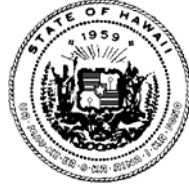


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

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
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

January 28, 2025

TO: The Honorable Senator San Buenaventura, Chair
Senate Committee on Health and Human Services

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 798 – RELATING TO CHILD WELFARE SERVICES.**

Hearing: Wednesday, January 29, 2025, Time 1:00 p.m.
Conference Room 225 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill, defers to the Department of the Attorney General, and offers comments.

PURPOSE: The purpose of the bill is to establish a Child Welfare Services Branch Oversight Commission within the Department of the Attorney General to review and assess case management procedures, training, staffing levels, and other support given to CWS and address issues identified in the 2024 Auditor's Report on CWS and make recommendations on actions to reduce child harm and death and for legislation, funding, and other needs for CWS to support the goals of the Commission. Requires annual status reports to the Legislature. Dissolves the Commission on 6/30/2028. Appropriates funds.

The Child Welfare Services Branch (CWSB) is working with the Department of the Attorney General to update and revise various aspects of operations to ensure alignment with current laws and regulations, including administrative rule amendments. CWSB also participates in and facilitates work groups that include proposed commission members to

January 28, 2025

Page 2

address issues similar to those identified in the bill and other quality improvement goals. Additionally, CWSB has a robust and comprehensive Continuous Quality Improvement (CQI) system with the University of Hawaii, Maui College, that is nationally lauded. The CWSB CQI system integrates a broad spectrum of perspectives and regularly implements system improvements regarding case practice, staff training, staffing levels, resource caregiver licensing, and funding.

We concur with the Department of the Attorney General that, at this time, establishing an additional commission may be a duplication of efforts. However, while DHS appreciates the Legislature's support, if the measure continues, we respectfully request that any appropriation not serve to reduce or replace budget priorities identified in the executive budget.

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



STATE OF HAWAII
OFFICE OF WELLNESS AND RESILIENCE
KE KE'ENA KŪPA'A MAULI OLA
OFFICE OF THE GOVERNOR
415 S.BERETANIA ST. #415
HONOLULU, HAWAII 96813

Testimony in Support of S.B. 798 RELATING TO CHILD WELFARE

Senator San Buenaventura, Chair
Senator Aquino, Vice Chair
Senate Committee on Health and Human Services

January 29th, 2025, at 1:00 p.m. Room Number: 225

The Office of Wellness and Resilience (OWR) in the Governor's Office **SUPPORTS** S.B. 798, Relating to Child Welfare and requests consideration regarding: (1) additional commission members and, (2) for the commission to include the Mālama 'Ohana Working Group recommendations in their deliberation.

One of the recommendations that was put forth in the Mālama 'Ohana Working Group Report was: "When CWS intervenes in a family, ensure that the intervention is respectful and supportive, minimizes trauma, and does not create more harm than the original issue they hoped to address." As the State agency leading the effort to make Hawai'i trauma-informed, we understand that *trauma-informed* does not only mean that workers within the child welfare system are trauma-informed in their interactions with children and families, but also ensuring that State service systems' policies and procedures respond to the trauma children and families endure and minimize their re-traumatization.

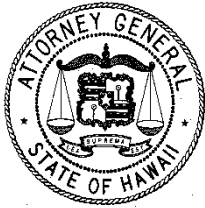
We echo the Mālama 'Ohana Working Group Report's sentiment that we all have the responsibility of ensuring our State's child welfare system is as safe as it can be. We appreciate the important opportunity presented in S.B. 798 to examine and strengthen all policies and procedures for our child welfare system. We offer two points of consideration for the Committee to help strengthen the important work of the commission.

First, it is vital that a commission member seat is also offered to individuals who have lived expertise and experience navigating the child welfare system themselves. The bill names birth parents and resource care givers which our Office agrees are important voices. In addition to this, there are critical perspectives and experiences that only former foster youth can offer, and we want to ensure they are included in the conversation.

