



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96808

February 14, 2016

TO: The Honorable Dee Morikawa, Chair
House Committee on Human Services

FROM: Rachael Wong, DrPH, Director

SUBJECT: **HB 2340 – RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE
CHILD PROTECTIVE ACT**

Hearing: Thursday, February 18, 2016, 9:00 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration bill.

PURPOSE: The purpose of the bill is to add a new section and amend the Child Protective Act to allow the Department of Human (DHS) to access criminal history records without consent of individuals identified as alleged perpetrators of harm or threatened harm to a child, and individuals identified as adult household members living in the family home with the alleged child victim.

There is a compelling State interest to protect children from potential harm. Under current law, DHS does not have clear authority to complete criminal background checks without the individual's consent. This ambiguity limits the ability of DHS to assess the safety risks for the children, and risk for its own staff required to intervene and provide services to families.

Federal best practice guidelines from the U.S. Department of Health & Human Services, Administration on Children and Families, include Child Welfare Services (CWS) staff performing criminal record checks on all adults residing in the child's home. Florida, New Jersey, New York, and Delaware have state laws which allow Child Welfare Services staff to conduct criminal background checks on all adult household members without consent.

Immediate identification of potential risks is critical to ensure child safety. Access to criminal history information assists CWS workers in assessing safety and risk of abuse and neglect. This safety assessment helps determine the appropriate level of response to keep children safe.

Specifically, the criminal history information assists CWS to identify: the behavioral patterns of the caregivers of the child and all the adults living in the family home, conditions or activities in the home environment, and potential factors which may place children at imminent risk of harm.

Ongoing safety assessment is critical to ensure the child's safety throughout the duration of the CWS case, and is important when referring family members to appropriate services. The criminal history check on the alleged perpetrator and all adults living in the household is critical when allowing a child victim to remain in the home with a safety plan in place, and when returning a child victim to the family home from foster care.

In addition, section 587A-7(a), Hawaii Revised Statutes, requires CWS to have access to a criminal history record check "to fully consider when determining whether a child's family is willing and able to provide the child with a safe family home; ... (6) Whether there is a history of abuse or assaultive conduct by the child's family member or others who have access to the family home; (7) Whether there is a history of substance abuse by the child's family or others who have access to the family home[.]"

Thank you for the opportunity to testify.

Michael Riley
Mdriley@hawaii.edu

2/13/2016

To: Senator Morikawa, Chair
Senator Kobayashi, Co-Chair
And members of the Committee

From: Michael Riley

RE: I Support Bill HB2340 relating to Criminal History Records Checks Under the Child Protective Act.

Dear Chair Morikawa, Vice Chair Kobayashi, and members of the committee on HB2340, I am testifying today in strong support of bill HB2340 which amends the Child Protective Act to allow the Department of Human Services (DHS) access to criminal history records without having any form of consent from individual's that are identified as alleged perpetrators of harm or threatened harm to a child. This will also allow DHS access to criminal history records from individuals identified as adult household members who are living in the home with the alleged child, without needing their consent.

My name is Michael Riley and I am a Master's student at the University of Hawaii at Manoa; Myron B Thompson School of Social Work. As a current Master's student I have had the pleasure to spend my last semester and my current system conducting my practicum (Internship) with Child Welfare Services. During this time, it's come to my attention that under current law, DHS does not have clear authority to complete criminal background checks without the said individual's consent. Due to this roadblock it acts as a barrier for the investigator to assess the safety risks for the children, and DHS staff that is required to intervene and provide services.

According to guidelines regarding federal best practice from the U.S Department of Health & Human Services, CWS investigators and staff perform criminal background checks on all adults rising within the child's home. A handful of states within the U.S. have also established certain state laws which allow CWS to conduct criminal background checks on all adult household members without a consent form.

This barrier limits DHS staff in completing their full assessment whether or not a child's safety is in danger or not. By not supporting this bill you are putting our children at risk for serious harm, and a potential critical situation. Having access to as much resources as possible allows us to make a better decision's, implement services and most importantly reduce the potential risk of abuse and neglect and ensure the overall safety of a child's environment. Therefore, in order for CWS to ensure the safety of children in the state of Hawaii, I humbly ask that you support this bill and assist CWS social Workers in their ability to investigate, and identify immediate potential risks to help keep our children safe and to maintain the safety of all children by no longer requiring a consent form to look through criminal records from individuals identified as alleged perpetrators or those adults living in the home with an alleged child.

I strongly support HB2340 and respectfully ask the committee to pass this bill.

Thank you for the opportunity to testify.

