



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

**Testimony in SUPPORT of H.B. 900 HD2
RELATING TO CHILD WELFARE SERVICES**

Representative Kyle Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair
House Committee on Finance

February 24, 2025, at 12:00 p.m. Room Number: 308

The Office of Wellness and Resilience (OWR) in the Governor's Office **SUPPORTS** H.B. 900 HD2, 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.

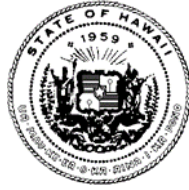
As can be found in Section VI of the Mālama 'Ohana Working Group Report, the Working Group has put forth the recommendation to *"strengthen the family court process for child welfare cases"*. Youth and parents in the Working Group and the Permitted Interaction Groups shared the need to strengthen the 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 HD2 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

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

February 23, 2025

TO: The Honorable Representative Kyle T. Yamashita, Chair
House Committee on Finance

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 900 HD2 – RELATING TO CHILD WELFARE SERVICES.**

Hearing: February 24, 2025, 12:00 p.m.
Conference Room 308 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure, defers to the Judiciary, and offers comments.

PURPOSE: Establishes a working group for legal services for youth in the child welfare system within the Judiciary. Appropriates funds for the working group. Effective 7/1/3000.
(HD2)

The Committee on Human Services and Homelessness amended the measure by:

- (1) Clarifying the duties of the working group related to site visits to selected jurisdictions in other states to identify possible practices to implement in Hawaii;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The Committee on Judiciary and Hawaiian Affairs further amended the measure by:

- (1) Requiring the working group to include a representative of the Department of Human Services Child Welfare Services Branch;
- (2) Extending the deadline for the report by the working group to 2027;
- (3) Specifying that the appropriation may be used for members of the working group to make site visits and to assist with the report drafting; and

- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

DHS appreciates the Committee on Judiciary and Hawaiian Affairs' amendment adding a representative from the DHS Child Welfare Services Branch to the working group.

DHS supports the bill as it promotes collaboration with the Judicial and legal system, partners, and lived-experience experts to continue to better our outcomes for children, youth, families, and communities. Also, there is a workgroup with the Court Improvement Project (CIP) funded by a federal grant. CIP has quarterly meetings with judges, CWS, and the Department of the Attorney General to discuss ways to improve the court processes of child protection cases.

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



TESTIMONY IN SUPPORT TO HOUSE BILL 900 HD 2
RELATING TO CHILD WELFARE SERVICES

House Committee on Finance
Hawai'i State Capitol

February 24, 2025

12:00PM

Room 308

Dear Chair Yamashita, Vice Chair Takenouchi, and Members of the House Committee on Finance:

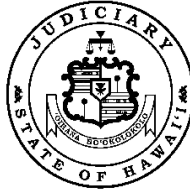
The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 900 HD 2 which establishes a working group for legal services for youth in the child welfare system within the Judiciary and appropriates funds for the working group.

OHA supports measures to protect and ensure the rights of children living under the care of the State, including Native Hawaiian children. All children have a right to be cared for, nurtured, and develop in an environment that is free of harm. Unfortunately, recent reports indicate 45 percent of children in the State's foster care system are Native Hawaiian,¹ despite comprising just 34 percent of children under the age of eighteen.² Therefore, improving outcomes for children in foster care is core to OHA's mission to improve outcomes for Native Hawaiian.

The working group established by this measure would help to ensure better outcomes for children in foster care and child welfare cases by providing such children access to legal counsel. OHA supports this bill as an important step towards empowering children in foster care and as an important step towards implementing the Malama 'Ohana Working Group Report. OHA also appreciates recent amendments which expanded the duties of the working group to include visits to other jurisdictions to identify best practices that could be implemented here in Hawai'i. For these reasons, OHA urges this committee to **PASS HB 900 HD 2**. Mahalo nui for the opportunity to provide testimony on this measure.

¹ Seanna Pieper-Jordan, "Hidden data: the untold story of Native Hawaiian children in foster care," Hawai'i Appleseed (April 7, 2024), <https://hiappleseed.org/blog/hidden-data-the-untold-story-of-native-hawaiian-children-in-foster-care>

² "Native Hawaiians by Age and Gender for the State of Hawai'i: 2010," Wiki Native Hawaiian Databook - Office of Hawaiian Affairs (2010), https://ohadatabook.com/fr_wiki.23.html



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Monday, February 24, 2025 at 12:00 p.m.
State Capitol, Conference Room 308

by
Dyan M. Medeiros
Senior Judge, Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 900, H.D. 2, 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, H.D. 2 and the creation of a working group.