Secondly, we humbly ask the Committee to consider all of the Mālama 'Ohana Working Group's recommendations that were submitted in the report to the legislature. The recommendations are an accumulation of what the community hopes and dreams for a transformed child welfare system and is based on lived experience as a trauma-informed care value, which our Office advocates for as part of our work to create a trauma-informed state.

Mahalo nui loa for the opportunity to testify on this important legislation.

Tia L. R. Hartsock, MSW, MSCJA
Director, Office of Wellness & Resilience
Office of the Governor



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 798, RELATING TO CHILD WELFARE .

BEFORE THE:

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Wednesday, January 29, 2025 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lynne M. Youmans, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

The Department of the Attorney General provides the following comments and recommendations regarding the bill.

The purpose of this bill is to establish and appropriate funds for a temporary oversight commission within the Department of the Attorney General to review and assess procedures, training, staffing, and other issues regarding the performance of the Child Welfare Services Branch of the Social Services Division of the Department of Human Services (DHS). The bill designates the Attorney General, or her designee, as the chairperson of the oversight commission. The Attorney General believes that our Department is not the appropriate agency to host this oversight commission and respectfully points out that it may be duplicative of recent prior activities in this area.

Sections 26-7 and 28-1, Hawaii Revised Statutes (HRS), require the Attorney General to represent the State, including DHS, in any civil action where the State is a party. Section 346-39, HRS, similarly tasks the Attorney General with providing DHS legal representation upon request. The Department of the Attorney General has Deputy Attorneys General who represent DHS in civil actions, a division of Deputy Attorneys General that is almost exclusively assigned to represent the DHS Child Welfare Services Branch in Family Court proceedings, and another division of Deputy Attorneys General that provides advice and counsel to all of DHS. By necessity, the Attorney General and DHS have a close, productive, working relationship to facilitate the

separate statutory responsibilities of each agency. Through that relationship, the Department of the Attorney General has an ongoing obligation to advise DHS when we recognize a need for policy change, including changes in legislation. Because we must maintain that close, productive relationship, our department is not in the best position to provide neutral oversight of DHS as part of the commission that is contemplated by this bill.

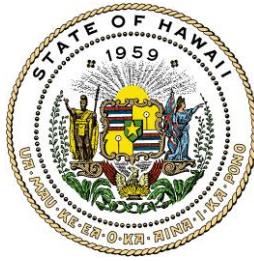
There are other agencies that are in a better position to provide the neutral oversight, as recognized by prior legislatures. The Office of the Auditor has been tasked on at least three prior occasions to do performance audits of DHS. The Auditor's report of 2024 provided detailed recommendations for DHS to improve; that report can be found at: <https://files.hawaii.gov/auditor/Reports/2024/24-05.pdf>. In 2013, the Auditor determined that the requested performance audit was problematic and the office was unable to conduct the requested audit. The Auditor decided to yield oversight jurisdiction to the federal Administration for Children and Families (ACF) and their regular Child and Family Services Reviews (CFSR). See 45 CFR §1355.33. The Auditor's 2013 letter can be found at:

[https://files.hawaii.gov/auditor/Reports/2013/HCR165_SLH_2010\(1\).pdf](https://files.hawaii.gov/auditor/Reports/2013/HCR165_SLH_2010(1).pdf). ACF continues to conduct regular CFSRs, resulting in ongoing performance improvement plans to address identified areas for improvement. A copy of the latest CFSR report can be found at: https://humanservices.hawaii.gov/wp-content/uploads/2018/01/Hi_CFSR_Final-Report_2017.pdf

