

STAND. COM. REP. NO. **3375**

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 2424
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2424, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to :

- (1) Expand the investigative power of the Department of Human Services to include inspections of families:
 - (A) That have adopted or received legal guardianship of a child for whom maintenance is provided pursuant to the Social Security Act or through the State Adoption Assistance Program, including adoptive families where an adoption decree is pending or where an adoption decree has been issued but adoption has not yet taken place; or
 - (B) That are receiving financial assistance through the State's Permanency Assistance Program, andagainst whom a complaint has been lodged with the Department of Human Services;



- (2) Require the Department of Human Services to report to the Legislature before the convening of the Regular Session of 2027, regarding the impact of expanding home visits to families receiving adoption assistance or legal guardianship assistance;
- (3) Appropriate funds for the Department of Human Services to hire additional case workers and support staff to conduct annual or semi-annual in-home visits for families receiving adoption assistance or legal guardianship assistance; and
- (4) Appropriate funds for the Department of Human Services to increase compensation to fill vacancies and retain employees in existing Child Welfare Services Case Worker positions.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Office of Collective Bargaining, Hawaii Family Advocacy Team, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Human Services, and Department of Budget and Finance.

Your Committee finds that many children in foster care continue to require support from the Department of Human Services' Child Welfare Services Branch after being placed in permanent custody of a family through adoption or legal guardianship. Your Committee further finds that the network of state systems that protect and ensure the safety and security for at-risk children must be enhanced to protect children who had previously been under the protection and legal jurisdiction of the State. This measure expands the authority of the Department of Human Services to allow case workers to conduct investigations of adoptive families and legal guardians that receive federal or state funding, and foster families of children for whom adoption has not been completed and against whom a complaint has been lodged with the Department.

Your Committee notes the testimony of the Department of the Attorney General raising concerns that the investigation of families by the Department of Human Services pursuant to this measure may affect the constitutional rights of parents, including



adoptive parents, to raise their children, which limits an investigator's ability to investigate families without reasonable cause to suspect that a child has been harmed or is subject to threatened harm.

Your Committee also notes the testimony of the Office of Collective Bargaining stating that appropriating funds to increase the compensation of existing Child Welfare Services Branch case worker positions is inappropriate and premature, as compensation for these positions is subject to collective bargaining.

Your Committee has amended this measure by:

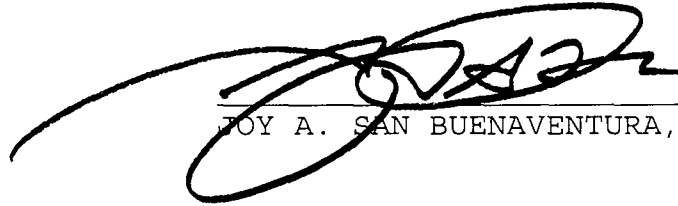
- (1) Limiting the expansion of the Department of Human Services' investigative powers to include the review and investigation of families that receive benefits from the State's Adoption Assistance Program against whom a complaint has been lodged;
- (2) Clarifying that the Department of Human Services' review or investigation of families receiving benefits from the State's Adoption Assistance program and against whom a complaint has been lodged shall be in accordance with chapters 350 and 587A, Hawaii Revised Statutes;
- (3) Limiting the subject of the Department of Human Services' report to the Legislature to be filed before the Regular Session of 2027, to the impact of expanding home visits to families receiving benefits from the adoption assistance program;
- (4) Clarifying that any increase in compensation of Child Welfare Services Branch case worker positions shall be subject to collective bargaining with the objective of expeditiously filling all vacancies;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your



Committee is in accord with the intent and purpose of H.B. No. 2424, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2424, H.D. 1, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,




JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* HM 2424 HD1	Committee Referral: HMS, NAM/JDC	Date: 08/17/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes