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March 28, 2022

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

FROM: Cathy Betts, Director

SUBJECT: **SCR 102/ SR 90- REQUESTING THE OFFICE OF THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE CHILD WELFARE SERVICES BRANCH OF THE DEPARTMENT OF HUMAN SERVICES.**

Hearing: Tuesday, March 29, 2022, 3:00 p.m.
State Capitol Conference Room 329 and
Via videoconference

DEPARTMENT'S POSITION: The Department of Human Services (DHS) Human Services (DHS) appreciates the intent but opposes the resolution.

PURPOSE: The purpose of the resolution is for the Office of the Auditor to conduct a performance audit of the Child Welfare Services Branch (CWSB) of the Department of Human Services (DHS).

The Department would like to clarify the statements in the resolution, Page 1, Lines 13-19, regarding the Administration for Children and Families' (ACF) periodic Child and Family Services Review (CFSR). These federal reviews are designed to challenge states to improve their practice in various performance areas, regardless of their evaluated level of performance. Hawaii has improved its practice and outcomes in partnership with ACF for each of the three CFSRs (2003, 2009, and 2017).

The Department is committed to quality improvement and will continuously examine its procedures and practices and use the data from these examinations to ameliorate CWS and the outcomes for children and families.

The Department opposes the resolution because it duplicates other audit and review efforts. In 2013 the Office of the Auditor yielded responded to House Concurrent Resolution No. 165 of the 2010 legislative session, which requested the Auditor to conduct a program audit of the efficient and effectiveness of CWS in processing and investigating complaints of child abuse and neglect. The Auditor wrote that it,

"determined the requested audit is problematic and cannot be performed [as] the [Department] 's process for receiving and assessing child abuse complaints and its overall performance in ensuring the quality of its child welfare services are subject to ongoing federal reviews and regulations [therefore] efforts by the [Auditor] to audit these areas would be duplicative of existing federal reviews." ¹

The Department currently works with other State and federal agencies and offices and stakeholders, and community providers to assist in improving its practices and services. To this end, the DHS actively partners with national child welfare experts, Hawaii State agencies, community stakeholders (specifically, youth and families involved with CWS), and local social service providers in developing and implementing all new CWS programs evaluating current practice.

CWS has a comprehensive Quality Assurance (QA) program, which involves continuously auditing CWS practice and implementing changes toward improved safety for children. Below are some of the CWS QA processes that address the concerns raised in the resolution.

- Case Reviews

The Department contracts with the University of Hawaii (UH) Maui College, Hawaii Child Welfare Continuous Quality Improvement (HCWCQI), to annually conduct formal case reviews of a random selection of cases from every region of the State, using the federal Child and Family Services Review (CFSR) tool. These reviews form the basis of action plans for each section.

¹ See, [https://files.hawaii.gov/auditor/Reports/2013/HCR165_SLH_2010\(1\).pdf](https://files.hawaii.gov/auditor/Reports/2013/HCR165_SLH_2010(1).pdf)

- Targeted Reviews

When CWS leadership notices a pattern in the CWS data that they need to understand more fully, HCWCQI designs and conducts a review of CWS cases to target the issues to identify areas for improvement. Examples of past targeted reviews include:

- Resource Caregiver Background Clearances,
- Child's Placement Stability while in Foster Care,
- Increase in the Number of Children in Foster Care,
- Re-entry into Foster Care, and
- Time Spent in Foster Care Prior to Adoption.

- Case Expert Guidance

If challenging issues arises on a case, or if a CWS staff member has a concern about a case that may be difficult for the assigned worker to address on their own, a group of child welfare practice experts is called together, along with the assigned caseworker and their supervisor. This group reviews the case individually in advance and then meets for several hours to discuss the challenges and provide guidance, including a best practice plan for moving forward with the case.

- Administrative Review Panel (ARP)

When it is not clear how to apply CWS policies and procedures in a specific case, an ARP may be held to determine the proper course of action. The ARP consists of CWS Administrators, CWS Program Development Staff, an HCWCQI representative, the caseworker, and their supervisor.

- Licensing Review Panel (LRP)

An LRP may be held when CWS staff need guidance on applying licensing rules and procedures to place a child in a particular resource home. The LRP panel consists of CWS administration, licensing supervisor, licensing worker, and the caseworker.