Act 86, Session Laws of Hawaii 2023, established the Malama Ohana Working Group (MOWG) to design and recommend "transformative changes to the State's existing child welfare services." The MOWG was established within the Office of Wellness and Resilience to allow for a neutral, unbiased look at the child welfare system. The MOWG was comprised of nonprofits that work in the child welfare system, people with lived experience of the child welfare system, and representatives of DHS. MOWG's report was issued on December 9, 2024. The stated purpose of the oversight commission contemplated by this bill is very similar to the purpose of the MOWG. A

copy of the MOWG report can be found at: <https://www.malamaohana.net/mowg-final-report>

To avoid unnecessary or duplicative work, we recommend that the Committee hold this bill and review the recommendations of the MOWG and other community advocacy groups and implement the recommendations of those groups rather than create the oversight commission. If the Committee believes that additional oversight is necessary, we recommend that it look to the oversight capacity of other entities, including the Office of the Auditor and the Office of the Ombudsman. Finally, if this bill is passed and the oversight commission is created, we recommend that it be established in an agency that can more appropriately provide the kind of independent oversight that is contemplated by the bill. For those activities that require legal review and advice, the Attorney General will ensure that the relevant subject matter experts continue to actively engage with the DHS to update and revise the laws, rules, and policies to conform to best practices and legal requirements.



SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair

S.B. NO. 798 RELATING TO CHILD WELFARE.

Hearing: Wednesday, January 29, 2025, 1:00 p.m.

The Office of the Auditor has strong concerns about being a member of the Child Welfare Services Branch Oversight Commission (the Commission) proposed in S.B. No. 798. The Commission will include a representative of the Office of the Auditor along with representatives from other groups and is charged with assessing and recommending changes to the Child Welfare Services Branch's procedures, training, and staffing, among other things. Being a member of the Commission will, at a minimum, create the appearance that we are not independent of the Child Welfare Services Branch and thus not capable of exercising objective and impartial judgment in future audits of the Child Welfare Services Branch as well as in assessing the Department of Human Services' implementation of the audit recommendations contained in Report No. 24-05, *Audit of the Department of Human Services' Child Welfare Services Branch*.

Our audits are conducted in accordance with Government Auditing Standards which require us to be independent of the departments and programs that we audit. To maintain that independence – which is one of the fundamental and guiding principles upon which we operate – we cannot be involved in program management-type decisions. Moreover, Government Auditing Standards establish rigorous requirements to ensure that our work is objective, unbiased, and sufficiently supported by appropriate and sufficient evidence. While we recognize the intent and value of the Commission, we do not expect the Commission to adhere to Government Auditing Standards and, for that reason, have concerns about our participation in performing the Commission's duties.

We request that the Office of the Auditor be removed from the list of Committee members.

January 26, 2025

To: Chair San Buenaventura, and members of the Committee on Human Services

From: Laurie Ariel Tochiki, Co-Chair Mālama 'Ohana Working Group

Re: Testimony in support of SB 798 with request for amendments

I support SB 798 Regarding Child Welfare Services, which establishes a temporary oversight commission to improve Child Welfare Services (CWS). However, I request further consideration and discussion about the role of the Attorney General's office. The most critical requirement to implement the needed changes to the child welfare system are leadership and accountability.

In 2023, the Mālama 'Ohana Working Group was established to develop recommendations to establish a child welfare system that is trauma-informed, sustains a community-based partnership, and responds to the needs of children and families in the system and the community. I serve as Co-Chair of the working group. The working group has completed its work and a full copy of the report can be found at www.malamaohana.net, however the working group is still subject to sunshine law until adjournment sine die. Therefore, I am testifying as a concerned citizen and speaking for the content of the report that was approved by the working group. To be clear, although the working group may meet during the session to provide information to the legislature and to the public about its report, it is not making further decisions.

Our first task as the Mālama 'Ohana Working Group was to establish an approach to our work by cultivating and modeling the kind of listening and concern that we needed for our working group and modeling the type of child welfare system we hope for. From there, we began with the intense work of interviewing individuals, conducting conversations, and holding group discussions in Permitted Interaction Groups (PIG), which helped shape our initial understanding. We then conducted eleven community listening sessions throughout the state, gathering stories and ideas from each community we visited.

