

DAVID Y. IGE
GOVERNOR



RYKER WADA
CHIEF NEGOTIATOR

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS AND
SENATE COMMITTEE ON JUDICIARY

For Hearing on Friday, April 8, 2022
9:50 a.m., Conference Room 211 & Via Video Conference

By

RYKER WADA
CHIEF NEGOTIATOR

House Bill No. 2424 HD1 SD1
Relating to Child Welfare Services

CHAIRPERSONS DELA CRUZ AND RHOADS, VICE-CHAIRS KEITH-AGARAN AND KEOHOKALOLE, AND MEMBERS OF THE JOINT COMMITTEE:

The purpose of House Bill No. 2424 HD1 SD1 is to: (1) Expand the investigative powers of the department of human services to include review and investigation of families that receive benefits from the State's adoption assistance program and against whom a complaint has been lodged; (2) Appropriate funds to hire additional case workers and support staff; and (3) Appropriate funds to increase compensation to fill vacancies and retain employees in existing child welfare services branch case worker positions; provided that any increase in compensation shall be subject to collective bargaining with the objective of expeditiously filling all vacancies.

The Office of Collective Bargaining (OCB) respectfully **opposes** H.B. 2424 HD1 SD1 only to the extent that appropriating funds to increase compensation of public sector employees in existing child welfare services case worker positions is inappropriate and premature.

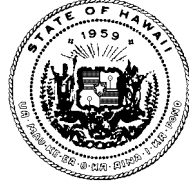
The OCB is concerned that appropriating funds for compensation increases yet to be negotiated may significantly diminish the Employer's ability to collectively bargain on the compensation of not only child welfare services case workers, but all public sector employees. The OCB notes that historically, and in accordance with 89-10 HRS, cost items including wages, are submitted to the Legislature after agreement between the Employer and Union is reached and ratification by the concerned employees is complete.

Furthermore, the OCB is extremely concerned about the unintended consequences this measure may have on current and future negotiations affecting all public sector employees. For example, bargaining units may see this as an opportunity to get “two bites of the apple” by seeking items both at the collective bargaining table and through the legislature.

Based on the above, the OCB respectfully requests that this measure be **amended** to remove appropriations that would fund compensation increases that have not yet been negotiated under Chapter 89.

Thank you for considering our concerns and for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

April 7, 2022

TO: The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **HB 2424 HD1 SD1 – RELATING TO CHILD WELFARE SERVICES.**

Hearing: Friday, April 8, 2022, 9:50 a.m.
Conference Room 211, State Capitol
and Via Videoconference

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

PURPOSE: The purpose of this measure is to expand the investigative powers of the Department of Human Services to families that receive benefits from the State's Adoption Assistance Program, against whom a complaint has been lodged. Requires the Department of Human Services to report on the impact of expanding home visits to families receiving benefits from the adoption assistance program to the Legislature before the convening of the Regular Session of 2027. Appropriates funds for the Department of Human Services to hire additional case workers and support staff. Appropriates funds for the Department of Human Services to increase, subject to collective bargaining, compensation to fill vacancies and retain employees in existing Child Welfare Services Branch positions. Effective 7/1/2060. (SD1)

The HD1 amended the measure by:

- (1) Deleting a portion of the preamble to narrow the scope of the legislative intent;
- (2) Limiting the review or investigation of adoptive families and legal guardians to families where a complaint has been lodged with the Department of Human Services at any time, including any time prior to adoption or awarding of legal guardianship;
- (3) Deleting the crisis mobile outreach team pilot program and associated appropriation;
- (4) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The SD1 amended the measure by:

- (1) Deleting a portion of the preamble to narrow the scope of the legislative intent;
- (2) Limiting the review or investigation of adoptive families and legal guardians to families where a complaint has been lodged with the Department of Human Services at any time, including any time prior to adoption or awarding of legal guardianship;
- (3) Deleting the crisis mobile outreach team pilot program and associated appropriation;
- (4) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The underlying purpose of the bill aims to ensure safety for children who had previously been in foster care and are adopted. As currently drafted, the bill refers to existing law and does not expand the investigative authority of DHS. If the measure passes as drafted, the resulting law would be confusing as it would appear that there is additional authority when DHS will only have the same authority it currently has.

When DHS receives a report of suspected child abuse or neglect involving any child at the hands of "any person who, or legal entity which, is in any manner or degree related to the child, is residing with the child, or is otherwise responsible for the child's care," section 350-1, Hawaii Revised Statutes (HRS), and section 587A-11, HRS, DHS is mandated to investigate. Reports may include resource caregivers, pre-adoptive caregivers, adoptive caregivers, and legal guardians. Reports received are immediately assessed for validity and safety of the child

and are investigated within timelines specified in federal and State laws and departmental procedures.

Adoptive parents go through an extensive vetting process to initially become resource caregivers. This process includes criminal background checks, child abuse and neglect history checks, a multi-phased home study, monthly visits from a Child Welfare Services (CWS) caseworker, training certification, and Family Court approval as permanent caregivers. CWS determines that these families can provide a safe and nurturing home for the child with all the available information.

When a child exits foster care and is reunited with their biological parents, the Family Court closes the child protection case, and the jurisdiction of the Court terminates. Similarly, when a child exits foster care to adoption, CWS ceases its monitoring and only becomes involved with the family again if new concerns are reported. Adoptive parents have all legal rights and responsibilities for the child adopted and become the natural permanent parents of the child.

CWS is addressing the concerns raised in the bill with the following efforts:

- CWS is fortifying its recruitment, assessment, and training of resource caregivers. CWS began new contracts on July 1, 2021, for resource caregiver (formerly known as foster parents) recruitment, home study assessments, licensing recommendations, and all initial and ongoing support services to assess the family's abilities to nurture children safely.
- CWS Permanency Strengthening Services (PSS), available on all islands statewide, are offered to families moving toward adoption or legal guardianship before finalization and after the award of legal guardianship or adoption. The goal of PSS is to provide support services so that the child's placement with their family remains safe, nurturing, stable, and permanent through the provision of in-home crisis intervention services, counseling, and parenting education. Any family that has adopted or become a legal guardian of a former foster child is eligible for this voluntary strengthening service.

Section 3 (Page 2, Lines 12-18) of the proposed bill requests that the DHS submit a report regarding the impact of home visits on adoptive families. The current version of the bill does not expand CWS practice beyond visiting these homes when a report of suspected child abuse and, or neglect is received and determined to require further assessment – which is the current CWS practice. The reason and breadth of the requested report are unclear.

CWS is open to discussions on other ways to address concerns and continues to rely on and encourage the community members to support families and make reports of alleged abuse and or neglect of children.

DHS supports the appropriation of funds to increase compensation to fill CWS vacancies and retain CWS employees, provided that appropriation does not negatively impact the budget priorities identified in the executive budget. CWS work is intense and complex as staff responds to families in crisis. This important work requires experience and education in human behavior, remaining calm and focused amid chaos and intense emotions, and fortitude and tenacity. Higher monetary compensation may help CWS recruit and retain the necessary skilled employees.

Alternatively, if funding for recruitment and retention of CWS employees is not forthcoming, DHS suggests a direct appropriation to enhance existing permanency services. For example, additional funding may be used to procure services to follow up with children who have been adopted when concerns have been reported regarding their safety, but for which those concerns may not necessarily rise to the level requiring an investigation. Follow-up services could include offering family strengthening services, safety assessments of the home, and assessing the child's well-being.

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

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON WAYS AND MEANS AND JUDICIARY
ON
HOUSE BILL NO. 2424, H.D. 1, S.D. 1

April 8, 2022
9:50 a.m.
Room 211 and Videoconference

RELATING TO CHILD WELFARE SERVICES

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2424, H.D. 1, S.D. 1, amends Chapter 346, HRS, to authorize the Department of Human Services (DHS) to review or investigate families that are receiving benefits for adoption assistance through the State and have a complaint lodged with DHS against them. The bill also sets reporting requirements for DHS on the impact of the new authority; appropriates an unspecified amount of general funds for DHS in FY 23 to hire an unspecified number of case workers and an unspecified number of support staff positions to support the new investigative authority; and appropriates an unspecified amount of general funds for DHS in FY 23 to increase compensation for child welfare services case worker positions, subject to collective bargaining.

Regarding the appropriation to provide compensation increases specifically for vacant and filled child welfare services case worker positions, B&F has serious concerns because it “puts the cart before the horse.” Appropriating funding for cost

items before negotiations are complete and agreements are reached could adversely impact the collective bargaining process.

B&F notes that, with respect to the general fund appropriations in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2424, H.D. 1, S.D. 1, RELATING TO CHILD WELFARE SERVICES.

BEFORE THE:

SENATE COMMITTEES ON WAYS AND MEANS AND ON JUDICIARY

DATE: Friday, April 8, 2022

TIME: 9:50 a.m.

LOCATION: State Capitol, Room 211 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Lynne M. Youmans,
Deputy Attorney General, at 587-3050)

Chairs Dela Cruz and Rhoads and Members of the Committees:

The Department of the Attorney General supports the intent of this bill and provides the following comments:

This bill seeks to expand the power of the Department of Human Services (DHS) to conduct investigations of families who have adopted children who were previously in foster care and appropriate funds for additional case workers and support staff for DHS. To that end, the bill would: (1) reinforce in chapter 346, Hawaii Revised Statutes (HRS), that a family adopting a child and receiving adoption assistance from DHS would be subject to review or investigation under certain conditions; (2) appropriate funds for DHS to hire staff to conduct annual or semi-annual in-home visits for families receiving adoption assistance; and (3) appropriate funds to increase compensation to fill vacant staff positions and to retain employees in existing case worker positions.

Section 2 of the bill, at page 2, lines 5-11, includes the following condition

Pursuant to section 346-___, families receiving benefits from the adoption assistance program and against whom a complaint has been lodged with the department of human services shall be subject to review or investigation at any time and in a manner, place, and form as may be prescribed by the department or its authorized agents in accordance with chapters 350 and 587A.

The first line of this provision refers to a new section of chapter 346, HRS, that would have been created in the original draft of this bill. That section of the bill was removed

from the bill by a prior committee. As a result, the current amendment made to section 346-301, HRS, in section 2 of the bill should be revised to delete the reference to the now non-existent new section of chapter 346 to read as follows:

[[§346-301]] Adoption assistance program established[-]; review or investigation of program benefit recipients. The department of human services shall maintain an adoption assistance program to facilitate the adoption of children with special needs. Families receiving benefits from the adoption assistance program and against whom a complaint has been lodged with the department of human services shall be subject to review or investigation at any time and in a manner, place, and form as may be prescribed by the department or its authorized agents in accordance with chapters 350 and 587A.

Thank you for the opportunity to provide comments.

HB-2424-SD-1

Submitted on: 4/6/2022 2:39:04 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Testifying for Hawaii Family Advocacy Team	Oppose	Written Testimony Only

Comments:

Chairs of JDC and WAM,

HB2424, as introduced, was unconstitutional because it aimed to investigate all permanent guardianship and adoptive placements of foster children without a report of abuse or neglect. The bill was amended to require abuse reports.

Section 4 suggests that, in spite of the amendments in Section 2 to require a report, additional staff is needed to conduct one- or two-yearly visits WITHOUT a report of abuse or neglect and that the criteria to make a home visit is simply that the family receives funding for special needs services. Section 4 also presumes to know how many more staff are needed to conduct those investigations. The number of adoptive/guardianship families is known, but not the number who will be reported on a suspicion of abuse or neglect.

Section 4 needs to add that abuse or neglect has been reported to CWS. If an investigation confirms abuse, a court-involved case or an in-home safety plan that is not court involved will require monthly home visits. An unconfirmed investigation does not authorize any future home visits.

There is substantial testimony from citizens accused of child abuse that they do not know that 4th amendment rights include denial of entry into a home unless there is consent or a court order. If this bill passes as written, there will be a new class of citizens who are unaware of search and seizure rights and who will be at risk of unjustified dispositions without the advice of a lawyer.

THIS BILL IS NOT JUSTICE FOR ARIEL, but a knee-jerk reaction to satisfy the public that legislation has addressed this child's death. This bill was written by legislators who are not familiar with the Child Protective Act or the 4th amendment in the Bill of Rights.

HB-2424-SD-1

Submitted on: 4/6/2022 9:34:00 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Testifying for Waimanalo Neighborhood Board	Support	Written Testimony Only

Comments:

Aloha nui kākou,

Kimeona Kane, Chair of the Waimānalo Neighborhood Board #32. We are in strong support of this House Bill 2424 as it aligns with our community wishes to see change in the various departments and processes designed to safeguard our families. As a community, we grieve with many others who are impacted by the loss of life, young life, Ariels life, and others. Help the communities trust these processes again. This is a start to a complex issue, and we look forward to supporting these types of efforts and ask you to do the same. Our Board did pass a series of resolutions addressing different agencies, opportunities and resource requests and we look forward to working on this with you all as well as others.

Mahalo for your support and service,

Kimeona Kane

Chair, Waimānalo Neighborhood Board #32

HB-2424-SD-1

Submitted on: 4/6/2022 3:38:07 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Mialisa Otis	Individual	Support	Written Testimony Only

Comments:

Protect Ariel's legacy by keeping other children safe.

Mahalo Chair Dela Cruz and Vice Chair Keith-Agaran for hearing this important bill. Please pass HB2424 to expand protection for our keiki receiving State subsidies. Mahalo!

HB-2424-SD-1

Submitted on: 4/6/2022 9:18:32 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
stephanie frazier	Individual	Support	Written Testimony Only

Comments:

I support this bill to protect children receiving state assistance.

Thank you,

Stephanie Frazier

Aloha Chair, Vice-Chair, and Members of the Committee,

I am an individual providing written testimony in **support** of HB 2424 HD1 SD1 as it relates to Child Welfare Services. As stated on the Department of Human Services (DHS), Social Services Division (SSD) website, *“the mission of the Child Welfare Services Branch is to ensure the safety, permanency, and wellbeing of the children in their own homes first or, when necessary, in out-of-home placements.”*¹ I believe that as this measure requires a report from DHS to the Legislature on the impact of expanding home visits, it will continue its mission in protecting the children within the system. By holding the families receiving benefits accountable, and ensuring proper care and wellbeing for the child/children.

There is no secret to the shortage of Social Workers, Case Workers and supportive staff in the Child Welfare Services Branch. I believe that with the appropriation of funds intended to benefit the department, it will allow for more support for our keiki whom have been victimized. The measure would also provide the opportunity for expansion during the investigative process when a complaint is filed, which would hopefully minimize the number of complaints that may fall through the cracks and create a more diligent system. The current CWS procedures need great improvement, and I believe that with the implementation of this bill it will provide for a better service for our keiki.

Mahalo for the opportunity to share my testimony.

¹ <https://humanservices.hawaii.gov/ssd/home/child-welfare-services/>

HB-2424-SD-1

Submitted on: 4/6/2022 9:26:32 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

Aloha nui kākou,

Kimeona Kane of Waimānalo in strong support of this Bill as it works to address the complex challenges our communities are facing in regards to the safety and well-being of our keiki. It is a long road ahead and this is a great start in helping to identify opportunities. Please support this bill.

Mahalo nui,

Kimeona Kane

HB-2424-SD-1

Submitted on: 4/6/2022 9:31:41 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

Please pass HB2424 to expand protection for our keiki receiving State subsidies. Mahalo!

HB-2424-SD-1

Submitted on: 4/6/2022 11:27:39 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Darius Kila	Individual	Support	Written Testimony Only

Comments:

I support this bill to protect children receiving state assistance.

HB-2424-SD-1

Submitted on: 4/6/2022 11:45:35 PM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Choon James	Testifying for CountryTalkStory.com	Support	Written Testimony Only

Comments:

STRONGLY SUPPORT HB 2424

Aloha,

This legislative session has been a whirlwind of bills in a very short time. We ask that you give attention to this sector of Oahu's needs relating to this Bill. A Society is judged by how it takes care of its most vulnerable.

Please invest in and protect human capital.

The environment and circumstances may not be ideal for some but we have to obligation to put forth our best efforts. This include making sure that the most vulnerable are well taken care, with vigilance to ensure positive and thriving outcome for all concerned.

Mahalo,

Choon James

808 293 8888

[HB2424 HD1 SD1](#) (?)

Measure Title: RELATING TO CHILD WELFARE SERVICES.
Report Title: Foster Care; Adoption; Adoption Assistance; Investigation; Department of Human Services; Appropriation (\$)
Description: Expands the investigative powers of the Department of Human Services to families that receive benefits from the State's Adoption Assistance Program, against whom a complaint has been lodged. Requires the Department of Human

Services to report on the impact of expanding home visits to families receiving benefits from the adoption assistance program to the Legislature before the convening of the Regular Session of 2027. Appropriates funds for the Department of Human Services to hire additional case workers and support staff. Appropriates funds for the Department of Human Services to increase, subject to collective bargaining, compensation to fill vacancies and retain employees in existing Child Welfare Services Branch positions. Effective 7/1/2060. (SD1)

HB-2424-SD-1

Submitted on: 4/7/2022 8:15:15 AM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Malia Peters	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support this important bill so we can decrease the risk of children in our system being unintentionally overlooked. Knowing that a life lost or harmed can be prevented with the additional resources necessary should be justification enough for this to be passed. I wholeheartedly support HB2424 HD1 SD1 and hope you will demonstrate the serious need by passing this bill.

Mahalo,

Malia Peters

LATE

HB-2424-SD-1

Submitted on: 4/7/2022 11:37:43 AM

Testimony for WAM on 4/8/2022 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Iwalani Castillo LCSW DCSW	Individual	Comments	Written Testimony Only

Comments:

Aloha. I am a licensed clinical social worker in the state of Hawaii. I am also an adoptee. I support the ability of the state and/or their charges to monitor, protect, and supervise children who have been adopted or are in foster care in Hawaii.

I am hoping with the proposed changes, we can save our children from dying (Ariel Sellers).

Thank you for the opportunity to submit testimony.