



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Human Services & Homelessness

Representative Lisa Marten, Chair

Representative Ikaika Olds, Vice Chair

Tuesday, January 28, 2025, 9:00 a.m.

State Capitol, Conference Room 329

by

Dyan M. Medeiros

Senior Judge, Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 900, Relating to Child Welfare Services.

Purpose: Establishes a working group for legal services for youth in the child welfare system within the judiciary. Appropriates funds for the working group.

Judiciary's Position:

The Judiciary supports House Bill No. 900, and the creation of a working group. The Judiciary would request the appropriation to include funding not only for group members to do site visits, but also to assist with the report writing.

We thank you for the opportunity to offer testimony on this bill.



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 H.B. 900
RELATING TO CHILD WELFARE SERVICES**

Representative Lisa Marten, Chair
Ikaika Olds, Vice Chair
House Committee on Human Services and Homelessness

January 28th, 2025, at 9:00 a.m. Room Number: 329

The Office of Wellness and Resilience (OWR) in the Governor's Office **SUPPORTS** H.B. 900, Relating to Child Welfare Services.

The mission of the OWR is strengthen our state systems and services, using healing-centered principles as strategies to make Hawai'i a trauma-informed state. As the State agency that administers the Mālama 'Ohana Working Group, our office has had the privilege to work closely with those with lived expertise in navigating the child welfare system, other State departments, and community partners. The recommendations submitted in the Mālama 'Ohana Working Report puts the voices of lived expertise of youth and families at the forefront. Our office strongly believes that we all have the collective responsibility to establish a child welfare system that is trauma-informed and responds to the needs of children and families in the system and in our communities.

As can be found in Section VI of the Mālama 'Ohana Working Group Report, the Working Group has put forth the recommendation to "*strengthen the family court process for child welfare cases*". Youth and parents in the Working Group and the Permitted Interaction Groups shared the need to strengthen the cultural competency and trauma-informed approach of those working within the court-system. We understand that to achieve this, solutions will need to be collectively discussed and should include voices of lived expertise and state agencies administering the system.

H.B. 900 achieves this by creating a Working Group in the Judiciary that is trauma-informed by elevating the voices of lived expertise to work alongside state agencies to find pathways to improve the system.

Thank you for the opportunity to testify on this important issue.

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

January 26, 2025

To: Chair Marten, and members of the Human Services and Homelessness Committee

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

Re: Testimony in support of HB 900

I support HB 900 Regarding Child Welfare Services, which specifically establishes a working group to discuss and implement legal counsel for children.

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. Therefore, it is not allowed that more than two of us meet to discuss the report, and in those meetings, we are 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, 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.

Two members of our working group were former foster youth. They led a Permitted Interaction Group (PIG) that focused on the needs of children and youth. They conducted several interviews with current and former foster youth. Also, in the community listening sessions several former and current foster youth shared their ideas and experiences.

Here is what they said: “When agencies are involved in their families, they want to be fully and honestly informed about all matters impacting their lives; to be respected and treated with compassion; to understand their rights and responsibilities, have an informed support system to help them access services, maintain connections, and uphold their rights; actively and meaningfully participate in decisions and decision making events and

advocate for themselves and their families.” They said they needed to be listened to – they are the expert in their lives – but they sometimes feel disrespected and disregarded.

Thirty states currently have a requirement for legal counsel for children. Dana Masunani, a Skadden Fellow with the National Center for Youth Law has been here in Hawai‘i focusing her fellowship on the rights and needs of foster youth. Her research shows that the outcomes for children are better when there is an attorney.

At the same time, as a former GAL and parents attorney, as a former employee of the Judiciary, and as co-founder and retired Executive Director of EPIC ‘Ohana, I have firsthand knowledge of some of the barriers to fully implementing counsel for children. There are not enough trained and effective lawyers available to take these assignments. But like the work that we did in the working group, I also believe that by convening committed individuals to problem solve, solutions can be found.

We also learned the incredible value of having youth voices at the table. For instance, the leaders of HI HOPES, who advocate, educate, and collaborate on behalf of their siblings in foster care, have successfully supported extended care to 21, normalcy and prudent parenting, and the Foster Youth Bill of Rights in 2018.

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

To: House Committee on Human Services and Homelessness
Re: HB 900 Relating to Child Welfare Services

Hawai'i State Capitol, Conference Room 329 & Via Videoconference
Tuesday, January 28, 2025, 9:00 AM

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

On behalf of HCANSpeaks!, I am writing in support of HB 900, relating to child welfare services. This bill establishes a working group to discuss and implement legal counsel for children.