In every PIG meeting and community meeting we heard the concerns of the community and especially those with lived experience as foster youth, parents, resource caregivers, and kin. Our approach was a community-based participatory research methodology. Our focus was not to provide an audit, but rather to capture what our community hopes for. That is why for each concern and need there are recommendations.

This proposed oversight commission addresses the concerns raised in our report about CWS itself. One young woman summarized the concerns with her story. She said CWS was a system of luck. She was lucky, she had a caring social worker and supportive

resource caregiver. But she said many youth are not lucky. One of her friends in high school was also in foster care, but she did not have a caring social worker or supportive resource caregiver. She did not have the support that she needed. That friend died by suicide.

A consistent theme was the story of heroic individuals – foster parents, family members, caseworkers, service providers, and community members. Yet, those heroic stories were matched with frustration about phone calls unanswered, visits not made, services delayed, and a lack of trust. Here is what we heard in the community:

- We heard from youth who said that they were emotionally and physically hurt by the trauma they had experienced in their lives, and they did not have access to support or services that would help them heal. They felt isolated, alone, and lonely.
- Family and community members shared that they believed that laws and policies are implemented unevenly by overworked and underpaid workers with varying degrees of training, compassion, and abilities.
- Many people in our meetings said the system is broken and inefficient and that they do not trust it. At the same time, most people had high praise for most system actors and agreed that children need protection from abuse.
- Resource Caregivers (Foster Parents) shared concerns as well. They said they “often did not have enough information about children and youth placed with them to appropriate care for and support them. They said it was hard to reach caseworkers and resource caregivers had to figure out how to access supports and services on their own...They felt undertrained and unsupported...”
- There is great concern about CWS case workers, supervisors, other staff, and leadership. There are many bright spots and strengths in the agency, but “people are concerned that CWS workers are overworked, overwhelmed, undertrained, and understaffed. Being perpetually understaffed, publicly criticized, and traumatized by harm to children has resulted in low morale and high turnover.”
- People shared that some case workers either do not know or do not follow policy.

In our report we say that it is not fair to only blame CWS for the problems, and we ask that we shift responsibility to our shared kuleana.

People acknowledged the overwhelm that is crushing people working within the child welfare system. No one wants to add additional requirements that cause a mass exodus of leaders and workers. And yet, transformation will change the way CWS operates. The challenge is to focus on solutions rather than blame, creativity rather than rigidity, and to share the load. Many people highlighted that CWS has carried the heaviest burden of “the system.” With a redesign of how Hawai‘i supports families and collaboration and coordination at all levels, the judiciary, the legislature, the Department of Health, the Department of Education,

and the Department of the Attorney General can all take on more responsibility for change within their own spheres. And most importantly, people with lived experience within these systems, community members, and the large non-profit service community can all carry part of the load that has previously rested disproportionately on CWS.

Our report also included the importance of the Department of the Attorney General as a pivotal role in implementing a transformed system. They can provide guidance on policy development and implementation, procurement processes, contracts, administrative rules, the right to counsel and the maximization of federal and private funds. They could promote public and private partnerships by supporting Memoranda of Understanding or Agreement, and they can promote ways that data can be shared across systems to better serve families and children.

At the same time, as chair of the Oversight Commission, the Attorney General or designee must also uphold accountability and execute that oversight over her own office as well. The biggest concern is that because the AG must defend the state when mistakes are made, when children are harmed, and when injustices occur, there may be a tendency to make decisions based upon pending or possible litigation, instead of policy improvement and direction. There may be situations in which that interest is a barrier to transparency. In addition, there is a looming contractual issue with service providers unable to acquire insurance, and concern over the delays in contracting and procurement processes. Service providers have waited months for contracts, causing strain on budgets and delays to service provision. There are delays in drafting, reviewing, and executing memoranda, rules, and policies.

