
HOUSE RESOLUTION

REQUESTING THAT THE DEPARTMENT OF HEALTH PROVIDE A COMPREHENSIVE
REPORT OF POST FELIX CONSENT DECREE CHILD AND ADOLESCENT
MENTAL HEALTH SERVICES AND FUNDING.

1 WHEREAS, the *Felix v. Cayetano* Consent Decree (Consent
2 Decree) mandated fundamental change, wherever necessary, to
3 provide educational, mental health, and related services to
4 disabled children that satisfy the law and the principles of the
5 Child and Adolescent Service System Program; and
6

7 WHEREAS, the Consent Decree guaranteed a free and
8 appropriate public education for all eligible children, as
9 required under the federal Individuals with Disabilities
10 Education Act and the Rehabilitation Act of 1973, Section 504,
11 and required the system to provide a continuum of services,
12 programs, and placements according to family- and child-centered
13 principles; and
14

15 WHEREAS, the Consent Decree mandated that the State
16 identify children and youth from birth to age 20 who are in need
17 of behavioral and emotional support, and provide them with
18 adequate and timely intervention and delivery of culturally
19 relevant services in home-based, school-based, and community-
20 based settings; and
21

22 WHEREAS, the State was obligated to design and implement a
23 system of care that would function in accordance with the
24 standards and operating principles of the Consent Decree by June
25 30, 2000; and
26

27 WHEREAS, despite the termination of court oversight in
28 2006, critical issues remain to be addressed by the Department
29 of Health (DOH) and Department of Education (DOE), including:

- 30 (1) The need for consistent and appropriate quality
31 services;
32



(2) A lack of service system development in certain areas of the state;

(3) A lack of accountability systems; and

(4) The numbers of children being sent away to mainland placement because of a lack of local alternatives;

and

WHEREAS, budgetary shortfalls and a lack of oversight at DOH and DOE may contribute to inadequate services and infrastructure essential to building and maintaining an adequate system of care; and

WHEREAS, the No Child Left Behind Act requires schools to focus on the annual progress of students and test all students, including those with disabilities, based on their grade level rather than developmental level, resulting in DOE's shift in focus from services to children with mental health needs to annual progress and test scores; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2009, that DOH is requested to provide to this body, no later than 60 days prior to the convening of the Regular Session of 2010, a comprehensive report of post Consent Decree child and adolescent mental health services and funding; and

BE IT FURTHER RESOLVED that DOH include in the report:

(1) The funding levels of child and adolescent mental health and special education services, currently and also while DOH and DOE were operating under court oversight, including a listing of all state, federal, and federal matching dollar streams of funding;

(2) The numbers of children with mental health needs served and client outcomes, currently and also while DOH and DOE were operating under court oversight; and

(3) The number of vacant positions and issues related to filling vacant positions within DOE, and similar information provided by the Department of Human



1 Resources Development regarding filling vacant
2 positions within DOH's Child and Adolescent Mental
3 Health Division;
4

5 and
6

7 BE IT FURTHER RESOLVED that, if necessary, DOE is requested
8 to assist DOH in its efforts to create the comprehensive report
9 of post Consent Decree child and adolescent mental health
10 services and funding; and
11

12 BE IT FURTHER RESOLVED that certified copies of this
13 Resolution be transmitted to the Governor, Director of Health,
14 Superintendent of Education, Chairperson of the Board of
15 Education, Director of Human Resources Development, Director of
16 Human Services, Chairperson of the Child and Adolescent Mental
17 Health Task Force, and President and Chief Executive Officer of
18 Mental Health America of Hawaii.
19
20
21
22