This bill represents an important step towards establishing legal counsel for children in Hawai'i. Firsthand accounts shared by youth lived experts¹ in Hawai'i as well as national research² demonstrates legal counsel for children is necessary to improve the safety and well-being of children and youth involved in the child welfare system. Children represented by specially trained legal counsel experience better outcomes, including higher chances of leaving the foster care system within their first six months. They also experience a 45% higher reunification rate with their biological parents; 30% reduction in the rate of placement moves; and 65% reduction in the rate of unnecessary school moves.³

Hawai'i is one of only five states that does not currently guarantee the right to legal counsel for children during the duration of their child welfare case.⁴

Children and youth facing the challenges and trauma of navigating the child welfare system deserve to have their voices heard and to be listened to regarding the course of their lives. As such, the efforts of the working group that would be established by this bill should be guided by and grounded in the experiences of youth lived experts.

Mahalo for the opportunity to submit testimony in support of HB 900.

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

¹ See the Mālama 'Ohana working group Final Report and Recommendations (URL: <https://www.malamaohana.net/>) and specifically, findings and recommendations of the "Keiki & 'Opio" Permitted Interaction Group (URL: <https://static1.squarespace.com/static/64c47295bf6d88319c76bcde/t/66b2f37d139416577c0e7f9e/1723003774103/Keiki+%26+%27Opio+PIG+Recommendations.docx.pdf>).

² For example, see National Association of Counsel for Children (URL: <https://improvechildrep.org/Home.aspx>).

³ Ibid.

⁴ See map provided by Counsel for Kids (URL: <https://counselforkids.org/right-to-counsel-map/>).

Aloha e Committee Members,

My name is Dana Matsunami, I am an attorney at the National Center for Youth Law where I focus on issues relating to foster care in our state. I am testifying in support of HB 900, which creates a working group to explore and advance youth in foster care's access to meaningful legal representation in their child welfare case.

In my work, I have had the privilege of collaborating with current and former foster youth throughout Hawai'i to hear their stories, challenges, and visions for a better future. These conversations are not easy. Youth have shared harm they experienced during their child welfare case and the lasting impact on their lives. There are themes: many youth share that they were left in the dark about their cases; experienced abuse while in foster care but feared retaliation if they sought help; and had vital decisions made about their lives without their knowledge or input, causing life-long trust issues and trauma. We know from the brave personal stories of youth, the tragedies that have occurred in our state, and the hard work of community partners that youth in Hawai'i's foster care system can experience terrible—sometimes fatal—outcomes. We also know that child welfare interventions overwhelmingly disrupt the lives of Native Hawaiian families. It is, as one former Hawai'i foster youth put it, “a system of luck,” where some get lucky and escape the worst outcomes, but many do not.

Children and youth have legal rights while in foster care, including a right to family integrity, community connection, and safety. However, under current state law, youth in Hawai'i can be removed from their families, communities, and homes; separated from siblings; placed in state custody; prevented from attending extracurricular activities; forced to change schools; permanently legally severed from their parents; and more, all without a lawyer or an advocate who is required to advocate for what the youth wants and needs. Advancing effective, culturally-responsive, and well-trained legal representation to youth in child welfare cases is an essential step to ensuring youth voices are heard and that their rights are upheld. As one youth said, “how can you make decisions that change our lives forever without ever even hearing from us?”

The importance of youth representation in child welfare cases is backed up by research. Access to counsel makes a world of difference: children represented by specifically trained legal counsel are 40% more likely to leave the foster system within their first six months and experience a 45% higher reunification rate with their biological parents. They also experience a 30% reduction in the rate of placement moves, and 65% reduction in the rate of unnecessary school moves.

By creating a working group—guided by youth lived experts—to explore a model of representation that serves Hawai'i's unique legal and cultural needs, this bill works toward our shared goals of keeping youth safe and families and communities together. I am in support of this bill as an imperative step forward to ensuring youth in Hawai'i foster care have voice and choice in their lives. Mahalo for your time and consideration.

HB-900

Submitted on: 1/27/2025 8:13:04 AM

Testimony for HSH on 1/28/2025 9:00:00 AM

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

Comments:

Representative Marten and committee,

The HCCPR fully supports quality legal representation for both children and parents in the child welfare system. Current bills to increase the stipend for court appointed lawyers is commendable but is far below the standard for quality representation in the complex defense in child abuse and neglect cases.

Please note that federal funding has been available from Title IVE since 2018. DHS must apply for the maximum amount of federal funding according to the recommendation of the Malama Ohana working group.