- ACF Reviews & PIPs

The federal Administration for Child and Families (ACF) completes a comprehensive assessment of the child welfare system in each State every 5-to 7 years. The assessment results become the basis of the State's Program Improvement Plan. Hawaii has

successfully engaged in this process three times. In addition, ACF meets regularly with CWS to review the status of the PIP.

- Use of Child Welfare Expert Consultants

The Department regularly reaches out to national child welfare experts to guide CWS work and ensure the best outcomes for children and families. For example, over the past several years, CWS has been working collaboratively with the Child Welfare Capacity Building Center for States, the Center for the Study of Social Policy, Casey Family Programs, Mindspring, and Action 4 Child Protection.

- Multidisciplinary Teams (MDTs)

The Multidisciplinary Team is a contracted service through DHS that comprises a pediatrician, child psychologist, clinical social worker, and pediatric nurse -- all of whom are experts in child abuse and neglect -- to provide consultative services to the DHS on CWS cases. MDTs are held on a range of cases for various reasons, e.g., determining whether a child can safely return home, assessing a parent's capacity to engage successfully in services, and determining the cause of a child's injury. CWS policy requires that an MDT be held for any case involving serious harm or death.

- Child Death Reviews (CDR)

The DHS is a member of the Hawaii State CDR, a multidisciplinary team convened by the Department of Health. Membership includes medical professionals, emergency response personnel, and community agencies. The reviews look at preventable child fatalities statewide to understand the risk factors that may have led to child death. Knowledge gained from the reviews is used to prevent future child deaths by the CDR Team proposing legislative and system changes.

- Resource Caregiver Licensing Workgroup

A statewide resource caregiver licensing workgroup was formed two years ago to improve the safety and wellbeing of children placed in resource homes. The workgroup is reviewing and revising its resource caregiver licensing rules to protect children in foster care best and align with federal licensing standards. In addition, this workgroup has also reviewed and revised the mandatory training for resource caregivers, which will

be implemented later this year. These actions will further ensure that whenever children are placed in foster care, the resource home is safe, appropriate, and able to meet the children's needs.

- CWS Advisory Committee

This committee is comprised of CWSB administration, HCWCQI staff, social service providers, court staff, Department of Health representatives, youth currently or formerly in foster care, resource caregivers, and family representatives. The Committee meets quarterly to share updates in their respective areas that affect the families. The CWS Advisory Committee allows CWS to obtain input from members on strategies to improve outcomes and policies and procedures that impact the delivery of services to children and families.

To address CWS staffing challenges, CWS is employing the following strategies:

- Deploying members of its Specialized Workload Assessment Team (SWAT) (a team of experienced CWS staff who respond to urgent needs statewide, supervised by CWS Branch Administrators) to support units, particularly struggling.
- Moving support staff (who meet the minimum qualifications) to assessment positions to help ease the workload. This staff receives extra supervision and direct support from seasoned assessment workers.
- Implementing Family First Hawaii (Hawaii's plan for the federal Family First Prevention Services Act), whose prevention services will hopefully keep children safely out of foster care, thus reducing caseloads.
- Working with the DHS Personnel Office and the Hawaii State Department of Human Resources, using the collaboratively designed *Wiki Wiki hire* process to quickly move qualified candidates into positions.

Thank you for the opportunity to provide testimony on this resolution.

SCR-102

Submitted on: 3/25/2022 3:56:18 PM

Testimony for HMS on 3/29/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Testifying for Hawaii Family Advocacy Team	Oppose	Written Testimony Only

Comments:

Senator SanBuenaventura,

I strongly oppose an audit of CWS as an ineffective waste of time.

The Hawaii State Auditor did a review of CWS in 1999 and was so concerned about the flawed system that they did a follow-up review in 2003. That investigation noted no improvement since 1999. In 2003, the federal children’s bureau began reviews of all states and have completed 3 reviews. Again, no improvement was noted by the Advertiser in 2017. There have been 22 lawsuits filed or settled against DHS since 2013. Prior to 2017, the legislature had not submitted one bill to address the flawed system.

In 2018, a child death prompted a knee-jerk reaction to add staff to the Hilo Unit and proposed an unconstitutional bill to investigate all homeschoolers. In 2022, another child death has prompted an unconstitutional bill to investigate all adoptive and guardianship families. Where was an investigation by the Senate of the CWS role in those deaths?

If this new audit is conducted, it will run at the same time as the 4th round of federal reviews and will do nothing but kick the can down the road yet another time to solutions of a department with no accountability or oversight.

