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STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
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January 29, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health & Human Services

FROM: Cathy Betts, Director

SUBJECT: [SB 398](#) – RELATING TO THE CHILD WELFARE.

Hearing: January 30, 2023, 1:00 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the Legislature's continued support of the department's efforts to prevent and address child abuse and neglect in Hawaii. Accordingly, DHS provides comments, requests amendments, and suggests general fund amounts for section 5.

PURPOSE: This bill expands 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, against whom a post-adoption complaint has been made. Requires the Department of Human Services to report to the Legislature prior to the convening of the 2025 Regular Session on the impact of expanding post-permanency services to families receiving benefits from the adoption assistance program. Establishes a working group within the Department of Human Services to consider, develop, and recommend transformative changes to the State's existing child welfare system, and report to the Legislature prior to the 2025 Regular Session. Appropriates funds to provide additional

support, resources, and monitoring of post-permanency services. Repeals the Malama Ohana Working Group on 6/30/2025.

Section 2 adds language to section 346-301, Hawaii Revised Statutes (HRS), that intends to expand the department's investigative authority to investigate families regarding a post-adoption complaint per chapters 350 and 57A, HRS. To clarify, the additional language does not give additional authority to CWS to investigate as section 587A-11, HRS, already provides DHS with authority to investigate "[u]pon receiving a report that a child is subject to imminent harm, has been harmed, or is subject to threatened harm[.]" Section 587A-11, HRS, applies to all families residing in the State, including families receiving adoption assistance. DHS respectfully requests an amendment deleting Section 2.

Section 3 directs the DHS to collect and analyze data to determine the impact of expanding post-permanency services to families receiving adoption assistance and to provide a report to the Legislature. Notably, permanency services are voluntary.

Section 4 establishes the Malama 'Ohana working group within DHS to consider, develop, and recommend transformative changes to the State's child welfare system. DHS supports the proposed Malama 'Ohana working group. But, importantly, given such a large membership and the existing relationships between members, to facilitate the work of the working group DHS respectfully requests an amendment exempting the working group from part I of chapter 92, Hawaii Revised Statutes.

Section 5 makes appropriations for various services that support efforts to improve the child welfare system. Notably, DHS can seek federal reimbursement for certain expenditures of general funds. DHS suggests the amounts discussed last session in [HB2424](#) for \$8,000,000 for each fiscal year of the biennium,

- \$8,000,000 or so much thereof for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the procurement of contracted services to provide additional support, resources, and monitoring of families receiving benefits from the State's adoption assistance program and permanency assistance program, for the purposes of assisting with family strengthening and the maintenance of a safe home environment for adopted children. The sums shall be expended by the department of human services for the purpose of this Act; provided that:

- (1) \$1,000,000 shall be expended for the development and maintenance of necessary information technology systems, including the establishment of two full time equivalent (2.0 FTE) positions;
- (2) \$1,200,000 shall be expended to increase compensation to fill vacancies and retain employees in existing child welfare services branch investigator, case manager, and social worker positions; provided that any increase in compensation shall be subject to collective bargaining with the objective of expeditiously filling all vacancies;
- (3) \$800,000 shall be expended for the department of human services to contract with a third party for enhanced permanency support services, including additional training for resource caregivers, wellness visits within a year of adoption or guardianship of children formerly in foster care, respite care, and enhanced supportive services to assist with family strengthening and maintenance of a safe home environment for adopted children;
- (4) \$100,000 shall be expended for the establishment of one full time equivalent (1.0 FTE) planner or project specialist position to administer and monitor additional service contracts and assist with additional service coordination, data collection, and analysis of the new program; and
- (5) \$250,000 shall be expended for the Malama Ohana working group established pursuant to section 4 of this Act, including for the department of human services to contract with an administrative facilitator to provide necessary support for the working group in carrying out its activities.

Thank you for the opportunity to provide comments on this measure.

SB-398

Submitted on: 1/28/2023 5:28:00 PM

Testimony for HHS on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Tochiki	Testifying for EPIC Ohana	Comments	In Person

Comments:

We are grateful for the inclusion of our Malama Ohana proposal in SB 398. This part of the bill was also included in HB 2424 which passed the 2022 legislative session, but was vetoed by Governor Ige. We respectfully ask that the Malama Ohana proposal be deleted from SB 398 and that SB 295 move forward, so that the project can be considered independently.

In the last legislative session, I testified in support of post permanency support and especially for the financial resources that the CWS so badly needs.

Date: Jan 29, 2023

To: Senate Committee on Human Services

Chair: Senator Joy San Buenaventura

Vice Chair: Senator Henry Aquino

RE: SB398 OPPOSE

I OPPOSE SB398. This is a different version of Ariel's Law (HB2424) from last year 2022. SB398 wants to expand services to include investigations done on post-adoptive parents when there is a complaint. Child Welfare Service (CWS) already has well established policies and procedures that say that CWS must investigate all complaints without discriminating between post-adoptive parents receiving benefits or anyone else who receives a complaint. All complaints should be thoroughly investigated.