HB-900

Submitted on: 1/25/2025 12:53:49 PM

Testimony for HSH on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill; keiki shouldn't have to navigate the legal system alone.

Aloha, my name is Melissa Mayo, and I am submitting testimony in strong support of HB900, which establishes a working group to explore and implement legal counsel for youth involved in the child welfare system.

As a former foster youth and a proud member of the Mālama ‘Ohana Working Group which has been tasked to seek, design, and recommend transformative changes to the State's existing child welfare system—I have often shared my belief that Hawai‘i’s child welfare system operates as a system of luck. While I consider myself fortunate to have had a guardian ad litem and social worker who valued my voice and supported me during my time in foster care, I know many others have not been as lucky. This disparity fuels my passion for ensuring that every young person in Hawai‘i’s foster care system has access to the resources and support they need—not just to survive, but to thrive and live meaningful lives.

Throughout my time as a member of the Mālama ‘Ohana Working Group and the chair of the Keiki and ‘Opio Permitted Interaction Group, I listened to many stories from youth whose experiences in the foster care system were marked by a lack of resources, support, and disconnection from family. Many of the young people I had spoken to urged that those working with youth in foster care should *“Stop making decisions about our lives without even hearing from us.”* They shared that having a supportive adult who listened, advocated for their needs, and valued their input could have significantly improved their experience in foster care.

HB900 is a vital step toward ensuring that no young person’s future is left to chance. By establishing this working group, we can focus on ensuring that youth in foster care have access to legal counsel—advocates who will prioritize their voices, rights, and well-being. This is especially critical in a system where major decisions about their lives, such as family separation, school changes, and placement moves, are often made without their meaningful input.

Through my experience as an advocate for improving outcomes for youth in foster care, I have seen how the voices of young people can lead to meaningful, systemic change. In our listening sessions and discussions, current and former foster youth consistently shared the need for advocates who would stand by their side and ensure they are heard. Their voices highlighted the stark disparities in outcomes for those who, like me, were fortunate to have supportive adults versus those who were not.

Research confirms what lived experiences already tell us:

- Children with access to trained legal counsel are 40% more likely to achieve permanency within six months and experience a 45% higher rate of reunification with their families.
- Legal representation reduces unnecessary placements, school moves, and the trauma associated with instability.

By establishing this working group, guided by the lived experiences of youth and the input of community stakeholders, we can begin to address the inequities in Hawai‘i’s child welfare system and ensure that every young person in foster care has access to the legal advocacy and support they deserve. Hawai‘i’s youth should not have to rely on luck to receive the care, respect, and opportunities they need to thrive.

Mahalo for your time, dedication, and commitment to improving the lives of Hawai‘i’s foster youth.

Karen Worthington, Kula, HI 96790

LATE

January 27, 2025

To: Representative Marten, Chair, and Representative Olds, Vice Chair
House Committee on Human Services & Homelessness

From: Karen Worthington, Private Citizen

Re: **HB900**: Relating to Child Welfare Services
Hawai'i State Capitol, Room 329 and Videoconference, January 28, 2025, 9:00am

Position: SUPPORT

Dear Representative Marten, Representative Olds, and Committee Members:

Thank you for the opportunity to provide testimony in support of HB 900, which establishes a working group for legal services for youth in the child welfare system within the judiciary.

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 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.

Please pass HB 900, which addresses a critical gap in Hawai'i's child welfare system. In a child welfare case, the person whose life is most impacted by the process and outcomes is the child, yet children's perspectives are often not shared with the courts. In fact, across the state, our children and youth are often not seen or heard during the legal proceedings about their lives.

Youth with lived experience in Hawai'i's child welfare system report being left uninformed about their cases, having decisions made without their input, and facing retaliation when reporting unsafe conditions. As one youth powerfully stated, "How can you make decisions that change our lives forever without ever even hearing from us?"

The [Mālama 'Ohana Working Group report](#) includes input from youth who shared their insights and experiences by participating in the 11 community meetings, serving on or informing the Permitted Interaction Groups, or submitting written testimony. These youth consistently expressed two fundamental needs: they want to have a say in decisions about their lives and they want their rights and well-being protected.