Sincerely,

Michael Riley



DATE: February 18, 2016

TO: The Honorable Dee Morikawa, Chair
The Honorable Bertrand Kobayashi, Vice Chair
House Committee on Human Services

FROM: The Kapi'olani Child Protection Center
A Program of Kapi'olani Medical Center for Women and Children

RE: Testimony in Strong Support of H.B. 2340
Relating to Criminal History Records Checks Under the Child Protective Act

LATE

Good morning Chair Morikawa, Vice Chair Kobayashi, and members of the House Committee on Human Services.

The Kapiolani Child Protection Center (KCPC) strongly supports H.B. 2340, which amends the Child Protective Act to allow the Department of Human Services (the Department), when investigating a report that a child is subject to imminent harm, to conduct criminal history records checks without the consent of the alleged perpetrator(s), and any adult household members living in the family home with the child.

Child abuse and neglect remain serious threats to the safety, health and wellbeing of children and young people in the State of Hawai'i. The Department's "A Statistical Report on Child Abuse and Neglect in Hawai'i" reflects that 3,681 cases of abuse and neglect were reported in 2014 involving 3,494 children. This is especially concerning as child maltreatment is vastly underreported.

The Kapi'olani Child Protection Center is contracted as part of the Department's multidisciplinary professional team for the review of reported cases of child abuse and neglect. In this capacity, we help the Department to evaluate whether a child has experienced past harm due to maltreatment and the extent to which they remain at risk in the future. The focus of such assessments is to prevent the child from coming to further harm and to develop an appropriate response in each case.

The success of each review and the resulting plan to keep the child safe, is premised on the availability of accurate and complete information concerning the circumstances that gave rise to the report of maltreatment, including whether the alleged perpetrator(s) of abuse and neglect, and the adults who live with the child, have relevant criminal histories. In particular, episodes of violence, substance abuse, and criminally reckless or negligent behaviors are highly predictive of child maltreatment.

Moreover, it is important that the Department be able to re-check criminal records throughout the duration of child abuse and neglect cases, in the event that new arrests or criminal convictions occur that may require that the plan to protect the child be amended.

H.B. 2340 would aid Hawai'i's effort to effectively combat child abuse and neglect by clarifying the Department's authority to timely access to the criminal records of alleged perpetrators, and any adults living with the child, that are necessary to assess and plan for the safety of child victims of maltreatment.

Therefore, we respectfully urge you to join us in strongly supporting H.B. 2340.

LATE

Edward Thompson, III

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 18, 2016 7:38 AM
To: HUS testimony
Cc: bmurphy420@mail.com
Subject: Submitted testimony for HB2340 on Feb 18, 2016 09:00AM

HB2340

Submitted on: 2/18/2016

Testimony for HUS on Feb 18, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Individual	Oppose	No

Comments: Aloha Honorable Legislators, I oppose HB2340 because it gives too much power to the Dept. of Human Services. The potential for abuse outweighs the expediency. Let the police do their work. Mahalo for your kind consideration.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE

Edward Thompson, III

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 18, 2016 7:34 AM
To: HUS testimony
Cc: mary@maui.vortex.com
Subject: Submitted testimony for HB2340 on Feb 18, 2016 09:00AM

HB2340

Submitted on: 2/18/2016

Testimony for HUS on Feb 18, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Overbay	Individual	Oppose	No

Comments: Aloha Honorable Legislators, I oppose HB2340 because it gives too much power to the Dept. of Human Services. The potential for abuse outweighs the expediency. Let the police do their work. Mahalo for your kind consideration.

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LATE

TO: House of Representatives Committee on Human Services
Representative Dee Morikawa, Chair
Representative Bertrand Kobayashi, Vice-Chair

HEARING: Thursday, February 18, 2016
9:00 AM
Conference Room 329

FROM: Sharla-Ann Fujimoto

RE: In SUPPORT of HB2349 - Relating to Youth Transitioning from Foster Care

My name is Sharla-Ann Fujimoto. I work in the human services field for EPIC 'Ohana, Inc. as a facilitator, coordinator, and recorder. I am also the advisor for the Hawai'i Youth Opportunities Initiative HI H.O.P.E.S. Youth Leadership Board in West Hawai'i, which is a national and local effort to create and support successful outcomes for transitioning foster youth.

I would like to submit testimony in support of HB2349 and its intent to extend the deadline for former foster youth to apply for a higher education stipend, and provide youth in temporary foster custody and voluntary foster custody the right to be deemed eligible to participate in the Young Adult Voluntary Foster Care program (also known as Imua Kākou).

