



The Judiciary, State of Hawai'i

Testimony to the Thirty-Third State Legislature, 2025 Regular Session

Senate Committee on Health and Human Services

Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Thursday, February 13, 2025 at 9:00AM
Hawai'i State Capitol, Conference Room 016

by

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1228, 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 Senate Bill 1228, and the creation of a working group.

The Judiciary would request an appropriation of \$52,000 to cover expenses including, but not limited to, group members going on site visits and assistance with the report writing. The Judiciary also respectfully requests that the deadline for the working group's report be 20 days prior to the start of the 2027 legislative session.

Thank you for the opportunity to offer testimony on this bill.

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 10, 2025

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

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 1228 – RELATING TO CHILD WELFARE SERVICES.**

Hearing: February 13, 2025, 9:00 am
Conference Room 016 & Videoconference, State Capitol

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

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 7/1/2025.

DHS appreciates the work done by the Office of Wellness & Resilience and the Malama Ohana Working Group to transform the child welfare system. DHS supports the bill as it promotes collaboration with the Judiciary and legal system, partners, and lived-experience experts to continue to better our outcomes for children, youth, families, and communities. DHS requests that the measure be amended, adding a representative from the DHS Child Welfare Services Branch (CWS) to the working group.

February 10, 2025

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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.



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

**Senate Committees on Health and Human Services and
Judiciary**

February 13, 2025 9:00 a.m.

State Capitol, Conference Room 016 & Videoconference

In Support of

S.B. No. 1228, Relating to Child Welfare Services

The Office of Wellness and Resilience (OWR) in the Governor's Office **SUPPORTS** S.B. 1228, Relating to Child Welfare Services.

The mission of the OWR is strengthen our state systems and services 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.

S.B. 1228 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 and Resilience
Office of the Governor

LATE



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT TO SENATE BILL 1228
RELATING TO CHILD WELFARE SERVICES

Senate Committee on Health & Human Services
Senate Committee on Judiciary
Hawai'i State Capitol

February 13, 2025

9:00AM

Room 016

Dear Chair Buenaventura and Chair Rhoads, Vice Chair Aquino and Chair Gabbard, and Members of the Senate Committee on Health & Human Services and Judiciary:

The Office of Hawaiian Affairs (OHA) submits this testimony in **SUPPORT** of SB 1228 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. Our interest in this legislation is primarily based on our concern that 45 percent of the total children in foster care are full or part Native Hawaiian, despite comprising only 34 percent of all children under age 18 in the state.¹

OHA generally supports the need for protected and ensured rights to children living under the care of the State. All children have a right to be cared for, protected, and supported in an environment that is free of harm. For those children who have experienced harm or neglect and have been removed from their original 'ohana, these rights become more sensitive and require clarity. As children grow, so should their decision-making skills and their ability to participate in family decision-making processes. Reducing delays in court proceedings and providing access to legal representation for relatives of youth in the system as well as the youth themselves will ensure the youth are included in the decision-making process and that their concerns are properly addressed.

The Office of Hawaiian Affairs urges these committees to **PASS SB 1228**. Mahalo nui for the opportunity to provide testimony on this important issue.

¹ Seanna Pieper-Jordan, "Hidden data: the untold story of Native Hawaiian children in foster care," Hawai'i Appleseed Center for Law & Economic Justice (April 7, 2024), <https://hiappleseed.org/blog/hidden-data-the-untold-story-of-native-hawaiian-children-in-foster-care#:~:text=One%20story%20that%20deserves%20particular,the%20state%20were%20Native%20Hawaiian.>



TO: Chair San Buenaventura, Chair Rhoads, Vice Chairs Aquino and Gabbard, members of the Senate Committee on Health and Human Services and Senate Committee on Judiciary
FROM: Dana Matsunami, Child Welfare Attorney at the National Center for Youth Law
RE: Testimony in **SUPPORT** of SB 1228 Relating to Child Welfare Services

Aloha e Chair San Buenaventura, Chair Rhoads, Vice Chairs, and Committee Members,

My name is Dana Matsunami, I am a Skadden Legal Fellow at the National Center for Youth Law. I live and work here in Hawai'i, where I focus on the legal rights of foster youth in our state. I am testifying in **support** of SB 1228, 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, 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



HAWAI`I YOUTH SERVICES NETWORK

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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 5, 2025

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

Senator Karl Rhoads, Chair,
And members of the Committee on Judiciary

TESTIMONY IN SUPPORT OF SB 1228 RELATING TO CHILD WELFARE SERVICES

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 1228 Relating to Child Welfare 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: Senate Committee on Health and Human Services and Senate Committee on the Judiciary
Re: SB 1228 Relating to Child Welfare Services

Hawai'i State Capitol, Conference Room 016 & Videoconference
Thursday, February 13, 2025, 9:00AM

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

On behalf of HCANSpeaks!, I am writing in support of SB 1228, 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.