While Hawai'i law requires children to have a Guardian ad Litem (GAL) in these proceedings, GALs are not bound by attorney-client confidentiality—they advocate for what they believe is in the child's best interest rather than representing the child's expressed wishes. This means that that children's experiences, wishes, and insights are filtered through an adult who may never have experienced being placed in foster care, being forcibly separated from family members and close friends, or other traumatic events. Furthermore, if a GAL is not an attorney, the child's representative is not able to protect the child's essential legal rights. In my experience as a lawyer, I have seen that non-lawyer advocates are at a disadvantage in legal proceedings when all other parties have a lawyer because a non-lawyer does not have the legal tools needed to protect a person's rights. Finally, many children in

the Hawai'i child welfare system do not even have a GAL; in [Child Maltreatment 2023](#), Table 6-5, Hawai'i reports that only 50.5% of child victims have a court appointed representative.

Research shows that providing children with legal counsel is not only the right thing to do, it is a smart financial move because over time, it reduces costs within the child welfare system, with studies showing a 40% faster exit from foster care when children have legal representation. And, federal funds through Title IV-E are available to offset some of the costs of providing lawyers for youth.

Creating this working group is an important step in the direction of properly caring for youth who are involved with the child welfare system and protecting their rights, especially those provided through the Hawai'i Foster Youth Bill of Rights. I respectfully request two modifications to strengthen the working group's composition:

- Increase youth representation by including more youth who are or were in the child welfare system and offering two youth the opportunity to co-chair the working group along with judges
- Expand geographic representation by appointing at least one more GAL who represents youth on an island other than Oahu, as families on Maui and other islands have quite different court experiences than families in the First Circuit.

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

LATE

HB-900

Submitted on: 1/27/2025 12:51:25 PM

Testimony for HSH on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keola Pagud	Individual	Support	Written Testimony Only

Comments:

Aloha mai e Chair Lisa Marten, Vice Chair Ikaika Olds, and members of the House Committee on Human Services & Homelessness,

My name is Keola Pagud and I **support HB 900**. I have been an advocate for foster youth rights for over a decade and I have experienced Hawai'i's child welfare (CW) judicial system as being a former ward of the State. Although I am grateful to be a lucky person who had many of their needs met, I did not feel my guardian ad litem engaged with me enough, and I was never present at any CW court proceedings while I was in care for three years. If I was engaged more in the legal process, I may have been able to learn more helpful information about my family's situation such as my mother's mental health diagnosis. Furthermore, I may have been able to find the courage to explore my deeper feelings of wanting to seek adoption with my current resource caregiver either before or after reaching age of majority. I emancipated and being adopted would have helped me to improve my feelings of belonging.

This working group will allow shared partnership between legal professionals and lived experts to ideate on ways to move the needle in a positive way and create more positive outcomes for former foster youth. I thank you for your time and ask that you consider passing bill HB 900.

Me ka 'oia'i'o,

Keola Pagud, MSW

Good Morning-

My name is Steve Lane

LATE

I have been a licensed foster parent in Hawaii for 4 decades and raised 4 foster special needs children through graduation from college. I have served as a GAL and VGAL in the Family Court , as a Special Master in accordance with Judge Mark Browning's Family Court Tort Protocol, including in some of Hawaii's most notorious cases of child abuse such as the Peter Boy Kema case and the Ariel Kalua case. I have also been appointed as next friend in additional child abuse cases including a recent case involving the apparent starvation death and near death of two foster /adoptive children. And I am now god-father to one of the surviving siblings of Ariel Kalua.

I applaud the work of the Malama Ohana working group and especially Rep Marten's HB 900 that so eloquently identifies many of the issues that concern all of us as we try to reconstitute a child welfare system that as to often failed to many of our children. I urge it's passage by this committee.

The primary subject and intended beneficiary of all this fine work by scores of skilled professionals in our community to overhaul and dramatically improve our child welfare system are Hawaii's Foster Children. Sadly, they remain the only members of our Ohana who have no legal access to counsel. The reason for that is two fold. One, they are minors (you must be 18 to hire a lawyer)and two, they are wards of the state of Hawaii.

While I realize the primary scope of this bill is concerned with establishing a wide reaching focus group to more closely examine those issues Rep Marten has so finely described in her bill, I would hope that we also look to ways by which we can secure access to legal counsel for our foster children. One remedy could be enlarging the scope of the authority of the GALs that already serve , enabling them to secure legal services directly for their wards when the need arises. Another would could be to codify by statute the Family Court Tort Protocol already in place in the first circuit thanks to Former Administrative Judge Mark Browning.

I would like to thank the committee for the opportunity to offer these comments and Representative Marten for the outstanding work she has done in profiling the issues so compellingly .

Steve Lane
Jan 28, 2025

LATE

HB-900

Submitted on: 1/27/2025 7:35:22 PM

Testimony for HSH on 1/28/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nonohe Botelho	Individual	Support	Written Testimony Only

Comments:

IN SUPPORT