The problem is not necessarily the expansion of services but rather the way these investigations are handled. CWS often conducts incomplete investigations, or does not follow up on complaints where there is reason to believe that a child is in imminent harm or danger (i.e. Ariels Sellers).

As a victim advocate with 30 years of work experience in the field, I have seen many cases in which there is clear and convincing evidence of harm, yet the child is NOT removed. Likewise, I have also seen cases where there is NO evidence of harm and yet the child is illegally removed from their parents without thorough and complete investigations. These cases are on the opposite side of the same spectrum of care and this gap must be addressed before we can see meaningful change in the system.

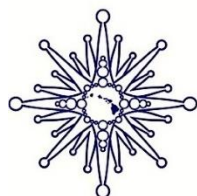
This Committee should be focusing on why this gap exists and how we can better serve our parents and children. Children needlessly placed in foster care are overloading the system and taking time and resources away from those children who desperately need to be removed due to imminent harm.

Please OPPOSE SB398. Thank you for your time and consideration.

Nonohe Botelho, MSCP

Independent Consultant/Victim Advocate

Hawaii Coalition for Child Protective Reform



HAWAII COALITION
FOR
CHILD PROTECTIVE REFORM

SB-398

Submitted on: 1/28/2023 9:18:08 AM

Testimony for HHS on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Testifying for Hawaii Coalition for Child Protective Reform	Oppose	Written Testimony Only

Comments:

Committee members,

The department’s authorization to investigate reports of child abuse or neglect is in HRS587A-11. This bill cannot expand those powers without violating the constitutional rights of consent, a court order or exigent circumstances.

SECTION 2 - There is no need to create an adoption assistance unit because there is already a pre-adoption service governed by HRS346. The term complaint should read “reports of abuse or neglect”.

SECTION 5 - All families, including post-adoptive families have the right to ask for assistance from the department at any time. Monitoring of families receiving benefits from the State's adoption assistance program violates privacy rights unless the assistance is requested and voluntary or there is confirmed abuse or neglect. It is not clear what “monitoring” means.

Funding for services is always a good thing, but we do not believe that there is evidence or a presumption of significant child abuse in adoptive families that require additional staff and funding.

SB-398

Submitted on: 1/28/2023 5:46:27 PM

Testimony for HHS on 1/30/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl Burghardt	Individual	Support	Written Testimony Only

Comments:

Support

with the recommendation that this is immediate and does not wait any longer for implementation. I am sure there are people in the department (overworked and underpaid) who have solutions as well as people who foster children who do as well. Go to the valuable resources that we already have and support them in helping to make foster/adoptions safer for our community.

TO: Chair San Buenaventura
Vice Chair Aquino
Health & Human Services Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate

DATE: Monday, January 30, 2023

RE: OPPOSITION to SB398

Good afternoon, once more, Chair Buenaventura, Vice Chair Aquino and Health & Human Services Committee Members,

If I'm not mistaken, the impetus & language for SB398 is in response to the disappearance & presumed murder of 6 year-old Waimanalo resident, Ariel Sellers, which the Department is in-part responsible for by disregarding the history of domestic violence of Ariel's adoptive foster father.

This bill seeks to:

Expand the investigative powers of the department of human services, which the Department *absolutely does not need* as they have all the power to investigate at their disposal as-is and cannot effectively or ethically manage those powers which they already have.

Require the DHS to report to the legislature... on the impact of expanding post—permanency services to families receiving benefits from the adoption assistance program – they're seeking a directive from the Legislature to do this? Why are they *expanding* post-permanency services? If you do your due diligence & *properly vet* foster care & adoptive family candidates *before* they're given a license or any children, they should be "good to go" once an adoption's been finalized. The government has no place in governing & monitoring families; this sounds like the beginning of a police state.

Require the DHS to establish a working group to seek, design, and recommend transformative changes to the State's existing child welfare system – isn't that the Malama Ohana initiative or they're asking for another think tank/working group? Again, PLEASE do something/anything to *incorporate domestic violence expertise* into the Child Welfare Services system - then you won't need another working group & you will positively transform the State's existing child welfare system.

Appropriate funds to increase the procurement of contracted services to provide additional support, resources, and monitoring of post—permanency services. After what happened to poor Ariel, the Department needs to be monitored, investigated, audited, overhauled & fined for their part in subjecting Ariel and her siblings to the experience they endured. CWS should absolutely *not* be making any recommendations when they're in-part at fault for what happened to Ariel and all the other children who've been murdered under "their watch" despite the domestic violence they "missed" in those cases.

Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate