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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
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Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 8, 2025

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

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 710 – RELATING TO CHILD WELFARE.**

Hearing: Monday, February 10, 2025, Time 1:20 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill, agrees with the Department of the Attorney General, and provides comments. DHS respectfully requests that any appropriation not reduce or replace priorities identified in the executive budget.

PURPOSE: The purpose of the bill is to establish the Child Welfare Task Force to develop strategies and policy changes to transform and improve the State's child welfare system. Requires support from the Department of Human Services. Requires a report to the legislature. Appropriates moneys.

DHS agrees with the Department of the Attorney General's suggestion that this proposed work group be legislatively run to avoid a separation of powers issues.

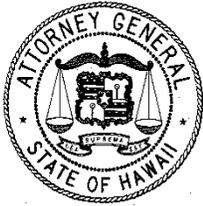
DHS appreciates the Legislature's commitment to supporting efforts aimed at improving the State's child welfare system, including the consideration of proposals this session that invest in additional resources for children and families, the Child Welfare Services workforce, and community-based providers. The Office of Wellness & Resilience has two administration

February 8, 2025

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proposals (SB1398 and SB1399) that emerged from the work of the Malama Ohana Work Group. DHS is looking forward to working with OWR to implement those efforts.

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



**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. 710, RELATING TO CHILD WELFARE.

BEFORE THE:

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Monday, February 10, 2025 **TIME:** 1:20 p.m.

LOCATION: State Capitol, Room 225 and Videoconference

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 (Department) provides the following comments and recommendations regarding the bill.

The purpose of this bill is to convene a child welfare task force to develop strategies and policy changes to transform and improve the State's child welfare system. It establishes and appropriates funds for a child welfare task force within the Department of Human Services (DHS). The bill designates two legislators, the chairs of the Senate standing committee and House of Representatives standing committee having primary subject-matter jurisdiction over DHS, as co-chairs of the task force. The Department believes that designating two legislators to co-chair a task force within DHS, for the purpose of writing a report to the Legislature and recommending legislation, creates a separation of powers issue that subjects the task force to constitutional challenge under the Hawaii State Constitution.

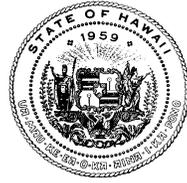
Article III, section 1, of the Hawaii State Constitution provides, in relevant part, "[t]he legislative power of the State shall be vested in a legislature" "The legislative power has been defined as the power to enact laws and declare what the law shall be." *Bissen v. Fujii*, 51 Haw. 636, 638 (Sup. Ct. 1970) (internal citations omitted). Further, "the activity of spending money is essentially an executive task." *New England Div. of American Cancer Soc. v. Commissioner of Admin.*, 769 N.E.2d 1248, 1256 (Mass.

2002). And "appropriation is a legislative power, but spending is an executive power." *Hunter v. State*, 865 A.2d 381, 392 (Vt. 2004).

This bill proposes that a task force, chaired by two legislators but working within DHS, shall write a report to the Legislature that shall include the task force's findings and recommendations, "including any proposed legislation." Page 4, lines 13-14. And the task force would have authority over the expenditure of a requested \$300,000.00 in appropriated funds. Page 4, lines 16-21. Even though those funds would be expended by DHS, the fact that those funds would be appropriated for the work of the task force creates the strong likelihood that the funds would be used consistent with the requests of the task force members, including the chairs of the task force who are legislators. Putting two legislators in a leadership position performing legislative functions as part of a task force working within an executive branch agency, and directing the use of appropriated funds, appears to be inconsistent with article III, section 1, of the Hawaii State Constitution.

For that reason, the Department believes that the proposed child welfare task force should be reimagined as a purely legislatively run and administered task force. Alternatively, the proposed members from the Legislature could be replaced by members who are not legislators.

We respectfully request that, if the Committee passes this bill, you consider our recommendations. Thank you for the opportunity to testify.



STATE OF HAWAII
OFFICE OF WELLNESS AND RESILIENCE
KE KE'ENA KŪPA'A MAULI OLA
OFFICE OF THE GOVERNOR
415 S.BERETANIA ST. #415
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**Testimony in SUPPORT of S.B. 710
RELATING TO CHILD WELFARE**

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

February 10, 2025, at 1:20 p.m. Room Number: 225

The Office of Wellness and Resilience (OWR) in the Governor's Office **SUPPORTS** S.B. 710, Relating to Child Welfare.