Therefore, we respectfully request that the chair of the Oversight Commission be an independent leader, and not a member of the Department of the Attorney General. It may be appropriate for the Commission to be housed by the DAG, but I ask that we take this step forward to acknowledge each of our responsibilities to the system and to CWS. We all need to take accountability.

We are grateful for your support of the children in the child welfare system, and your efforts to find ways to improve the system.

SB-798

Submitted on: 1/27/2025 10:58:39 PM

Testimony for HHS on 1/29/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joshua Franklin	Testifying for Hawaii Family Advocacy Group (individual consultant/family advocate)	Support	Written Testimony Only

Comments:

Chairperson and Honorable Members of this Committee,

My name is Joshua Franklin, though many know me as Joshua Alameda, and I have dedicated over a decade to advocating for families affected by our child welfare system. I am in support of SB798 yet while I acknowledge the legislative intent behind the establishment of a Child Welfare Services Branch (CWS) Oversight Commission, I must express some concerns that this entity may inadvertently function as a mechanism to obfuscate malfeasance within Child Welfare Services rather than rectify it.

In my extensive professional experience, I have encountered a plethora of cases that unequivocally demonstrate willful misconduct and fraudulent activities within the system. It is imperative that Child Welfare Services be mandated to adhere scrupulously to the procedural manual and guidelines sanctioned by the judiciary of the State of Hawaii. Sadly, a significant proportion of the cases I review are not executed in accordance with these established protocols and standards. The existing model for Child Welfare is exemplary when implemented correctly; however, deviations from this model are horrendously prevalent.

While the necessity for an oversight commission is indisputable, I implore the state to exercise caution. Working with outside family advocates like myself can help to maintain accountability. We must not be hasty in the creation of an office that merely serves to deflect or obscure accountability from the Department of Human Services. I am willing to apply and work with this office to assist or even donate time to analyze cases. I have six years of higher education, which includes a certificate in the Hawaiian Lifestyles Program from Hawaii Community College, as well as my Sociology degree from the University of Hawaii at Hilo. I am also currently in my master's program for social work, from which I am due to graduate in 2027. As an active contributor to the Malama Ohana working group, I have worked with other professionals and families with lived experiences over the past year. The prevailing theme was the exigency for enhanced accountability from both the State of Hawaii and the Department of Human Services. When errors occur, it is imperative that they are acknowledged, and that we proceed with a constructive and transparent remediation process.

True accountability necessitates the implementation of zero-tolerance policies for fraudulent conduct. The deliberate suppression of exculpatory evidence was also discussed in the Malama Ohana Working Group, and any civil conspiracies to perpetrate fraud in collusion with service providers for their personal enrichment have all been issues. CFS Child and Family Services is biased in their delivery of domestic violence services which lead to hundreds if not thousands of child welfare services investigations. I also have documented evidence that showcases that this service provider, who is the largest service provider for the Department of Human Services, has participated in fraud and misconduct, including conducting unlicensed, unethical, and illegal therapy with clients, many of whom are minors. In some instances, these cases involve the sexualization of these particular minors. If the committee wants to take the time to reach out, I can provide them with a substantial amount of evidence from numerous parents who have encountered problems with Child and Family Services. The Department of Human Services and Child Welfare has been aware of these issues yet continuously ignore them while more children are put at risk. These issues warrant rigorous scrutiny to ensure that the oversight commission fulfills its intended purpose and does not devolve into a superfluous bureaucratic layer that fails to safeguard the welfare of our children. While an oversight commission is warranted, I will reiterate that I am asking that implementations are put in place to prevent any deceptive practices in the process of "oversight."

