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# A BILL FOR AN ACT

RELATING TO THE CHILD WELFARE SERVICES.

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

1           SECTION 1. The legislature finds that criticism of  
2 Hawaii's child welfare system has been increasing and is  
3 accentuated whenever there is a tragedy. Shortcomings in  
4 Hawaii's child welfare system are not new and there is strong  
5 desire in the community to address the tragedies and concerns.  
6 Before the disappearance of six-year-old Isabella Kalua at her  
7 home in Waimanalo, the effects of the coronavirus disease 2019  
8 pandemic were already having an outsized impact on Hawaii's  
9 children and youth, further stressing the department of human  
10 services and its social services division's child welfare  
11 services branch.

12           The legislature further finds that although Native Hawaiian  
13 children and families are overrepresented in the State's child  
14 welfare system, the same issues and needs relate to all children  
15 in the system. Historically, Native Hawaiian ancestors had a  
16 very well-structured child welfare system in which the people  
17 within the kauhale, or community, shared the responsibilities of



1 caring for and nurturing its keiki. This kuleana, or  
2 responsibility and privilege, was collectively shared by  
3 everyone. The responsibility of ensuring the welfare of keiki  
4 was never meant to rest solely on the government and keiki were  
5 certainly not intended to be removed from their ohana without a  
6 shared decision on where the keiki would reside. The overall  
7 well-being of the keiki was always at the center of any decision  
8 made concerning the keiki. Traditional practices of hanai and  
9 luhi (adoption or temporary care) were not seen as punitive or  
10 demeaning but as means to provide comfort and reassurance that  
11 the keiki would be in a safe, nurturing, and caring environment.

12 The legislature also finds that the members of Nā Kama a  
13 Hāloa, which is a network of community-based organizations and  
14 representatives of the child welfare services branch, that was  
15 created by Effective Planning and Innovative Communication,  
16 Inc., a nonprofit Hawaii corporation operating as EPIC 'Ohana,  
17 Inc., first came together in 2018 to seek ways to address the  
18 overrepresentation of Native Hawaiians in Hawaii's child welfare  
19 system. Nā Kama a Hāloa demonstrates the value of collaboration  
20 for collective impact, and since its formation, the efforts of  
21 its working groups have resulted in various positive outcomes.



1 For example, cultural training programs that were developed for  
2 new child welfare services branch workers and resource  
3 caregivers have now become a requirement by the department of  
4 human services. Furthermore, the department now supports and  
5 encourages connecting children in the child welfare system with  
6 their siblings and reflecting the voices of the children's  
7 makua, or parents, in their care.

8 The legislature finds that the problems faced by children  
9 and families in the State's child welfare system are extremely  
10 complex and cannot be resolved by the department of human  
11 services alone. The legislature further finds that, to address  
12 and resolve these diverse and multi-faceted problems, the State  
13 must work with the community and various stakeholders to  
14 determine where the core infrastructure is failing.

15 The legislature also finds that Act 291, Sessions Laws of  
16 Hawaii 2022, established on a temporary basis, the office of  
17 wellness and resilience within the office of the governor to:  
18 address the various barriers that impact the physical, social,  
19 and emotional well-being of all people in the State by building  
20 wellness and resilience through trauma-informed, strengths-based  
21 strategies; and support agencies in their individual reform



1 efforts to address trauma-informed care and move toward a  
2 collaborative, shared purpose of collective system reform.

3       The legislature finds that by establishing a working group  
4 within the office of wellness and resilience that consists of  
5 members of the child welfare services branch, institutions  
6 serving Native Hawaiians, contract service providers, community-  
7 based organizations, and birth parents and youth with lived  
8 experience in the State's child welfare system, outcomes can be  
9 improved for not just Native Hawaiian children and families but  
10 for all children and families in the State's child welfare  
11 system. The legislature also believes that the working group  
12 will contribute to the development of more effective community  
13 supports while allowing the community to be heard and take more  
14 responsibility for the well-being and welfare of children.

15       Accordingly, the purpose of this Act is to improve the  
16 State's child welfare system by:

17       (1) Establishing within the office of wellness and  
18             resilience the malama ohana working group to seek,  
19             design, and recommend transformative changes to the  
20             State's existing child welfare system;



1           (2) Authorizing the office of wellness and resilience to  
2           contract with an administrative facilitator to provide  
3           necessary support for the malama ohana working group  
4           in carrying out its duties;

5           (3) Requiring the malama ohana working group to report to  
6           the legislature prior to the regular session of 2025;  
7           and

8           (4) Appropriating funds for the malama ohana working  
9           group.

10           SECTION 2. (a) There is established within the office of  
11           wellness and resilience the malama ohana working group to seek,  
12           design, and recommend transformative changes to the State's  
13           existing child welfare system.