Charged with developing recommendation to create transformative changes to our state's child welfare system, the Mālama 'Ohana Working Group has shared their vision and recommendations in their Report. The recommendations from the Mālama 'Ohana Working Group reflect the collective hopes of our community for a more compassionate, effective, and equitable system. These recommendations are grounded in lived experience and are aligned with the principles of trauma-informed care—values our Office actively promotes in our broader efforts to create a trauma-informed state.

Our office also recognizes that some recommendations submitted requires more deliberate discussions around implementation. The Report calls upon the Hawai'i State Legislature, the Executive Branch of our State government, and our community partners to actively work together to implement the recommendations that were put forward. S.B. 710 provides an important opportunity for these stakeholders to collectively strategize an implementation plan to transform our child welfare system.

We believe that establishing a working group, which includes key stakeholders such as the Attorney General, the Director of Human Services, the Director of Human Resources Development, the Office of Wellness and Resilience, the Insurance Commissioner, and members of the Mālama 'Ohana Working Group, will be essential in developing actionable strategies to implement the Mālama 'Ohana Working Group's recommendations and drive meaningful improvements to our child welfare system.

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

February 6, 2025

To: Chair San Buenaventura, and members of the Committee on Human Services
From: Laurie Arial Tochiki, Co-Chair Mālama 'Ohana Working Group
Re: Testimony in support of SB 710 with recommendations

I support SB 710 Regarding Child Welfare Services, a task force to implement improvements to child welfare services. However, I request further consideration and discussion about the administrative housing of the task force with the Department of Human Services. 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 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 task force could begin to address the concerns raised in our report about CWS itself. In our report we asked that these measures be put in place relating directly to CWS:

- Improve core CWS processes, staffing, training, supervision, data systems, and technology.
- Ensure a commitment to excellence from the legislature, the Governor and Lt. Governor, and the DHS Director.
- Prioritize supporting the child welfare system through the Departments of the Attorney General, Accounting and General Services, and Human Resources Development office.
- Maximize state and federal resources and eliminate waste.
- Establish independent oversight mechanisms, such as an independent ombudsperson, Child Advocate, or grievance office.

- Create robust advocacy systems for children, parents, and families.

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.

I appreciate the significant role that the chairs of the respective House and Senate committees would play. However, I ask that the administration of the task force be placed with the Office of Wellness and Resilience (OWR). OWR has been a key support in the Mālama ‘Ohana Working Group and has staff ready and able to assist the task force. Also, the DHS is not able to administer collaborative partnerships with community organizations, and individuals with lived experience. The Mālama ‘Ohana Working Group was successful in accomplishing its mission because it was able to leverage donations from the Community Foundation, Kamehameha Schools, Annie E. Casey, and Casey Family Foundations. This kind of collaboration will probably prove difficult for DHS to accomplish.

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



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senate Committee on Health and Human Services
Re: SB 710 Relating to Child Welfare

Hawai'i State Capitol, Conference Room 225 & Via Videoconference
Monday, February 10, 2025, 1:20PM

Dear Chair San Buenaventura, Vice Chair Aquino, and Committee Members,

On behalf of HCANSpeaks!, I am writing in support of SB 710, relating to child welfare. This bill establishes the Child Welfare Task Force to develop strategies and policy changes to transform and improve the State's child welfare system; requires support from the Department of Human Services; and requires a report to the legislature.

My name is Noreen Kohl, PhD, I am a policy researcher and advocate with Hawai'i Children's Action Network (HCAN), and my work focuses on primary prevention of child maltreatment and systems change to improve programs and support for Hawai'i's keiki and families. On behalf of HCAN and Prevent Child Abuse Hawai'i, a program of HCAN, I participated as kokua or "support" for the Mālama 'Ohana working group (MOWG). Specifically, I participated in the Permitted Interaction Groups including the Hui Ho'opūlama or "Systems Supports" Permitted Interaction Group. Please see the MOWG Final Report and Recommendations for more information.¹

The task force proposed by this bill represents an important opportunity to respond to the calls for systemic changes and address problems identified by Hawai'i's families and communities over the course of the MOWG community listening sessions and permitted interaction group meetings. The MOWG is housed within the HI Office of Wellness and Resilience (OWR). As such, to carry forward the MOWG recommendations and establish the next iteration of this work, the Child Welfare Task Force should be administratively attached to OWR rather than DHS. Considering (a) the vital role of DHS as a partner in this work, (b) the need for a trauma-informed approach that aligns with OWR's expertise and mission, and (c) the importance of ensuring proper oversight, as identified is needed by both the Mālama 'Ohana Working Group and the State Auditor's Report (No. 24-05), housing the Task Force within OWR is essential for its success.