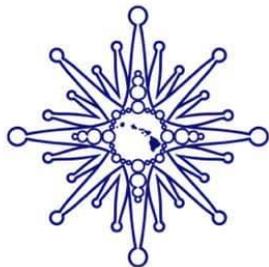
Mahalo for the opportunity to submit testimony in support of SB 1228.

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 "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.



HAWAII COALITION

FOR

CHILD PROTECTIVE REFORM

February 7, 2025

SUBJECT: SB1228 relating to a working group for legal services to children
Hearing: February 13, 2025

Chair San Buenaventura and committee members,

HCCPR supports this bill with comments:

We lived experience advocates have a decade of knowledge that court appointed lawyers for hundreds of parents in the child welfare system each year are not getting the legal services that are basic to the Rules of Professional Conduct. Previous testimonies to improve the hourly fees report that there are only a handful of lawyers in a pool to provide the services to between 50 and 150 cases each. The most common reports from parents are that they never has a meeting with the lawyer, are advised to admit guilt to get their children back sooner, are not told that they have a right to an adjudication, never receive a copy of court reports prior to hearings or have any knowledge that they have a right to respond to court reports. This is the information that we give to parents who contact us for assistance.

We have recently come to know that Title IVE funding has been available for legal services since 2018. DHS and the Judiciary did not follow through to withdrawing that funding but claim to be in discussion about it now.

We are in strong support of child attorneys, but quality service must be available to make a difference in what is now less than bare minimum for parents.

Mahalo

TO: Senate Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

HEARING: Thursday, February 13, 2025
9:00 AM
Conference Room 016

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

RE: Testimony in SUPPORT of SB1228 – 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 SB1228 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 SB1228, 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 SB1228 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
 HI H.O.P.E.S. Initiative

LATE

SB-1228

Submitted on: 2/12/2025 7:58:22 AM
Testimony for HHS on 2/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shana Wailana Kukila	Testifying for Hawaii Coalition for Child Protective Reform	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads and Judiciary Committee Members,

I humbly request to be included in this working group as a birth parent with lived experience in the child welfare system, uniquely aware of the plight of a parent with a special needs child going through the CWS system. I have also engaged with the Mālama 'Ohana Working Group at every meeting and opportunity throughout the past year. My experience with CWS is universal yet unique, and I have been sounding the alarm on the need to address the multitude of issues that hinder the relationship between the state of Hawai'i and families whom they serve in through the Department of Human Services. Live experience is a vital component of all working groups, and I offer my time and energy to contribute to collaborative solutions.

Mahalo for your consideration of this important bill that will change the lives of foster youth going through the child welfare system. With all due respect, I offer a suggestion in order to fund legal services for children in the CWS system.

For Hawaiians, an M.O.U/M.O.A. with the Native Hawaiian Legal Corp should be drafted on behalf of all Hawaiians in the system. This would immediately alleviate half of all CWS court cases with GALs paid for by the state and provide more expert representation for Hawaiian children and their families, protecting them from improper removals and abuse in foster/guardianship homes.

For the disabled children, the Hawai'i Disability Rights Center should provide these services free of charge and/or through an M.O.U. / M.O.A. with the State to properly represent the population they claim to serve. The HDRC's mission is to be the premier defender of rights for the disabled in Hawai'i, however, their voice is silent on the protections for disabled children and their parents in the CWS system. The average guardian ad litem is not qualified enough to handle these highly specialized and sensitive cases, and for far too long, vulnerable children and their families have suffered greatly because of it. Death has occurred, along with severe harms by state employees, several of which have resulted in lawsuits against the State, costing taxpayers millions of dollars and children their lives.

