

## ACT 92

S.B. NO. 2874

A Bill for an Act Relating to Child Welfare Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 346-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

““Abused or neglected” means subjected to “harm”, “imminent harm”, or “threatened harm” as defined in section 587-2.”

2. By amending the definition of “child welfare services” to read:

““Child welfare services” means [and includes all];

(1) All services necessary for the protection and care of abused or neglected children and children in danger of becoming delinquent[, and all]; and

(2) All services necessary for the adoption of children.”

3. By deleting the definition of “neglected child”.

[““Neglected child” means any minor who for any reason is homeless or abandoned or who is receiving inadequate parental care or guardianship, or whose home, by reason of cruelty, neglect, or depravity on the part of the minor’s parents, guardian, or other person in whose care the minor may be, is an unfit place for the child.”]

SECTION 2. Section 346-14, Hawaii Revised Statutes, is amended to read as follows:

“**§346-14 Duties generally.** Except as otherwise provided by law, the department of human services shall:

- (1) Establish and administer programs and standards, and adopt rules as deemed necessary for all public assistance programs;
- (2) Establish, extend, and strengthen services for the protection and care of abused or neglected children and children in danger of becoming delinquent[;] to make paramount the safety and health of children who have been harmed or are in life circumstances that threaten harm;
- (3) Establish and administer programs, and adopt rules as deemed necessary, for the prevention of domestic and sexual violence and the protection and treatment of victims of domestic and sexual violence;
- (4) Assist in preventing family breakdown;
- (5) Place, or cooperate in placing, abused or neglected children in suitable private homes or institutions and place, or cooperate in placing, children in suitable adoptive homes;
- (6) Have authority to establish, maintain, and operate receiving homes for the temporary care and custody of abused or neglected children until suitable plans are made for their care; and accept from the police and other agencies, for temporary care and custody, any abused or neglected child until satisfactory plans are made for the child;
- (7) Administer the medical assistance programs for eligible public welfare and other medically needy individuals by establishing standards, eligibility, and health care participation rules, payment methodologies, reimbursement allowances, systems to monitor recipient and provider compliance, and assuring compliance with federal requirements [in order] to maximize federal financial participation;
- (8) Cooperate with the federal government in carrying out the purposes of the Social Security Act and in other matters of mutual concern pertaining to public welfare, public assistance, and child welfare services, including the making of reports, the adoption of methods of administration, and the making of rules as are found by the federal government, or any properly constituted authority thereunder, to be necessary or desirable for the efficient operation of the plans for public welfare, assistance, and child welfare services or as may be necessary or desirable for the receipt of financial assistance from the federal government;
- (9) Carry on research and compile statistics relative to public and private welfare activities throughout the State, including those dealing with dependence, defectiveness, delinquency, and related problems;
- (10) Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare problems;
- (11) Adopt rules governing the procedure in hearings, investigations, recording, registration, determination of allowances, and accounting and

- conduct other activities as may be necessary or proper to carry out this chapter;
- (12) Supervise or administer any other activities authorized or required by this chapter, including the development of the staff of the department through in-service training and educational leave to attend schools and other appropriate measures, and any other activities placed under the jurisdiction of the department by any other law;
  - (13) Make, prescribe, and enforce policies and rules governing the activities provided for in section 346-31 it deems advisable, including the allocation of moneys available for assistance to persons assigned to work projects among the several counties or to particular projects where the apportionment has not been made pursuant to other provisions of law, if any, governing expenditures of the funds;
  - (14) Determine the appropriate level for the Hawaii security net, by developing a tracking and monitoring system to determine what segments of the population are not able to afford the basic necessities of life, and advise the legislature annually regarding the resources required to maintain the security net at the appropriate level;
  - (15) Subject to the appropriation of state funds and availability of federal matching assistance, expand optional health care to low-income persons as follows: [pregnant]
    - (A) Pregnant women and infants under one year of age living in families with incomes up to one hundred eighty-five per cent of the federal poverty level and without any asset restrictions[, children];
    - (B) Children under six years of age living in families with incomes up to one hundred thirty-three per cent of the federal poverty level and without any asset restrictions[, older];
    - (C) Older children to the extent permitted under optional federal medicaid rules[, elder];
    - (D) Elder persons[, aliens, the];
    - (E) Aliens;
    - (F) The homeless[,]; and [other]
    - (G) Other handicapped and medically needy persons;
 and
  - (16) Subject to the appropriation of state funds and availability of federal matching assistance, establish the income eligibility level for the medically needy program at one hundred thirty-three per cent of the assistance allowance.’’

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 26, 1998.)