Me Ke Aloha,

Joshua Franklin "Alameda"

808-365-8773

LATE

Aloha,

My name is Moanike'ala Katherine Tua'au Muna. Thank you for this opportunity to provide testimony on Senate Bill 798. SB798 names that, "the legislature concludes that an oversight body is needed to recommend actions that will reduce child harm and death and improve and strengthen the effectiveness of the child welfare services branch." My feedback about the proposed Oversight Commission is this: the commission will not reduce child harm and death. You have invited to the oversight commission people that are actively retaliating against whistleblowing foster youth who are enduring physical and sexual abuse while in Child Welfare Services. Those with invaluable information on what occurs in CWS that leads to abuse and murder of our foster youth are the siblings of murdered foster youth, i.e.: Peter Boy Kema's siblings, Fabian Garrett-Garcia's siblings, Geanna Bradley's siblings, Tyler Scott Sumblin's siblings, Ariel Seller's (aka: Isabella Kalua) siblings, Brayden McVeigh's siblings, and the like, as well as the parents of murdered foster youth. No one knows their oppressor like the oppressed do.

The Honorable Governor Dr. Joshua Booth Green, M.D. has declared Hawaii a Trauma-Informed State. Governor Green and the Office of Wellness and Resilience has named six principles that trauma-informed care is built on, the first two being: (1) safety, (2) trust & transparency. Safety starts when we stop the abuse from occurring. Safety starts when we name the abusers. Trust and Transparency starts when we provide comprehensive forensic case reviews of all CWS cases.

Comprehensive forensic reviews of all Hawaii Child Welfare Services cases will include all medical records for each foster youth, all Court records, all DOE records, DOH records, AG records, DHS records, all state-funded organizations' and third-party organizations' records (ie: Catholic Charities, Epic Ohana, Child and Family Services, PARENTS Inc., Hale Kipa, etc). This comprehensive forensic review will allow us to be fully informed of the traumas caused for the purpose of naming and stopping the abuse at its source, enacting principles #1 and #2 of Trauma-Informed Care as specified by Governor Green and his Office of Wellness and Resilience. The forensic review will be a measure of our starting point and can result in each foster youth having a TIMELINE of events that they experienced and whether or not those experiences were in line with laws, stated procedures, and best practices. We are informed by the Trauma-Informed Care Task Force Recommendations Report, dated December 2023, that "Adverse childhood experiences indicates a growing public health crisis for the state." Having a TIMELINE that names the traumas foster youth experienced can serve as a way to validate the harm our foster youth have experienced. A validating environment is an essential component of a trauma-informed care environment.

Interpersonal violence of our most vulnerable populations is a measure of how safe our society is. Based on the level of interpersonal violence that foster youth are facing while in Hawaii Child Welfare Services care, we are assured that we have a very sick, dangerous society...the effects of which all of us will feel unless we address this NOW and act as if our lives depend on it. An oversight commission of Child Welfare Services that provides anything less than comprehensive forensic reviews will only stand as complicity and permission to abusers for the acts of violence committed against our vulnerable foster youth.

As a last note, if you are concerned about how to finance comprehensive forensic reviews for all Child Welfare cases, please know that I offer my time and expertise at no cost and will happily provide all keiki with comprehensive forensic reviews of their cases.

Aloha plenty,

Moanike'ala Katherine Tua'au Muna



SB-798

Submitted on: 1/24/2025 5:31:50 PM

Testimony for HHS on 1/29/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Individual	Support	Written Testimony Only

Comments:

Senator San Buenaventura and committee,

Senator San Buenaventura and committee,

I have been a dedicated advocate for families for the past 12 years and actively participated in the Malama Ohana Working Group throughout the previous year. I strongly support the establishment of a Commission and am fully committed to contributing to its initiatives."

January 27, 2025

To: Senator Joy A. San Buenaventura, Chair, and Senator Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

From: Karen Worthington, Private Citizen

Re: **SB798: Relating to Child Welfare**
Hawai'i State Capitol, Room 225 and Videoconference, January 29, 2025, 1:00pm

Position: SUPPORT, with suggested amendments

Dear Senator San Buenaventura, Senator Aquino, and Committee Members:

Thank you for the opportunity to provide testimony in support of SB 798, which establishes a temporary oversight commission for the Child Welfare Services Branch (CWS). The findings of the Mālama 'Ohana Working Group and the State Auditor's Report (No. 24-05) have clearly demonstrated the urgent need for systematic oversight and transformation of our child welfare system. SB 798 responds to this urgent need, and while I support this forward movement, the findings and recommendations require an oversight process independent of state departments that are part of the child welfare system. I therefore request further consideration about how to establish an independent oversight commission with independent enforcement powers.

