is that this task force will directly address concerns currently facing Child Welfare Services and make legislative recommendations to improve outcomes.

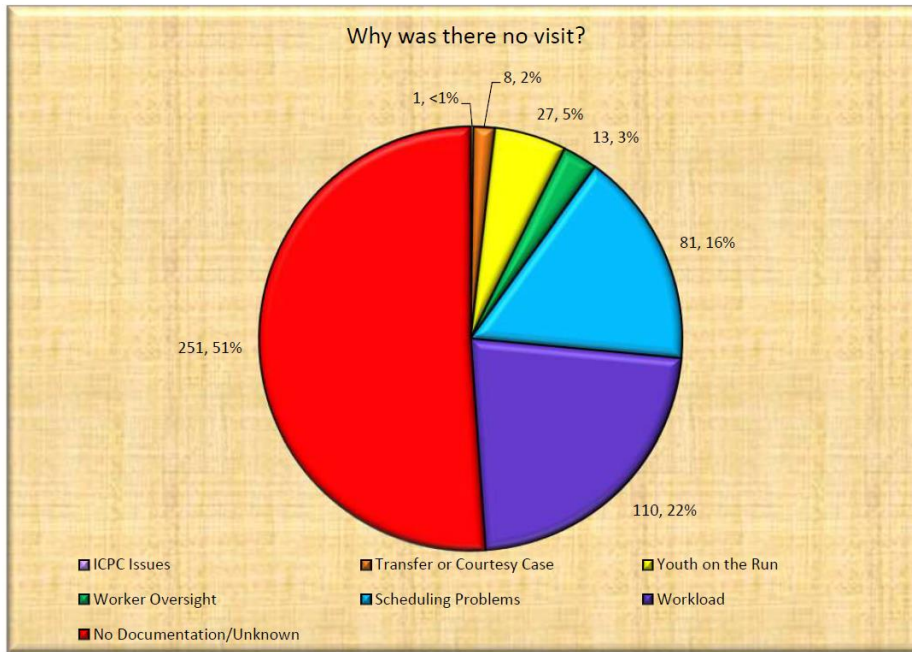
We see the largest problem currently facing Child Welfare Services as the high caseloads and vacancy/turnover rates in positions. Child Welfare League of America recommends social workers carry a caseload of no more than 12-15 children. Currently our social workers carry an average of 40. These high caseloads have severely negative consequences. For the state to remain eligible and compliant for federal funds social workers are required to do monthly face-to-face visits with the children and parent(s). In 2016 Child Welfare Services did a staff survey of reasons behind missed visits (below). When answers are grouped the survey found that only 8% of these missed visits were unavoidable where as 92% were due to workload/oversight/scheduling/unknown. Unknown because either there was no documentation that a visit took place for that month, or the worker could not confirm that a visit occurred, or the worker had left employment with no further information obtainable.

Figure 41: Worker Visit Survey Percentage of Monthly Visits to Children in Foster Care FFY 2013-2016



Data Source: DHS, SHAKA, Statewide Worker Visit Survey

Figure 43: Why Was there no visit? – FFY 2016



Data Source: DHS. SHAKA, Statewide Worker Visit Survey

STAFFING:

Large amount of vacancies have been a problem for many years with CWS.

Figure 65: CWSB Staff Positions and Vacancies – 2013 - 2017

CWSB Staff Positions and Vacancies					
	May 2013	May 2015	May 2015	April 2016	March 2017
Total CWSB Positions	428	411	409	399	403
Vacant CWSB Position	94	93	72	67	97
Parentage of Vacancies	22%	23%	18%	17%	24%

Data Source: DHS, CWS

EXPECTED OUTCOMES:

This bill is about collaborating to ensure we do the job right. Our hope is that this task force can focus on how we can reduce caseloads and move CWS to a stable and staffed workforce. Once achieved we expect to see these outcomes:

- More-thorough investigations that result in less removals and investigators having more time to focus on family strengthening
- Shortened time-in-care for children that do enter
- Increased reunification rates
- More-supported and happier foster parents that results in greater retention and easier recruiting
- Improved social worker job-satisfaction that results in less turnover
- Less-burdened court system with fewer sanctions
- Better outcomes for our children

REQUESTED AMENDMENTS:

We strongly feel that frontline stakeholders need to be included in the task force. We recommend the following people be added to serve on the task force:

- Current or former foster youth
- Resource caregiver
- Bio-parent of a current or former foster youth
- Frontline CWS Social Worker

THE ASK:

We humbly ask you to amend and pass this bill. As one of our GAL's puts it:

Social workers are often difficult to reach and many are not conducting their minimum monthly face-to-face visits. It may seem like a small thing, but is hard to put into words how deeply unfair this is to foster children. By definition, the most important adults in their lives have already failed them. When we entrust their care to a state agency without the means or the staff to meet their needs, we send them a powerful and damaging message about their worth.

Thank you for scheduling this hearing and giving us the opportunity to testify,

Joseph O'Connell
East Hawaii Friends of Foster Families
808-640-0905
PO Box 11058
Hilo HI 96721

HB-383

Submitted on: 2/13/2019 7:15:56 AM

Testimony for HSH on 2/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB-383

Submitted on: 2/13/2019 8:54:26 AM

Testimony for HSH on 2/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Mendoza	Individual	Support	No

Comments:

HB-383

Submitted on: 2/12/2019 2:49:52 PM

Testimony for HSH on 2/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
kawai saniatan	Individual	Support	No

Comments:

To Whom It May Concern:

This testimony is to express my strong support of HB383 to continue to help protect the health and safety of our community.

HB-383

Submitted on: 2/13/2019 10:10:43 AM

Testimony for HSH on 2/14/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Esther McDaniel	Individual	Support	No

Comments:

I SUPPORT HB 383 with the addition of these members on the task force:

current or former foster youth

current or former Resource Caregiver (AKA foster parent)

biological family member of current or former foster youth

In 2008 I participated in a CWS federal audit as a community member and have been a resource caregiver since 2003. Our foster keiki and families need more support, attention & resources. Although I have reservations about what can be accomplished through a task force, I'm hopeful that there will be needed improvements for our keiki. Please pass this bill.

With sincere aloha,

Esther McDaniel

HB-383

Submitted on: 2/13/2019 11:25:52 PM

Testimony for HSH on 2/14/2019 9:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
kia-lyn.campbell	Individual	Support	No

Comments:

HB-383

Submitted on: 2/13/2019 11:29:52 PM

Testimony for HSH on 2/14/2019 9:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Shandon Cuba	Individual	Support	No

Comments:

Aloha Human Services Committee,

My name is Shandon Cuba and my sisters and I spent many years in foster care. I support this bill because it actively seeks to find solutions to this over-burdened system. I think social workers should have enough time to do their visits every month. My sisters and I often went months without being visited and we weren't able to see each other because our homes were far apart. They got abused in that foster home and maybe that could have been prevented if the monthly checks were happening. Please support this bill.

Thank you for your time and the chance to testify,

Shandon Cuba