Audits don’t carry the weight of law to implement change unless the leadership of the department has the integrity and commitment to change. 10 years of helping parents in the system and 3 years of personal experience with a caseworker tells me that the most basic of all functions of CWS staff to full compliance of existing child protective law **is not the case.**

DHS is weak on leadership that trickles down to supervisors who are weak on leadership of front-line workers. The legislature has the authority but simply will not confront DHS with issues of training and competency in the performance standards of social work. DHS needs strong leadership and the front-line workers need to be licensed MSWs.

If the legislature wants solutions, read Wexler’s paper called SOLUTIONS; DUE PROCESS and then contact him. He will tell you up front that case overload is artificially created by the department itself when it ignores 4th amendment rights and responsibilities on child removals. See SB2416, a bill aimed to reduce illegal child removals that was not even given the courtesy of a public hearing.

Richard Wexler

Executive Director

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SCR-102

Submitted on: 3/29/2022 12:06:44 AM

Testimony for HMS on 3/29/2022 3:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Testifying for Waimanalo Neighborhood Board	Support	Written Testimony Only

Comments:

Aloha nui,

Kimeona Kane, Chair of the Waimānalo Neighborhood Board expressing our support for this resolution as it works in alignment with the Community driven resolution shared with elected officials prior. Following the tragedy of Ariel Sellers aka Isabella Kalua, our Community found the need to seek answers and find comfort in creating changes to the processes that we believed should have protected Ariel and others.

Our Education Committee crafted resolutions that would help to address the concerns as we identified, and also requested for appropriations of funds to better serve the departments entrusted to facilitate this type of work. Based on HCR 86, it would appear that this is a step towards a better understanding of the processes and help to identify the opportunities that need to be worked out. We look forward to supporting more efforts that align with our desire to safeguard our keiki and communities.

Mahalo nui,

Chair Kimeona Kane, Waimānalo Neighborhood Board

SCR-102

Submitted on: 3/28/2022 4:49:41 PM

Testimony for HMS on 3/29/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Barbara Mayer	Individual	Support	Written Testimony Only

Comments:

I strongly support SCR102. We must do all we can to protect our children, the future citizens of Hawai'i. In fact, I think a *periodic* performance audit of the Child Welfare Services branch of the Department of Human Services would be desirable. Please pass SCR102!

mahalo, Barbara Mayer, Waimānalo resident.

LATE

SCR-102

Submitted on: 3/28/2022 6:43:29 PM

Testimony for HMS on 3/29/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimeona Kane	Individual	Support	Written Testimony Only

Comments:

Aloha kākou,

Kimeona Kane from Waimānalo in strong support of this Resolution as it would help to create a baseline that can be improved upon. We know full well that CWS needs assistance and in truth need more resources to better protect our communities and children. This audit will provide for the reality of where we are from an internal perspective and will allow us in the public to work towards trust with the department and its function.

Mahalo nui for you support of SCR 102.

Kimeona Kane

SCR-102

Submitted on: 3/28/2022 7:17:28 PM

Testimony for HMS on 3/29/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Nancy and Errol Rubin	Individual	Support	Written Testimony Only

Comments:

I support a clear evaluation of the best way our government agencies can support the children. A careful understanding of past performance and the guidance of those who can assist to use new funding wisely will be most helpful

SCR-102

Submitted on: 3/28/2022 7:37:42 PM

Testimony for HMS on 3/29/2022 3:00:00 PM



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

Comments:

Stand in STRONG SUPPORT!

Although this request for an audit appears prompted by the death of Ariel Sellers (aka Isabella Kalua) of Waimanalo, who was placed by CWS in the home of the couple charged with her death, as well as the last review being noted 5 years ago in 2017 and calling attention to the fact that CWS has a problem with staff retention, I would like to request & strongly urge that **community input be mandatorily included & required as a part of this proposed audit.**

If an audit within the confines of CWS (aka “The Department”) is conducted, you’ll receive an inaccurate and skewed result that will tell you nothing you can’t already surmise, especially if Ariel’s case “and what went wrong” to prevent another tragedy is the focus of the audit.

CWS work extends way beyond The Department; there are a multitude of “approved service providers” in the community who should be investigated for their part and role in CWS casework as well as a multitude of service providers who CWS refuses to work with (no matter how impressive their qualifications or subject matter expertise) who should be interviewed for their experience/s with CWS. I can personally tell you that whenever I have a CWS case that involves one of my domestic violence survivors, I am written off and excluded by CWS 100% of the time.

