

ACT 86

S.B. NO. 295

A Bill for an Act Relating to the Child Welfare Services.

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

SECTION 1. The legislature finds that criticism of Hawaii's child welfare system has been increasing and is accentuated when there is a tragedy. Shortcomings in Hawaii's child welfare system are not new, and there is strong desire in the community to address these concerns. Before the disappearance of six-year-old Isabella Kalua at her home in Waimanalo, the effects of the coronavirus disease 2019 pandemic were already having an outsized impact on Hawaii's children and youth, further stressing the department of human services and its social services division's child welfare services branch.

The legislature further finds that, although Native Hawaiian children and families are overrepresented in the State's child welfare system, all children in the system have similar issues and needs. Historically, Native Hawaiian ancestors had a very well-structured child welfare system in which the people within the kauhale, or community, shared the responsibilities of caring for and nurturing its keiki. This kuleana, or responsibility and privilege, was collectively shared by everyone. The responsibility of ensuring the welfare of keiki was never meant to rest solely on the government and keiki were certainly not intended to be removed from their ohana without a shared decision about where the keiki would reside. The overall

well-being of the keiki was always at the center of any decision made concerning the keiki. Traditional practices of hanai and luhī (adoption or temporary care) were not seen as punitive or demeaning but as means to provide comfort and reassurance that the keiki would be in a safe, nurturing, and caring environment.

The legislature also finds that the members of Nā Kama a Hāloa, which is a network of community-based organizations and representatives of the child welfare services branch created by Effective Planning and Innovative Communication, Inc., a nonprofit Hawaii corporation operating as EPIC 'Ohana, Inc., first came together in 2018 to seek ways to address the overrepresentation of Native Hawaiians in Hawaii's child welfare system. Nā Kama a Hāloa demonstrates the value of collaborating for collective impact, and since its formation, the efforts of its working groups have resulted in various positive outcomes. For example, the cultural training programs that were developed for new child welfare services branch workers and resource caregivers are now required by the department of human services. Furthermore, the department now supports and encourages the practices of connecting children in the child welfare system with their siblings and reflecting the voices of the children's makua, or parents, in their care.

The legislature finds that the problems faced by children and families in the State's child welfare system are extremely complex and cannot be resolved by the department of human services alone. The legislature further finds that, to address and resolve these diverse and multi-faceted problems, the State must work with the community and various stakeholders to determine where the core infrastructure is failing.

The legislature also finds that Act 291, Session Laws of Hawaii 2022, established on a temporary basis the office of wellness and resilience within the office of the governor. The office was established to address the various barriers that impact the physical, social, and emotional well-being of all people in the State by building wellness and resilience through trauma-informed, strength-based strategies; and to support agencies in their individual efforts to address trauma-informed care and move toward a collaborative, shared purpose of collective system reform.

The legislature finds that, by establishing a working group within the office of wellness and resilience that comprises members of the child welfare services branch, institutions serving Native Hawaiians, contracted service providers, community-based organizations, birth parents, and youth with lived experience in the State's child welfare system, outcomes can be improved not just for Native Hawaiian children and families but for all children and families in the State's child welfare system. The legislature also believes that the working group will contribute to the development of more effective community support while allowing the community to be heard and to take more responsibility for the well-being and welfare of children.

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

- (1) Establishing within the office of wellness and resilience the malama ohana working group to seek, design, and recommend transformative changes to the State's existing child welfare system;
- (2) Authorizing the office of wellness and resilience to contract with an administrative facilitator to provide necessary support for the malama ohana working group in carrying out its duties; and
- (3) Requiring the malama ohana working group to report to the legislature prior to the regular session of 2025.

SECTION 2. (a) There is established within the office of wellness and resilience for administrative purposes the malama ohana working group to seek,

design, and recommend transformative changes to the State’s existing child welfare system.

(b) The malama ohana working group shall comprise the following members:

- (1) The executive director of Effective Planning and Innovative Communication, Inc., operating as EPIC ‘Ohana, Inc., or the executive director’s designee, who shall be invited to participate and to serve as co-chair of the working group;
- (2) The chief executive officer of Hale Kipa, Inc., or the chief executive officer’s designee, who shall be invited to participate and to serve as co-chair of the working group;
- (3) Two members from each of the following constituencies, whom the co-chairs shall invite to participate in the working group:
 - (A) Former foster youth;
 - (B) Birth parents who were involved in the child welfare system, specifically with the department of human services’ child welfare services branch;
 - (C) Licensed resource caregivers; and
 - (D) Kinship resource caregivers;
- (4) The director of human services, or the director’s designee;
- (5) Two members of the department of human services’ child welfare services branch representing its investigators, case managers, or assistants, designated by the branch administrator;
- (6) The chairperson of the trauma-informed care task force established pursuant to Act 209, Session Laws of Hawaii 2021, or the chairperson’s designee;
- (7) The chief executive officer of the office of Hawaiian affairs, or the chief executive officer’s designee;
- (8) The chief executive officer of Kamehameha Schools, or the chief executive officer’s designee; and
- (9) The chief executive officer of Lili’uokalani Trust, or the chief executive officer’s designee.

(c) The malama ohana working group shall 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. In fulfilling its purpose, the working group shall:

- (1) Conduct informational meetings throughout the State with affected constituencies;
- (2) Convene meetings to develop recommendations to better coordinate and improve the protection and well-being of children and families in the State’s child welfare system;
- (3) Identify training, best practices, assessment criteria, and methods to sustain an effective workforce within the child welfare services branch and within the larger circle of community agencies serving the child welfare system;
- (4) Identify best practices, including Native Hawaiian cultural practices, to assist children and youth who are involved in the child welfare system and their families;
- (5) Identify other cultural practices that build wellness and resilience in communities and collaboration between communities and the child welfare services branch; and
- (6) Collaborate with the trauma-informed care task force, and, where appropriate, conduct joint informational meetings.

(d) Members of the malama ohana working group shall serve without compensation but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses.

(e) The office of wellness and resilience may contract with an administrative facilitator to provide necessary support for the malama ohana working group in carrying out its duties, including preparation of the report required pursuant to subsection (f).

(f) The malama ohana working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025.

(g) The malama ohana working group shall be dissolved upon adjournment sine die of the regular session of 2025.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 14, 2023.)