



THE JUDICIARY, STATE OF HAWAII

Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

House Committee on Human Services
The Honorable John M. Mizuno, Chair
The Honorable Tom Brower, Vice Chair

Monday, February 9, 2009, 8:15 a.m.
State Capitol, Conference Room 329

by
Karen M. Radius
District Family Judge
Family Court, First Circuit

Bill No. and Title: House Bill No. 912, Relating to Child Welfare Services

Purpose: Amends HRS Chapter 587 to include provisions under which the Child Welfare Services may permit a child to remain with caregivers who are not the child's legal custodian but with whom the child has been residing for at least 6 months, with consent from the child's legal custodian.

Judiciary's Position:

The Judiciary takes no position on this measure. However, we have the following specific concerns relating to Section 2 of this bill:

1. Notice to the department when a caregiver intends to return the child should be mandatory.
2. Special and general powers of attorney should be in place so that the caregiver will be able to provide consents on behalf of the child to ensure that the child receives educational, medical, and other services. If the child's legal custodian cannot be located, the department must determine how these consents will be provided.



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3. How does the "appropriate caregiver" (page 5, subsection (1), lines 5-6) differ from the definition of "caregiver" (page 1, definitions) and, if there is no written consent, how will the police determine whether the person with the child is an "appropriate caregiver."

Thank you for the opportunity to submit testimony on this measure.

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 9, 2009

MEMORANDUM

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

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 912 - RELATING TO CHILD WELFARE SERVICES

Hearing: Monday, February 9, 2009, 8:15 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of this bill is to clarify the law to ensure that local customs of caring for children outside the home by friends and relatives are available alternatives for the Department of Human Services and the Court when considering the custody of children.

DEPARTMENT'S POSITION: The Department of Human Services strongly supports this bill because it will help to ensure the safety of children without unnecessary intervention by the Courts or the Department of Human Services.

The Hawaiian culture has long embraced a traditional system of "hanai" which allows a person other than a child's parent to play a substantial role in the care and upbringing of the child. The federal government, through the Child and Family Services Review (CFSR) of the Department's Child Welfare Services, recommends the use of culturally sensitive, family strengthening and supportive services to ensure the safety, permanency, and

AN EQUAL OPPORTUNITY AGENCY

well-being of child. Allowing children to remain in safe and appropriate homes identified by their legal caregivers, without undue governmental intervention, can allow the child to remain within their extended family system and help to preserve family and cultural connections that are important to the child's well-being.

The proposed changes to chapter 587, HRS, will clarify that the Department may consider alternate care arrangements made by a legal and physical custodian of a child if a determination is made that the alternate care arrangement (i.e., hanai caregiving) is safe and appropriate for the child. The Department will not be required to petition for jurisdiction, or remove a child from a safe home, if it has been established that the child has been safely living in the caretaker's home with the legal and physical custodian's written or verbal consent for more than 6 months. This will ensure that no child is taken into custody unnecessarily and will preserve the relationships that are important to the child's well-being.

Chapter 587, HRS, currently requires that the Department assess the safety of the home of the legal and physical custodians of a child who has been reported to the Department as abused or neglected and assigned for investigation.

This means that the Department must base its determination of the safety of the child on our assessment of the home of the child's legal and physical custodians, even if they have made safe and appropriate arrangements with family members, or others, to care for and supervise the child outside of the family home.

The proposed changes align our foster care system with previous legislation that provided eligible caregivers the ability to sign consents to meet a child's educational needs (Act 99, Session Laws of Hawaii (SLH) 2003) and medical care (Act 208, SLH 2005). Clearly, the Legislature has supported alternate care arrangements (i.e., hanai caregiving), both formal and informal, made by the legal and physical custodians of a child that are safe and appropriate. Most often, the alternate care arrangement will be with a member of the child's extended family, which ensures the child will develop and maintain positive and lasting relationships with their siblings and other family.

Thank you for this opportunity to testify.


OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

HB 912
Relating to Child Welfare Services

Date: February 9, 2009 Time: 8:15am
Room: 329

The Office of Hawaiian Affairs **strongly supports HB 912.**

Native Hawaiian children are removed from their families due to unsafe circumstances. In these cases, Child Protective Services are called to assess the child, their family, and their circumstances.

When this happens, other family members, and close family friends are able to offer assistance, and care for the child appropriately. The Department of Human Services has recognized that in such cases, children can be left with caring adults in a safe home, without bringing the child into the system.

This bill would strengthen the practice of allowing children to continue to live in a stable environment where their needs are met. Removing a child unnecessarily will cause a major disruption in the child's well-being, and place them at greater risk for family disconnection. Family connections and a sense of well-being are vital elements in developing a resilient child.

HB 912 is a meaningful bill that would honor our local customs of long ago by empowering family members to care for their own, and significantly decrease the risk of placing a child with unfamiliar faces, and a new environment to adjust.

This bill also ensures that safety will be considered to be important, and that the child's current home condition will be assessed properly.

Mahalo nui loa for allowing us to provide testimony.