My name is Karen Worthington, and I am a children's law and policy attorney with a consulting business on Maui, Karen Worthington Consulting. I have worked as a lawyer and policy advocate in and around state systems affecting children and families throughout my 30-year career. I am certified as a Child Welfare Law Specialist by the National Association of Counsel for Children. I have worked extensively with Hawai'i state departments and nonprofit organizations that support children and families who exist at the margins of our society.

Some key points that indicate support for passing SB 798 include the following:

1. The current system is failing our most vulnerable children. As documented in the [Mālama 'Ohana Working Group report](#), while there are "heroic individuals" throughout the system, the overall structure is broken and inefficient, leading to devastating outcomes for some of our keiki.
2. The findings of the State Auditor's Report (No. 24-05) and the Mālama 'Ohana Working Group report demonstrate critical systemic issues that require immediate attention and oversight.
3. The proposed commission's diverse membership, including representatives from families with lived experience, nonprofit organizations, and various stakeholders, will ensure comprehensive oversight and accountability.
4. CWS is understaffed, under-resourced, and overwhelmed, so neither DHS nor CWS can be tasked with leading implementation of the changes recommended in State Auditor's Report (No. 24-05) and the Mālama 'Ohana Working Group report; therefore, independent oversight is required.

The goal of this bill is to reduce child harm and death by improving the effectiveness of the child welfare services branch. This is a difficult charge, and I ask you to consider the following amendments to the bill to increase the likelihood that this goal will be achieved.

1. Ensure Independent Leadership:
 - The chairperson of this commission should be outside the child welfare system. The Department of the Attorney General is a key participant in the child welfare system, with responsibilities including the following:
 - Serving as legal counsel to DHS.
 - Representing CWS in child welfare legal matters and individual cases.
 - Advising DHS on policy development and implementation.
 - Advising DHS on proposed or potential legislation and administrative rules.
 - Advising on and approving DHS contracts with providers.
 - Training CWS employees.
 - Several options exist to ensure independence. Two to consider are:
 - Appointment of a person with deep knowledge about the child welfare system who has the authority to compel action by state agencies. In some contexts, this person might be a special master, a czar, or a compliance monitor.
 - Create an Office of the Child Advocate by executive order or statute. This ombudsman office exists in most states and provides durable, ongoing protection of children involved with CWS as well as oversight of the child welfare system.
2. Further clarify the duties and scope of the oversight commission:
 - Any oversight commission to improve child welfare services should be charged with implementing existing recommendations from reviews, audits, or assessments already requested by the legislature. The Mālama 'Ohana Working Group Report and the State Auditor's Report (No. 24-05) include findings and recommendations. The commission should build upon these existing analyses rather than duplicating efforts. The tasks of reviewing and assessing CWS operations and policies are a necessary part of implementing the recommendations in those reports.
3. Create an oversight commission or structure that has the power to enact changes, which might include the following:
 - Investigative Powers:
 - The authority to review and investigate critical incidents and agency responses to critical incidents, such as:
 - Child fatalities
 - Near fatalities
 - Serious bodily injury
 - Cases where there is reasonable belief that a state agency failed in its duty to protect a child.
 - The authority to review all records and files of agencies related to the duties assigned to the commission and the ability to subpoena records and individuals when needed.
 - The right to enter and inspect any place where a child has been placed by a court or CWS and is currently residing.

