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MEMORANDUM

TO: Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 726, RELATING TO CHILDREN
Hearing: January 29, ²⁰⁰⁹~~2007~~, Thursday, 9:00 a.m.
Conference Room 329, State Capitol

PURPOSE: The purposes of H.B. 726 are: 1) to establish a task force to examine situations resulting in a child fatality or a serious injury due to drug use by a parent, guardian, or caregiver, and to develop a plan to prevent such situations from occurring and 2) to establish a system for the Department of Human Services to allow children to continue to reside in pre-existing caregivers' safe homes rather than enter into foster care.

DEPARTMENT'S POSITION: The Department appreciates the intent of this bill but we cannot support this bill.

In lieu of Part II of this bill, we recommend the bills introduced by the Office of Hawaiian Affairs, H.B. 1006 and S.B. 912, which will more effectively achieve the purposes of Part II

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to allow children to reside in safe home rather than entering into foster care.

The Department has the following concerns in regards to Part I of this bill that proposes to create a task force that would develop a plan and recommendations to remedy child safety related to illegal substance abuse by the child's parents, within six months of the passage of this bill.

1) The Department is not and will not be in a position to divert staffing or resources for the task force required by this bill because of the upcoming federally-mandated Child and Family Services Review in four months, beginning June 1, 2009.

As a result of Hawaii's first Child and Family Services Review (CFSR) by the federal Administration for Children and Families (ACF) in July 2003, the Department is mandated to implement ongoing aggressive system reform in child welfare services (CWS). The 2003 CFSR identified many areas needing improvement in our CWS system, many of which were addressed through the Department's Program Improvement Plan (PIP) and on-going efforts to improve our system. As part of the CFSR process we are expected to not only address the areas needing improvement in accordance with the PIP but to also maintain the commitment and gains made during the initial PIP period in preparation for our second Federal CFSR. In June 2009, the level of achievement required to pass the review successfully for all items has been raised from 90% to 95%.

We have achieved significant improvement in all areas covered in the CFSR review since 2003. Based on our current outcomes, we are expecting to do much better in 2009.

We will again be required to develop, implement and successfully complete a Program Improvement Plan (PIP). Failure to achieve improvement will result in huge financial penalties and loss of future Federal funds. The Federal government has already started to penalize states for failure to meet their PIP goals.

As part of the CFSR process, the ACF scrutinizes national data standards and conducts extremely detailed and comprehensive case reviews statewide. The breath and scope of that review, which encourages and incorporates input from our community stakeholders, including parents, foster parents, foster children, the Judiciary, and providers, will certainly reveal a much more comprehensive and complete assessment of our system than can be accomplished by a task force.

The CFSR can and will provide the information we need to identify and address cross-cutting areas of concern, including the impact of substance abuse on children.

The ACF will also provide technical assistance from the National Resource Centers that are funded by the Federal government to help us develop our PIP and implement proven best practice standards that will better ensure the safety of children at risk due to substance abuse by their caretakers.

2) The responsibilities of the proposed task force is duplicative of existing processes and protocols which include:

a) The Hawaii Child Death Review System which was established in 1997 by the Legislature through section 321-345, Hawaii Revised Statutes, to conduct comprehensive and multidisciplinary reviews of deaths of children aged 0-17 years old. The reviews focus on prevention and have led to recommendations to prevent future deaths to keep children safe and healthy.

b) The Department has a purchase of service contract with the Kapiolani Child Protection Center for multidisciplinary team services that include reviews of child fatalities and serious harm to children under the jurisdiction of the Department.

3) The expectations for the proposed task force are not practical and cannot be performed within the allowed six-month timeline. Given the broad scope of responsibility and the complexity of the relationship between parental drug abuse and serious harm to children, it is not realistic to expect that all the components required to develop findings, recommendations and proposed legislation could be addressed within the allotted six-month timeframe.

4) Finally, there is no funding provided to facilitate or convene the task force. Given the current economic climate and the redundancy of the task force, we cannot support this portion of the bill.

Part II of this bill relates to the amending of Section 587-2, Hawaii Revised Statutes. Again, we support the intent of Part II of this bill, but cannot support it as written due to the following considerations:

1) Part II of this bill is unnecessarily intrusive and prescriptive. This bill does not take into consideration the many appropriate, culturally sensitive, and effective ways in which families have demonstrated their willingness and ability to ensure that their children receive appropriate care, including safe and secure hanai and hanai-like placements, without intervention by the Department.

2) There has been a dramatic expansion in community-based preventive, family strengthening and family supportive services that the Department has made available through our community partners to support families and to enhance their capacity to care for their children. Families no longer need to be active with the Department's Child Welfare Services in order to have access to this expanded array of services.

3) Parents have the right and responsibility to ensure their child's safety and to determine where the child will live. We propose that in situations where parents make alternative plans for the care of their children, the Department will assess the safety of the children, and if they are living in safe homes with the consent or by arrangement with their parents for over six months, there should be no further intervention by the Department. However, these families would

have access to community-based family strengthening and supportive services on a voluntary basis, if appropriate.

In lieu of the language in this bill the Department supports the version introduced by the Office of Hawaiian Affairs, H.B. 912 and S.B. 1006.

Thank you for the opportunity to testify