Several years ago, I was the supervisor for the P.R.I.D.E. Foster Care & Adoption training program, contracted by The Department through Child & Family Service so I am well aware of the diligent & rigorous screening process required of all foster care and adoptive parent applicants.

Domestic violence perpetrators have a *very poor* chance of reform because DV *isn't* about “anger management” and refraining from acts of physical violence as most people think – it’s ingrained in the perpetrator’s *attitudes, beliefs & behaviors*, which takes way more & longer than one court-ordered anger management class to undo – but if CWS and their “approved service providers” don’t work in tandem with domestic violence experts readily available to them, they’re likely to presume that “a”/“one” reported incident of DV x amount of years ago = “safe” & reformed – and look how wrong they were in just this one case.

In one of my more recent domestic violence cases where the survivor mom’s children were illegally removed from my client (proven at trial), I was highly alarmed by the egregious behavior of the assigned foster mother (aka “Resource Caregiver”) who was inappropriately &

unprofessionally attached to the toddler she was being paid to care for. I reported my myriad of concerns about this foster mother to everyone attached to the case:

the CWS case worker, supervisor & administrators; the foster care licensing program, that affiliated case worker, supervisor & administrators; the Guardian ad Litem, the assigned DAG, the AG's Office & more.

No one affiliated with the Department took any of my concerns seriously and then came the day when the foster mother – distraught & unhinged at the thought of having to surrender the toddler for court-ordered visitation with his mother – **decided to drive away from the court-ordered visitation with the toddler** she was supposed to surrender! Know what happened next? NOTHING.

HPD wasn't called and CWS didn't remove the toddler from the foster mother's care (because it would "do more harm to the child" & "disrupt the placement") - everyone on the CWS team simply acted like it didn't happen; the only change from there forward was that the foster father had to do the drop-offs & pick-ups from there on out. Let me tell you: if **I** drove away with a child I was entrusted (& being paid) to surrender for court-ordered visitation, I'd be writing this testimony from a jail cell. And just so you know, that toddler (now a pre-schooler) remains in that foster care home to this day. (And *this* is how cases like Ariel Sellers come about.)

My grave concerns about that foster mother remain (and remain ignored) despite the fact that my client had (and has) a CWS-approved hanai placement for her children.

CWS policy only applies when CWS chooses to apply it, CWS ignores & violates court orders at will & this is something an auditor needs to discover but will not be able to reveal if an audit is contained to CWS exclusive of the many other "team" and community members involved AND ignored. Please support a thorough & comprehensive audit, not a cursory case-centered review.

Thank you for your time & attention.

Respectfully,

Dara Carlin, M.A.
Violence Survivor Advocate

Domestic

SCR-102

Submitted on: 3/28/2022 8:49:58 PM

Testimony for HMS on 3/29/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Donna Ambrose	Individual	Support	Written Testimony Only

Comments:

Throwing money at a broken process won't fix it. For that reason I support requesting the Office of the Auditor conduct a performance audit of Child Welfare Services. Thank you for considering my testimony.

LATE

SCR-102

Submitted on: 3/29/2022 1:00:27 AM

Testimony for HMS on 3/29/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Blaine De Ramos	Individual	Support	Written Testimony Only

Comments:

I support SCR102

SCR-102

Submitted on: 3/29/2022 6:47:59 AM

Testimony for HMS on 3/29/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Mialisa Otis	Individual	Support	Written Testimony Only

Comments:

I support SCR102. There really needs to be accountability in DHS. It chose this photo of the many beautiful pictures of Ariel because it's a hard one to look at but it needs to be seen . We are doing this spill to make sure this neglect and torture never happens again . Mahalo

SCR-102

Submitted on: 3/27/2022 11:56:27 AM

Testimony for HMS on 3/29/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Tinsman	Individual	Oppose	Written Testimony Only

Comments:

https://www.civilbeat.org/?p=1486055&utm_source=Civil+Beat+Master+List&utm_campaign=e180f762e3-EMAIL_CAMPAIGN_2022_03_25_11_46&utm_medium=email&utm_term=0_51c2dd3cf3-e180f762e3-401879001&mc_cid=e180f762e3&mc_eid=904021db02