For the last seven years, I have been working with youth between the ages of 12 to 26 that are currently in or were formerly in the foster care system. Through my work, I have become very aware of the hardships these young people face while they are in the foster care system. These young people are often placed in multiple homes and moved between different school districts during their time in foster care. Most of the youth are unable to maintain important connections they had before they entered foster care and are unable to form new connections due to the limitations they face because they are in foster care. Due to the constant instability that being in foster care provides them as they are emancipating or "aging out" of the system at age 18, they become adults who become highly traumatized and dependent on the welfare system, incarcerated, homeless, or pregnant and / or parenting at very young ages, all of which end up costing the taxpayers millions of dollars over the course of this person's lifetime.

Most of these youth are forced out of their resource family home (also known as "foster home") when they age out at age 18 and usually have nowhere to go. Adding to the the pressure of trying to find housing, most are forced to go to college earlier than they are prepared for because they need the money and do not qualify for the Imua Kākou program. The current statute states that the youth must receive at least one Department of Human Services (DHS) Higher Education Foster Board Allowance payment before their 22nd birthday to remain eligible until their 27th birthday. If they fail to apply and receive that one payment before their 22nd birthday, they are cut off from assistance and are deemed ineligible to receive any payments in the future and are cut off from certain services.

Because of the way the current statute is constructed, these youth are often forced to attend college long before they are prepared or in a state where they could succeed academically. Youth that have gone through the foster care system often have learning disabilities or have had to endure situations and environments that were not conducive to learning, which may have made them fall behind in high school and barely able to pass their classes in high school. When they force themselves to go to college just to get the money to survive or to get the one payment before their

22nd birthday, they end up having terrible grades in college, which lands them on academic probation with the college, which in turn affects their self-esteem and leads to the young adult dropping out of college. Even if they have the option to go back to college since they received that one DHS Higher Education Board Allowance Payment, they are often faced with having to pay the school back for the money they borrowed through federal grants and are too overwhelmed and feel unsupported so most will give up entirely on seeking higher education.

Approximately 3% of former foster youth will earn any type of college diploma. Because these youth do not meet qualifications for higher paying jobs and careers, they work minimum wage jobs and remain dependent on the system for financial assistance. If we give these youth a chance to get some of the basic support in place in terms of housing and employment to sustain their housing and give them the chance to apply for college at a later age when they are ready, then these youth might stand a chance at achieving a college degree and find a career that can support them without having to apply for additional subsidy programs.

The other part of HB2349 is asking to expand the eligibility for the young people to enter the Voluntary Foster Care Program (Imua Kākou), which currently provides monetary support and case management for youth ages 18 to 21 who have aged out of the foster care system under Foster Custody and Permanent Custody only. Expanding this eligibility to youth who are under Temporary Foster Custody and Voluntary Foster Custody or whose caregivers adopted youth or gained Legal Guardianship over youth, but no longer wish to care for them would be able to give these children the adequate help and support that they need to succeed in life.

There have been many youth I have worked with who were adopted or taken into legal guardianship by an individual who was not related to them that no longer wish to care for the child after they turn 18 or there have been cases where the young person was taken into foster care right before their 18th birthday and have no support from their biological family members upon turning 18, but because they don't have the proper legal status of Foster Custody or Permanent Custody when they emancipate from the system, they are unable to apply for services and programs that will help them if they *had* aged out under those legal statuses. These youth must try to fend for themselves without support from the system that removed them from their home—add to that, they don't get any assistance or support from the dysfunctional home they were removed from prior to turning 18 because if they were removed, then it's obvious that it was because the youth's parents were deemed not fit to care for the young person.

The passage of HB2349 would provide support to these extremely vulnerable youth and help give them the cushion of support that they need to become healthy, successful, and well-adjusted adults. Instead of trying to fend for themselves, they will be able to at least have a reliable source of income to get other parts of their life in order such as their housing situation or money to help them pay for a car so they have transportation to get to work.

These youth cannot be expected to do it on their own. I certainly wasn't prepared for life on my own at age 18, but because I wasn't in foster care, I had the help and financial support from my parents, which these youth do not have. These young people are the State's children—they are our responsibility and they deserve to be provided some form of support as these youth are not in foster care because of their own choosing. I strongly encourage the committee to support the passage of HB2349.

With deepest gratitude for your consideration,
Sharla-Ann Fujimoto

LATE

Edward Thompson, III

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 17, 2016 4:57 PM
To: HUS testimony
Cc: laurie.field@ppvnh.org
Subject: *Submitted testimony for HB2282 on Feb 18, 2016 09:00AM*

HB2282

Submitted on: 2/17/2016

Testimony for HUS on Feb 18, 2016 09:00AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

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