

JAN 19 2023

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 the
4 State'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, to help protect Hawaii's
16 children from the injustice of abuse and neglect, Act 336,
17 Sessions Laws of Hawaii 1993, established the Hawaii children's
18 trust fund as a separate fund of the Hawaii Community
19 Foundation, a Hawaii nonprofit corporation, to serve as a medium
20 for a public-private partnership to strengthen families. The
21 Hawaii children's trust fund is a public-private partnership



1 that aims to prevent child abuse and neglect in Hawaii through
2 family strengthening and other prevention programs, education
3 and training, and public awareness campaigns. The trust fund
4 makes grants to private, non-profit organizations; public
5 agencies; and other qualified persons, to provide community-
6 based services and education to strengthen and support parents
7 and families. The trust fund maximizes financial resources by
8 actively soliciting funding from federal and state governments,
9 as well as private contributions from businesses, foundations,
10 and other interested parties. Through this public-private
11 partnership, elected and appointed government officials, service
12 providers, families, and other interested individuals have been
13 able to work together in a unique way to prevent child abuse and
14 neglect in Hawaii. Since its inception in 1993, the Hawaii
15 children's trust fund has ameliorated poor conditions for
16 Hawaii's most vulnerable population by identifying and funding
17 those programs that have had effective outcomes.

18 The legislature finds that the establishment of a
19 collective impact program that seeks, designs, and recommends
20 transformative changes to the State's existing child welfare
21 system with input from members of the child welfare services



1 branch, Native Hawaiian serving institutions, contract service
2 providers, community-based organizations, and birth parents and
3 youth with lived experience in the State's child welfare system,
4 is crucial to improving outcomes for not just Native Hawaiian
5 children and families, but for all children and families in the
6 system. The legislature also believes that the collective
7 impact program will contribute to the development of more
8 effective community supports while allowing the community to be
9 heard and take more responsibility for the well-being and
10 welfare of children.

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

- 13 (1) Establishing under the Hawaii children's trust fund
14 coalition, a collective impact program called the
15 malama ohana program to seek, design, and recommend
16 transformative changes to the State's existing child
17 welfare system;
- 18 (2) Authorizing the department of health to contract with
19 an administrative facilitator to provide necessary
20 support for the malama ohana working group in carrying
21 out its duties;



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1 (3) Requiring the malama ohana program to report to the
2 legislature prior to the regular session of 2025; and

3 (4) Appropriating funds for the malama ohana group.

4 SECTION 2. (a) There is established under the Hawaii
5 children's trust fund coalition the malama ohana program to
6 develop recommendations for the establishment of a child welfare
7 system that is trauma informed, sustains a community-based
8 partnership, reflects Hawaii's culture and values, and is
9 responsive to the needs of children and families in the system
10 and the community. In fulfilling its purpose, the program
11 shall:

12 (1) In all phases of its process and activities, include
13 the participation of and incorporate input from:

14 (A) Individuals with lived experience as birth
15 parents, kin, youth, and resource caregivers in
16 the child welfare system;

17 (B) Members of the Native Hawaiian and Pacific
18 Islander communities; and

19 (C) Service providers in the child welfare system;

20 (2) Conduct informational meetings throughout the State
21 with affected constituencies;



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- 1 (3) Convene meetings to develop recommendations to better
2 coordinate and improve the protection and well-being
3 of children and families in the child welfare system;
- 4 (4) Identify training, best practices, assessment
5 criteria, and methods to sustain an effective
6 workforce within the child welfare services branch and
7 within the larger circle of community agencies serving
8 the child welfare system;
- 9 (5) Identify best practices, including those from Native
10 Hawaiian cultural practices, to assist children and
11 youth who were involved in the child welfare system
12 and their families;
- 13 (6) Identify other cultural practices that build wellness
14 and resilience in communities and collaboration
15 between communities and the child welfare services
16 branch; and
- 17 (7) Collaborate with the trauma-informed care task force,
18 and where appropriate, conduct joint informational
19 meetings.
- 20 (b) The department of health may contract with an
21 administrative facilitator to provide necessary support for the



1 malama ohana working program in carrying out its duties,
2 including preparation of the report required pursuant to
3 subsection (c).

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

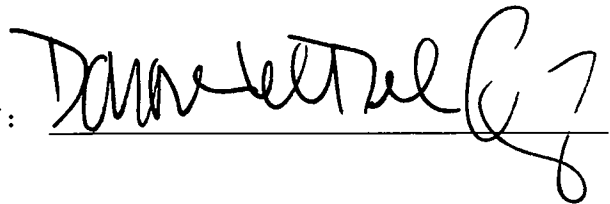
8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$250,000 or so much
10 thereof as may be necessary for fiscal year 2023-2024 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2024-2025 for the malama ohana program under the Hawaii
13 children's trust fund coalition.

14 The sums appropriated shall be expended by the department
15 of health for the purposes of this Act.

16 SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:



S.B. NO. 294

Report Title:

Child Welfare System; Child Welfare Services; Hawaii Children's Trust Fund Coalition; Mālama 'Ohana Program; Report; Department of Health; Appropriation

Description:

Establishes under the Hawaii Children's Trust Fund Coalition a collective impact program called the Mālama 'Ohana Program to seek, design, and recommend transformative changes to the State's existing child welfare system. Requires the Mālama 'Ohana Program to report to the legislature before the Regular Session of 2025. Appropriates funds.

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