One last issue: inadequate representation due to conflicts of interest. Judges need to be better informed and attorneys in CWS cases should not be forced to align with the state's positions for fear of retaliation if they disagree with DHS and the DAG. These state sponsored attorneys

operate in an inherent conflict of interest in these cases because their "Client" is really the State of Hawai'i, not the person they are "representing" in court. This is why HB648 and SB788 are vitally important bills to pass into law. This legislation will correct this inherent conflict and can provide for truly independent counsel for the most vulnerable children if the language is amended to include independent counsel. This legislation should also include parents who need independent counsel due to the inherent conflicts that exist in these cases where the State is the Client and truly represents the interests of the State, not the parents they "represent." This is one key change that the Legislature can do to transform Child Welfare in Hawai'i and level the playing field for the most vulnerable to defend themselves against government abuses of power and unchecked violations of the law and basic human rights by a department that has wielded its power over the State for far too long. This is a solution that will work. Thank you for this legislation and for your due diligence in transforming the State's Child Welfare System.

Mahalo for this opportunity to testify.

LATE

Aloha, Chair, Vice Chair and Committee Members,

My name is Melissa Mayo, and I am submitting testimony in strong support of SB1228 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.

SB1228 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

SB-1228

Submitted on: 2/10/2025 11:51:55 AM

Testimony for HHS on 2/13/2025 9:00:00 AM

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

Comments:

PLEASE, PLEASE, PLEASE!!!:

There are two other bills going forward this session (HB900 and SB710) that seek to establish a working group or task force requiring stakeholder and community collaboration efforts to support and improve a troubled and faltering child welfare system, where this measure (SB1228) would bring the total to three.

Although DOMESTIC VIOLENCE is consistently named and identified as a significant problem and component in child welfare services, all collaborative efforts - to include the Malama Ohana initiative - fail (and have failed) to invite or include a Domestic Violence representative in the list of invited working group or task force members, to include SB1228.

Hawaii has a wealth of domestic violence agencies, professionals, resources and experts ready and willing to assist professional improvements such as this one, but we can't do so if we're not invited or included! So please, I beg of you: **Among the list of invitees guaranteed to have a seat at this table, please include a representative from the Domestic Violence community.**

On behalf of domestic violence survivors and their children, we thank you.

Dara Carlin, M.A., Domestic Violence Survivor Advocate

SB-1228

Submitted on: 2/11/2025 12:43:47 PM

Testimony for HHS on 2/13/2025 9:00:00 AM

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

Comments:

Aloha mai e Chair San Buenaventura, Chair Rhoads, Vice Chairs, and members of the Senate Committee on Health and Human Services and Senate Committee on Judiciary,

My name is Keola Pagud and I **support SB 1228**. 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 **SB 1228**.

Me ka 'oia'i'o,

Keola Pagud, MSW

Karen Worthington, Kula, HI 96790

February 6, 2025

To: Senator San Buenaventura, Chair, and Senator Aquino, Vice Chair
Senate Committee on Health & Human Services
Senator Rhoads, Chair, and Senator Gabbard, Vice Chair
Senate Committee on Judiciary

From: Karen Worthington, Private Citizen

Re: **SB 1228: Relating to Child Welfare Services**
Hawai'i State Capitol, Room 016 and Videoconference, February 13, 2025, 9:00am

Position: SUPPORT

Dear Committee Members:

Thank you for the opportunity to provide testimony in support of SB 1228, 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 SB 1228, 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

SB-1228

Submitted on: 2/11/2025 10:58:25 AM

Testimony for HHS on 2/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen Awai	Individual	Support	Written Testimony Only

Comments:

I support SB1228 to change the child welfare system. This was my intended goal to help the youth of the future, perhaps by even being a Guardian Ad Litem, but too many issues of my housing and my own basic needs have occupied my time. This change is needed in a system that only sees that having a job and not serving the government is more important their own ulterior motives of enjoying our island life that everyone should be entitled to having and not just a few elite. In this sense I do support what Musk is doing, getting rid of a top heavy pyramid and making the system more effective, transparent, and better for the greater good!

LATE

February 11, 2025

To: Chair San Buenaventura and members of the Committee on Health and Human Services

Chair Rhoads and Members of the Judiciary Committee

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

Re: Testimony in support of SB 1228

I support SB 1228 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 Matsunani, 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.

LATE

TO: Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair
Senate Health and Human Services Committee

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary Members

SB1228 — Relating to Child Welfare Services
Thursday, February 13, 2025 at 9:00 AM
Hawai'i State Capitol, Conference Room 016

Testimony **IN SUPPORT** of **SB1228**

My name is Jessa Tadeo, and I am a social work graduate student attending the University of Hawai'i at Mānoa. My field placement is currently with Child Welfare Services (CWS). The views I express in this testimony are my own and do not represent my school or CWS. I am expressing my **strong support for Senate Bill 1228** relating to Child Welfare Services, as it directly impacts the youth who are at risk and are in need while being placed in the system.

Implementing a working group for legal services for youth in the system would greatly benefit the youth's continuum of care and services, as this would strengthen the relationships between the court system and CWS.

The youth that I have and have not come into contact with whilst gaining field experience all have a need for clarity and understanding in their life course amongst days, weeks, and sometimes even years, of uncertainty, confusion, trauma, and misunderstanding. This bill would support youth in ways that CWS workers cannot. Thus, leading to greater outcomes for the youth, their case with CWS, and their futures.

For these reasons, a bill such as SB1228 needs to be implemented as it can be one of the many resources to support the youth and their families in the system, and why **I support SB1228**.

Thank you for your time,
Jessa Tadeo
Social Work Student

LATE

SB-1228

Submitted on: 2/12/2025 10:03:19 PM

Testimony for HHS on 2/13/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tamara McKay	Individual	Oppose	Written Testimony Only

Comments:

Testimony Opposing SB1228 in Its Current Form

Prepared for Submission to the Hawaii State Legislature

Subject: Testimony in Opposition to SB1228 Unless Amended

Aloha Members of the Committee,

I am submitting testimony in **strong opposition to SB1228 unless key amendments are made** to protect parental rights, increase oversight, and ensure financial accountability. While I recognize the need for improved legal services for youth in the child welfare system, this bill raises several concerns regarding **judicial overreach, lack of transparency, and potential government expansion into family matters.**

Concerns Regarding SB1228

1. The Bill Grants Excessive Authority to the Judiciary Without Oversight

- SB1228 places the working group **under the judiciary** with little legislative or public oversight.
- There is **no requirement for public reporting until 2026**, which prevents proper accountability.
- Funding is **unspecified**, allowing for open-ended financial commitments without clear limitations.

Recommended Amendment:

- Require **legislative and public oversight** of the working group.
 - Mandate **quarterly reports** and **public hearings** to track progress.
 - Set a **cap on funding** and require legislative approval before additional taxpayer dollars are allocated.
- 2. SB1228 Could Undermine Parental Rights**
- The bill emphasizes **legal counsel for youth** without clarifying **the role of parents in decision-making.**

- There is a risk that minors could be influenced by external parties and make legal decisions **without parental involvement**.
- Parents are not explicitly given the right to be part of these legal proceedings.

Recommended Amendment:

- Ensure that **parents are notified and involved** in all legal proceedings affecting their children unless a court has found clear evidence of abuse.
 - Explicitly state that **youth legal counsel does not override parental authority** except in proven abuse or neglect cases.
 - Add language clarifying that **parents retain primary legal rights** in child welfare cases.
3. **Potential Influence of Special Interest Groups**
- The bill gives **seats on the working group to Malama Ohana representatives and HI H.O.P.E.S.** without detailing their funding sources or affiliations.
 - This could allow **pre-selected advocacy groups to shape policy** without a balanced perspective.

Recommended Amendment:

- Require **full disclosure** of financial ties and affiliations of working group members.
 - Ensure equal representation from **family advocacy groups, parental rights organizations, and independent child welfare experts**.
4. **The Bill Lacks Clear Limits on Its Scope**
- SB1228 does not define what legal services will be implemented, which could lead to **unchecked expansion** of government intervention.
 - The bill lacks a **clear pilot program structure**, which means policies could be rolled out statewide without proper evaluation.

Recommended Amendment:

- Limit the **pilot program to one court circuit** before expanding.
- Require a **sunset clause** that terminates the program if measurable improvements are not demonstrated by 2027.
- Cap the program's **budget and scope** to prevent unnecessary government expansion.

Conclusion

SB1228 presents **serious concerns about transparency, parental rights, and government overreach**. If left unamended, it could create a **costly, unaccountable bureaucracy** with excessive judicial influence over family matters.

I respectfully urge the committee to **reject SB1228 in its current form** or **pass it only with the proposed amendments** to ensure proper oversight, financial accountability, and protection of parental rights.

Mahalo for your time and consideration.