14           (b) The malama ohana working group shall consist of the  
15           following members:

16           (1) The executive director of Effective Planning and  
17           Innovative Communication, Inc., operating as EPIC  
18           ‘Ohana, Inc., or the executive director's designee, who  
19           shall serve as co-chair of the working group;



- 1           (2) The chief executive officer of Hale Kipa, Inc., or the  
2           chief executive officer's designee, who shall serve as  
3           co-chair of the working group;
- 4           (3) Two members from each of the following constituencies,  
5           whom the co-chairs shall invite to participate in the  
6           working group:
  - 7           (A) Former foster youth;
  - 8           (B) Birth parents who were involved in child welfare  
9           services; specifically with the department of  
10           human services' child welfare services branch;
  - 11           (C) Licensed resource care givers; and
  - 12           (D) Kinship resource care givers;
- 13          (4) The director of human services, or the director's  
14          designee;
- 15          (5) Two members of the department of human services' child  
16          welfare services branch representing its  
17          investigators; case managers, or assistants,  
18          designated by the branch administrator;
- 19          (6) The chairperson of the trauma-informed care task force  
20          established pursuant to Act 209, Session Laws of  
21          Hawaii 2021, or the chairperson's designee;



1 (7) The chief executive officer of the office of Hawaiian  
2 affairs, or the chief executive officer's designee;

3 (8) The chief executive officer of Kamehameha Schools; or  
4 the chief executive officer's designee; and

5 (9) The chief executive officer of Lili'uokalani Trust, or  
6 the chief executive officer's designee.

7 (c) The malama ohana working group shall develop  
8 recommendations to establish a child welfare system that is  
9 trauma informed, sustains a community-based partnership, and is  
10 responsive to the needs of children and families in the system  
11 and the community. In fulfilling its purpose, the working group  
12 shall:

13 (1) Conduct informational meetings throughout the State  
14 with affected constituencies;

15 (2) Convene meetings to develop recommendations to better  
16 coordinate and improve the protection and well-being  
17 of children and families in the child welfare system;

18 (3) Identify training, best practices, assessment  
19 criteria, and methods to sustain an effective  
20 workforce within the child welfare services branch and



1 within the larger circle of community agencies serving  
2 the child welfare system;

3 (4) Identify best practices, including those from Native  
4 Hawaiian cultural practices, to assist children and  
5 youth who were involved in the child welfare system  
6 and their families;

7 (5) Identify other cultural practices that build wellness  
8 and resilience in communities and collaboration  
9 between communities and the child welfare services  
10 branch; and

11 (6) Collaborate with the trauma-informed care task force,  
12 and where appropriate, conduct joint informational  
13 meetings.

14 (d) Members of the malama ohana working group shall serve  
15 without compensation but shall be reimbursed for reasonable  
16 expenses necessary for the performance of their duties,  
17 including travel expenses.

18 (e) The office of wellness and resilience may contract  
19 with an administrative facilitator to provide necessary support  
20 for the malama ohana working group in carrying out its duties,





1 including preparation of the report required pursuant to  
2 subsection (f).

3 (f) The malama ohana working group shall submit a report  
4 of its findings and recommendations, including any proposed  
5 legislation, to the legislature no later than twenty days prior  
6 to the convening of the regular session of 2025.

7 (g) The malama ohana working group shall be dissolved upon  
8 adjournment sine die of the regular session of 2025.

9 SECTION 3. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so  
11 much thereof as may be necessary for fiscal year 2023-2024 and  
12 the same sum or so much thereof as may be necessary for fiscal  
13 year 2024-2025 for the malama ohana working group established  
14 pursuant to this Act, including for the office of wellness and  
15 resilience to contract with an administrative facilitator to  
16 provide necessary support for the working group in carrying out  
17 its duties.

18 The sums appropriated shall be expended by the office of  
19 the governor for the purposes of this Act.

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1 SECTION 4. This Act shall take effect on December 31,  
2 2050.  
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**Report Title:**

Child Welfare System; Child Welfare Services; Office of Wellness and Resilience; Office of the Governor; Malama Ohana Working Group; Report; Appropriation

**Description:**

Establishes within the Office of Wellness and Resilience, the Malama Ohana Working Group to seek, design, and recommend transformative changes to the State's existing child welfare system. Allows the Office of Wellness and Resilience to contract with an administrative facilitator to provide necessary support for the Malama Ohana Working Group in carrying out its duties. Requires the Malama Ohana Working Group to report to the Legislature prior to the Regular Session of 2025 and be dissolved upon the adjournment thereof. Appropriates funds. Effective 12/31/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