Mahalo for the opportunity to provide testimony in support of SB 710 with the recommendation that the task force be established within the Office of Wellness and Resilience (OWR).

Sincerely,
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 "Hui Ho'opūlama" or "Systems Supports" Permitted Interaction Group (URL: <https://static1.squarespace.com/static/64c47295bf6d88319c76bcde/t/66b2f3d6260d884d777c6aec/172300386226/2024.05.21+MOWG+Hui+Ho%CA%BBopu%CC%84lama+-+Systems+PIG+Pt+2.pdf>).



HAWAI`I YOUTH SERVICES NETWORK

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Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Greg Tjapkes, Secretary

Judith F. Clark, Executive
Director

Network Membership

Access to Independence
Big Brothers Big Sisters Hawai`i
Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Domestic Violence Action Center
EPIC `Ohana, Inc.
Friends of the Children's Justice
Center of Maui
Get Ready Hawai`i
Hale Kipa, Inc.
Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network
Hawai`i Health & Harm
Reduction Center
Hawaii Island Community`
Health Center
Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kokua Kalihi Valley
Kaua`i Planning and Action
Alliance
Lines for Life Youth Line
Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems
P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED
Piha Wellness and Healing
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana
Residential Youth Services
& Empowerment (RYSE)
Salvation Army Family
Intervention Services
Sex Abuse Treatment Center
Susannah Wesley Community
Center
The Catalyst Group

February 8, 2025

To: Senator Joy San Buenaventura, Chair
And members of the Committee on Health and Human
Services

TESTIMONY IN SUPPORT OF SB 710 RELATING TO CHILD WELFARE

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 710 Relating to Child Welfare.

The Malama Ohana Working Group obtained input from a wide range of stakeholders about the child welfare system. The report issued in December included a broad range of recommendations. Establishing the task force to work on ways to operationalize the recommendations is the next step needed to improve outcomes for our children and families.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director

Opportunity for Youth Action Hawai‘i

February 10, 2025

Senate Committee on Health and Human Services

Hearing Time: 1:20PM

Location: State Capitol Conference Room 225

Re: SB710, Relating to Child Welfare

Aloha e Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

On behalf of the Opportunity for Youth Action Hawai‘i hui, we are writing in **strong support of SB710, relating to child welfare**. This bill establishes the Child Welfare Task Force to develop strategies and policy changes to transform and improve the State's child welfare system. The bill requires support from the Department of Human Services as well as a report to the legislature. The bill also appropriates moneys to fund this task force.

The challenges facing our child welfare system are well-documented. Due to high caseloads and insufficient resources, many children and families struggle to receive the timely and effective interventions they deserve. SB710 takes a proactive approach to identifying systemic gaps, improving inter-agency coordination, and implementing evidence-based solutions to prioritize the well-being of children in the system.

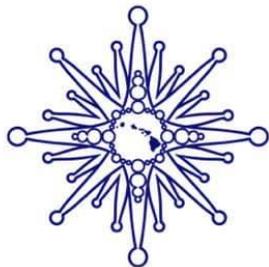
A key aspect of this bill is the requirement for support from the Department of Human Services. The Department’s expertise and resources are vital in ensuring that any proposed policy changes are both practical and sustainable. Additionally, the provision for a report to the legislature will enhance transparency and accountability, allowing lawmakers to make informed decisions based on data-driven recommendations.

Furthermore, the appropriation of funds demonstrates a commitment to meaningful reform rather than symbolic action. Without adequate funding, the child welfare system will continue to struggle. These resources help ensure that the task force can conduct thorough research, engage with stakeholders, and propose actionable strategies that lead to lasting improvements.

Opportunity for Youth Action Hawai‘i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

Please support SB710.

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840



HAWAII COALITION

FOR

CHILD PROTECTIVE REFORM

February 9, 2025

SUBJECT: SB710 relating to a child welfare task force

Hearing: February 10, 2025

TO: Chair San Buenaventura and committee,

HCCPR supports this bill with comments.