The Judiciary requests an appropriation of \$52,000 to cover expenses of the working group, including, but not limited to, group members going on site visits and assistance with the report writing. We respectfully request that any appropriation provided not supplant the Judiciary's existing funding or budget requests.

The Judiciary supports that the deadline for the working group's report be 20 days prior to the start of the 2027 legislative session. The Judiciary also requests an amendment to pg. 5 lines 1-2 so that it states: "The working group shall cease to exist on June 30, 2027." This will ensure that the working group exists through the completion of the report.

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

HB-900-HD-2

Submitted on: 2/21/2025 2:55:00 PM

Testimony for FIN on 2/24/2025 12:00:00 PM

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

Comments:

Representative Yamashita and committee members,

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 for legal assistance for both parents and children. The final report of the Malama Ohana working group asks that federal funding be utilized to the maximum.



HAWAI'I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

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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 21, 2025

To: Representative Kyle Yamashita, Chair
And members of the Committee on Finance

TESTIMONY IN SUPPORT OF HB 900 HD2 RELATING TO THE , DEPARTMENT OF HUMAN SERVICES

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 244 HD2 Relating to the Department of Human Services,

The Malama Ohana Work Group's report contains recommendations to strengthen the Family Court process in child welfare cases. This includes reducing delays in legal proceedings and ensuring access to legal representation for youth.

This bill will create a working group to develop plans for implementing these important recommendations.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director



TO: Chair Yamashita, Vice Chair Takenouchi, members of the House Finance Committee
FROM: Dana Matsunami, Child Welfare Attorney at the National Center for Youth Law
RE: Testimony in **SUPPORT** of HB 900 Relating to Child Welfare Services

Aloha e Chair Yamashita, Vice Chair Takenouchi, and Committee Members,

My name is Dana Matsunami, I am an attorney at the National Center for Youth Law. I live and work here in Hawai'i, 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 tragic—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.



The National Center for Youth Law is in support of this bill as an imperative step towards ensuring youth in Hawai'i foster care have voice and choice in their lives.

Mahalo for your time and consideration.

Dana Matsunami
Skadden Fellow, National Center for Youth Law

TO: House of Representatives, Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

HEARING: Monday, February 24, 2025
12:00 PM
Conference Room 308

FROM: Sharla-Ann Houlding, EPIC 'Ohana, HI H.O.P.E.S. Initiative

RE: Testimony in SUPPORT of HB 900, HD2 – Relating to Child Welfare Services

My name is Sharla-Ann Houlding. I am a Supervisor for the HI H.O.P.E.S. Initiative, whose mission is to educate, advocate and collaborate for improvements to the foster care system and promote better outcomes for foster youth. I am submitting testimony in strong support of HB 900, HD2 and its intent to establish a working group to enhance legal representation for youth in foster care.

Children and youth in the foster care system are among the most vulnerable members of our community. These young people often experience significant trauma, instability, and uncertainty due to being placed in situations that are no fault of their own. These youth are typically not provided with any information regarding the child welfare case or the legal process and timeline for their case even though they are the focal point of the case. This leads youth to feel confused, frustrated, and powerless and makes them less likely to engage with the system and the people involved in the major decisions over their life.

I have been working with youth and families involved in the foster care system for over 16 years and have heard many stories about their lived experience. A recurring theme among these young people is the overwhelming sense of being left in the dark, uninformed about the child welfare and legal processes that shape their lives. Many feel excluded from case planning and court proceedings, as if their voice doesn't matter in the critical decisions being made about their future. Even more concerning, some have shared that when they have voiced safety concerns, they were dismissed, leaving them vulnerable in harmful situations.

Research supports the notion that providing skilled legal representation to children and youth in foster care leads to significantly better outcomes including:

- **Increased rates of family reunification:** a 2008 study by the Chapin Hall Center for Children at the University of Chicago found that children who had legal representation through a multidisciplinary team approach were more than 40% successful in exiting foster care to permanency (i.e., reunification, legal guardianship, or adoption) and did not have to "age out" as a ward of the court.
- **Reduced time in foster care:** a study conducted by QIC-ChildRep found that children who were represented by an experienced attorney who completed their specialized training were 40% more likely to exit the system by achieving permanency within 6 months as compared to children who did not have an attorney representing them in court, which has also been able to save State systems time, money, and valuable resources.
- **Better educational and well-being outcomes:** a 2021 evaluation in Washington State found that youth in foster care with attorneys were 65% less likely to experience an unnecessary change in their school and 30% less likely to experience a change in foster homes as compared to their peers who did not have legal representation in court

- **Improved court participation and satisfaction:** although some child welfare cases are appointed a Court-Appointed Special Advocate (CASA) or Guardian ad Litem (GAL) volunteer, neither of these entities represent the child's voice—they advocate what *they* feel is in the child's best interests. Additionally, these entities are not bound by attorney-client privilege as they do not legally represent the child in court. However, according to the National Association of Counsel for Children (NACC), when a young person has their own state-licensed attorney that they can express their wishes, views, and needs to, who they know will advocate for what they want, it has been found to help improve the youth's engagement in court and provides judges with a comprehensive picture of all perspectives when making decisions.

While the majority of states around the country guarantee legal representation for all children involved in the foster care system, there are many that still do not, Hawai'i being one of them. That is why establishing this working group, which will be composed of key stakeholders including family court judges, representatives from the judiciary and attorney general's office, legal experts, child welfare professionals, and most importantly, youth and parents with lived experience in the child welfare system, is absolutely essential as we work towards addressing this issue.

This judiciary-led working group will be tasked to:

1. **Review and implement recommendations from the Mālama 'Ohana Working Group,** specifically to improve court processes and legal services for youth in foster care
2. **Examine national best practices by conducting site visits** with others who have already adopted this model of legal representation for youth in foster care
3. **Develop a pilot program to test a model for providing legal counsel to youth in care,** ensuring their rights, voices, and best interests are truly upheld

We have hit a critical point for children who have been impacted by the child welfare system. We know the names of the children in cases where legal advocacy could have saved a their life. We must not let their suffering be wasted lessons. We have the ability to change policies for children and youth who will be forced to enter foster care in the future by drawing upon the lessons we have learned from the children we have failed.

By passing HB 900, HD2, Hawai'i has the opportunity to be among the leaders in the country focused on protecting the rights, safety, and well-being of children in foster care to ensure youth voice is uplifted and their rights are honored and upheld. Providing legal counsel to youth goes beyond advocacy—it is about social justice, fairness, equality, and the recognition that every child deserves to have a voice in the decisions that will profoundly impact their lives and their future.

I respectfully urge the Committee to pass HB 900, HD2 to ensure that our children in foster care are equipped with the proper tools and resources to navigate a very complex system and learn to advocate for their rights. Thank you for your time, consideration, and for the opportunity to testify.

With my deepest gratitude and aloha,
Sharla-Ann Houlding, LSW
EPIC 'Ohana, HI H.O.P.E.S. Initiative



To: House Committee on Finance
Re: HB 900 HD 1 Relating to Child Welfare Services

Hawai'i State Capitol, Conference Room 308 & Via Videoconference
Monday, February 24, 2025, 12:00PM

Dear Chair Yamashita, Vice Chair Takenouchi, and Committee Members,

On behalf of HCANSpeaks!, I am writing in STRONG SUPPORT of HB 900 HD2, 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

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 **strong support of HB 900 HD 2.**

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.

February 23, 2025

To: Chair Yamashita, and members of the Finance 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.

Aloha, Chair, Vice Chair and Committee Members,

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,

Melissa Mayo

President, East Hawaii HI H.O.P.E.S. Youth Leadership Board
Member, Mālama ‘Ohana Working Group

Karen Worthington, Kula, HI 96790

February 21, 2025

To: Chair Kyle T. Yamashita and Vice Chair Jenna Takenouchi
House Committee on Finance

From: Karen Worthington, Private Citizen

Re: **HB 900 HD2: Relating to Child Welfare Services**
Hawai'i State Capitol, Room 308 and Videoconference, February 24, 2025, 12:00pm

Position: SUPPORT

Dear Chair Yamashita, Vice Chair Takenouchi, and Committee Members:

Thank you for the opportunity to provide testimony in support of HB 900 HD2, 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. 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.

Please pass HB 900 HD2, 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,

A handwritten signature in dark ink that reads "Karen Worthington". The signature is written in a cursive, flowing style.

Karen Worthington