February 09, 2000

The Honorable John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
House Committee on Human Services (HUS)

SUBJECT: WRITTEN TESTIMONY IN SUPPORT OF
H.B. 912 RELATING TO CHILD WELFARE SERVICES

Hearing: Monday, February 09, 2009
08:15 a.m.
Conference Room 329, Hawai'i State Capitol

Dear Chairman Mizuno,

Partners in Development Foundation, strongly supports the intent of HB 912. We have worked extensively with the Department of Human Services (DHS) through our activities in foster care. The DHS' recognition of cultural extended family traditions is evident within our own Kokua 'Ohana Program where we have collaborated with the Department by using innovative approaches to foster care reform built around the notion of *'ohana helping 'ohana*.

The Bill being heard today will allow children to remain in a secure and strong environment that is familiar to them. With such a large percentage of our foster children being of Native Hawaiian ancestry, the ability to adhere to cultural practices such as "hanai" will improve the foster care system and benefit the child as well as our State as a whole.

Thank you for the opportunity to testify in support of this Bill.

Mahalo Nui Loa,

Jan E. Hanohano Dill
President
Partners in Development Foundation
2040 Bachelot Street
Honolulu, HI 96817

TO: Representative John M. Mizuno, Chair
Representative Tom Brower, Vice Chair
Committee on Human Services & Housing

FROM: _____
Lee J. Katsumoto, Program Administrator- Catholic Charities Hawaii

DATE: Monday, February 9, 2009 (8:15 a.m., Room 329)

RE: **Support of HB 912, Relating to Child Welfare Services**

Thank you for the opportunity to testify on HB 912.

I am Lee Katsumoto, Program Administrator of the Comprehensive Counseling and Support Services Program at Catholic Charities Hawaii.

Catholic Charities Hawaii (CCH), is a tax exempt, non-profit agency that has been providing social services in Hawaii for over 60 years. CCH has provided critical services for abused, neglected and at-risk children and their families for a number of years. Our programs include: the Comprehensive Counseling & Support Services Program, Hale Malama, Therapeutic Services, Ka Malama Punua (Enhanced Healthy Start) and the Interstate Compact for the Placement of Children. **Our experience led us to strongly support HB 912, Relating to Child Welfare Services.**

HB 912 will allow, wherever appropriate, children to remain with relatives and friends when the Department of Human Services and the courts assume custody of the children. This alternative after appropriate review would benefit the children as they would not be traumatized by the removal from familiar surroundings. The removal of children from familiar surroundings can cause interruptions in development as children must re-bond with new caretakers.

Catholic Charities Hawaii asks for your support of HB 912, Relating to Child Welfare Services. If I can provide any further information, please feel free to contact me via phone at 535-0170 or via email at katsumoto1@catholiccharitieshawaii.org.

Thank you.



Hawaii's Voice for a Better Future

Testifier: Laura G. Manis

COMMITTEE ON HUMAN SERVICES

Rep. John Mizumo, Chair

Rep. Tom Brower, Vice-Chair

Monday, February 09, 2009, 8:15 am, Conference Room 329

HB 912 RELATING TO CHILD WELFARE SERVICES.

Adds definitions of "caregiver" and "safe home" to the Child Protective Act. Clarifies that local customs of caring for children outside the family home by relatives and friends are, where appropriate, available alternatives to the department of human services and the court assuming custody of children

SUPPORT:

Kokua Council whose mission includes advocating for the health of the elderly and those vulnerable populations who cannot advocate for themselves supports this bill.

This bill recognizes local culture by considering other safe alternatives. Considering how close family ties grandparents, other close relatives and "hanai" parents are esteemed in Hawaii, we are happy to see this gap being considered for closure with the proper investigations and protections in place.

Please support HB912. Thank you for the opportunity to send in testimony in favor of this bill.

Laura G. Manis, Legislative Chair, Kokua Council

597-8838

Kokua Council
c/o Harris United Methodist Church
20 S. Vineyard Boulevard – Honolulu, Hawaii 96813

[REDACTED]

From: Tomoso Home [REDACTED]@hawaii.rr.com]
Sent: Saturday, February 07, 2009 6:35 PM
To: HUS testimony
Subject: Testimony on HB 912

TO: Committee On Human Services
RE: HB 912 Relating to Child Welfare Services
HEARING: Monday, Feb. 9, 2009, 8:15 a.m.
State Capitol Conference Room 329

As a Social Worker with understanding of how relatives and friends, including a growing number of grandparents, raise and care for their minor relatives and grandchildren, I am in favor of adding the definitions of "caregiver" and "safe home" to the Child Protective Act. I believe that our local 'ohana customs of caring for our own, especially at critical times when safe and nurturing family environments are needed outside the home, can be appropriate alternatives to DHS and Family Court assuming of the custody of children in need. 'Ohana can be a part of the "safety net" of care for vulnerable and needy children.

Mahalo for your consideration of this bill.

John A. H. Tomoso, MSW, ACSW, LSW

[REDACTED]

Kahului, Maui, Hawai'i 96732-2906

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BCC: Rep. Carroll, Rep. Bertram, JACOSA ListServe