Our members are a collective of lived-experience advocates who have been deeply engaged in child protective reform efforts for the last decade. Our members participated actively in all meetings of the Malama Ohana initiative last year and are eager to continue involvement in the decisions of the task force.

A significant source of inspiration and guidance for HCCPR's efforts has been the work of Richard Wexler. Wexler, a nationally known journalist and researcher, has published extensively on child welfare issues for decades. His insightful analysis and advocacy have shed light on critical issues within the child protection system, influencing policies and practices on a national level.

Of the 16 bills that would positively impact child welfare this session, 3 bills that protect due process rights of all citizens were declined hearings. Those were a product of Wexler's research and advocacy in a Due Process paper. A Blueprint for Child Safety published 2 years ago clearly points out that **Due Process Rights must be respected to protect the majority of innocent families from needless CWS intervention, reduces high caseload and risk to children in state care. Please read his latest piece, just published in the Civil Beat yesterday.**

Mahalo

Karen Worthington, Kula, HI 96790

February 5, 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: **SB710: Relating to Child Welfare**
Hawai'i State Capitol, Room 225 and Videoconference, February 10, 2025, 1:20pm

Position: SUPPORT, with suggested amendment

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

Thank you for the opportunity to provide testimony in support of SB 710, which establishes the Child Welfare Task Force to develop strategies and policy changes to transform and improve the state's child welfare system. 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 710 responds to this urgent need and to the direct request of the Mālama 'Ohana Working Group for the legislature to provide "funding and a stable foundation so it can clarify and implement the strategies for improving outcomes for children" (See p. 25, "Final Report," Mālama 'Ohana Working Group, 2024, <https://www.malamaohana.net/mowg-final-report>).

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, including the Mālama 'Ohana Working Group.

I am excited about the opportunity this legislation brings for Hawai'i keiki and 'ohana. I respectfully request that to maintain the momentum begun with the Mālama 'Ohana Working Group and to ensure independence, the task force be administratively attached to the Office of Wellness and Resilience instead of DHS. While DHS will be a crucial partner in this transformation, placing the task force within DHS could unintentionally limit its ability to drive systematic change. As highlighted in the State Auditor's Report No. 24-05, some of the current challenges in our child welfare system stem from DHS processes and oversight. Having the task force situated outside DHS would allow for more objective evaluation and implementation of needed reforms while still maintaining DHS as a key collaborative partner. The Mālama 'Ohana Working Group Final Report stated on p. 16 (emphasis in bold added):

Our vision outlines a new way of supporting families. Turning this vision into reality requires detailed planning and coordinated execution. To maintain momentum and ensure success, we must create a permanent mechanism to continue the Mālama 'Ohana work.

The Office of Wellness and Resilience is uniquely positioned to convene and connect the network necessary to drive this transformation through:

Karen Worthington, Kula, HI 96790

- *Amplifying community voices by continuously listening to and uplifting the wisdom of those with lived expertise.*
- *Building partnerships through ongoing collaboration with parents, youth, caregivers, service providers, and state agencies.*
- *Driving change by convening implementation teams to execute recommendations and concrete action steps.*
- *Deepening understanding through research teams that further develop the vision's core concepts.*
- *Ensuring accountability through a design and tracking team that will:*
- *Mapping the sequence of steps toward transformation.*
- *Developing comprehensive budgets and funding requests.*
- *Monitoring and report on progress.*

The Mālama 'Ohana Working Group's comprehensive report revealed that transformation requires both urgency and sustained dedication. The Child Welfare Task Force represents a crucial step toward achieving that transformation, so I urge you to pass SB710. Our keiki deserve a child welfare system that protects and nurtures them.

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

SB-710

Submitted on: 2/8/2025 3:25:00 PM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
glenn oshiro	Individual	Support	Written Testimony Only

Comments:

Please record and kindly act on SB710. Thank you

LATE

SB-710

Submitted on: 2/10/2025 11:35:13 AM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Comments	Written Testimony Only

Comments:

PLEASE, PLEASE, PLEASE!!!:

In Section 2 Subsection (c) PLEASE add a 9th invitee to be included in this Child Welfare Task Force: a representative from the DOMESTIC VIOLENCE community.

Domestic Violence consistently gets identified as a big and significant problem yet is continually ignored when professional or collaborative community efforts such as this one are introduced.

PLEASE include just one seat at the table for a Domestic Violence representative from the wealth of agencies or experts we have in our local community. THANK YOU ~