- Accountability Powers:
 - Issue public reports with recommended improvement activities and require state agencies to publicly respond to the reports and provide periodic progress reports until the issues are successfully addressed.
 - The authority to take actions to secure and ensure the legal, civil, and special rights of children through such activities as conducting programs of public education, undertaking legislative advocacy, making proposals for systemic reform, and formal legal action.
- Collaborative powers:
 - Convene regular meetings with organizations, agencies, and individuals who work in the area of child protection to seek opportunities to collaborate and improve the status of children in Hawai'i.
- 4. Ensure that youth with lived experience in the child welfare system and other marginalized groups are included as oversight commission members:
 - Add at least three youth between the ages of 14 and 26 who were placed out of their homes because of child welfare system involvement.
 - Consider adding these additional members:
 - A representative from the Office of Hawaiian Affairs
 - A Hawaiian cultural practitioner
 - A mental health professional specializing in trauma-informed care

The Mālama 'Ohana Working Group's comprehensive report revealed that transformation requires both urgency and sustained dedication. This commission represents a crucial step toward achieving that transformation, but its structure and leadership must be carefully designed to ensure its effectiveness. Our keiki deserve a child welfare system that protects and nurtures them. This oversight commission, with the suggested amendments, would be better positioned to help create that system.

If you would like additional information related to my testimony, please do not hesitate to contact me at karen@karenworthington.com.

Best regards,



Karen Worthington

To: Senate Committee on Health and Human Services
Re: SB 798 Relating to Child Welfare Services

Hawai'i State Capitol, Conference Room 225 & Via Videoconference
Tuesday, January 29, 2025, 1:00 PM

Dear Chair Marten, Vice Chair Olds, and Committee Members,

On behalf of HCANSpeaks!, I am writing in support of HB 798, relating to child welfare services. This purpose of this bill is to establish a Child Welfare Services Branch (CWS) Oversight Commission within the Department of the Attorney General. This Oversight Commission would review and assess case management procedures, training, staffing levels and other support given to CWS and address issues identified in the 2024 Auditor's Report on CWS and make recommendations on actions to reduce child harm and death and for legislation, funding, and other needs for CWS to support the goals of the Commission.

The Mālama 'Ohana Working Group¹ and the State Auditor's Report (No. 24-05) make it clear that our child welfare system urgently needs oversight, and in turn, systemic changes and accountability. At the same time, research evidence demonstrates that true accountability requires oversight that operates independently from state agencies. **While SB 798 represents a step in the right direction of oversight, I urge the committee to consider and discuss the most effective and meaningful pathways for establishing an independent oversight commission that would ideally operate independently from the state agencies involved in the system.**

Furthermore, it is essential that young people with lived experience in the child welfare system are included on the oversight commission and inform processes for determining accountability and systemic change across the child welfare system.

Mahalo for the opportunity to provide testimony regarding SB 798.

Kind regards,
Noreen Kohl, Ph.D.
Policy Researcher and Advocate

¹ The Final Report of the MOWG can be found here (URL: <https://www.malamaohana.net/>)

SB-798

Submitted on: 1/28/2025 8:06:37 PM

Testimony for HHS on 1/29/2025 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nonohe Botelho	Testifying for Hawaii Coalition for Child Protective Reform	Support	Written Testimony Only

Comments:

'THIS IS URGENT' New Report Reveals Hawaii Child Welfare System is Failing.
Reported on KHON, Civil Beat, Malama Ohana Working Group, Office of Wellness and Resilience.

Say Their Names:

Peter Boy Kema (1997)

Zion McKeown (2012)

Zachary Durto-Burgess (2012)

Sarai (2024)

Brayden McVeigh (2009)

Reubyne Buentipo Jr. (1997)

Shaylynn Lehano-Stone (2016)

Ariel Sellers (aka: Isabella Kalua) (2021)

Fabian Garrett-Garcia (2017)

Geanna Bradley (2024)

Ronela Balubar Pascual (2013)

Tyler Sumblin (1996)

Unidentified 5 month old-Waianae (2021)