

Honolulu, Hawaii

FEB 10 2022

RE: S.B. No. 3237
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 S.B. No. 3237 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 children who have been adopted or have been placed in legal guardianship, whose adoptive families or legal guardians are receiving federal or state financial assistance;
- (2) Expand the investigative power of the Department of Human Services to include children in the foster care system for whom there is a pending petition for adoption or an adoption decree has been issued but has not yet been placed in the custody of the adoption petitioner;
- (3) Establish a two-year Crisis Mobile Outreach Team Pilot Program within the Department of Health to expand and support existing crisis response services and programs for at-risk youth;
- (4) Appropriate funds for the Crisis Mobile Outreach Team Pilot Program, including funds to hire and train mental



health professionals with trauma-informed training and experience working with youth;

- (5) Appropriate funds for the Department of Human Services to hire additional case workers and support staff that would conduct annual or semi-annual in-home visits for families receiving adoption assistance or legal guardianship assistance; and
- (6) Appropriate funds for the Department of Human Services to fill vacancies and retain employees in existing child welfare services case worker positions.

Your Committee received testimony in support of this measure from the Department of Health, Waimanālo Neighborhood Board No. 32, and eleven individuals. Your Committee received testimony in opposition to this measure from the Department of Human Services and two individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Budget and Finance, and two individuals.

Your Committee finds that many children in foster care continue to require support from Child Welfare Services after being placed in permanent custody of a family through adoption or legal guardianship. To prevent cases like the recent abuse and death of Isabella Kalua, born Ariel Sellers, and other similar past tragedies befalling children who were or had previously been under the protection and legal jurisdiction of the State, the network of state systems that protect and ensure the safety and security for at-risk children must be enhanced. This measure expands the authority of the Department of Human Services to allow case workers to conduct home visits of children whose adoptive families and legal guardians receive federal and state funding, and children in foster care whose adoption has not been completed. This measure also establishes a two-year Crisis Mobile Outreach Team Pilot Program within the Department of Health to expand and support existing crisis response services and programs for at-risk youth beginning July 16, 2022.

Your Committee has reviewed 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. Therefore, amendments to this measure are necessary to address this concern.

Accordingly, your Committee has amended this measure by:


- (1) Clarifying that the review or investigation of families that are prescribed and performed by the Department of Human Services or its authorized agents pursuant to this measure shall be in accordance with chapters 350 and 587A, Hawaii Revised Statutes;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee has reviewed the testimony of the Department of Budget and Finance expressing concerns regarding this measure's possible effect on the State's obligation to adhere to the maintenance of effort requirements as a recipient of Elementary and Secondary Schools Emergency Relief funds under the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and the American Recovery Plan Act of 2021. Your Committee finds that this issue raises concerns that merit further consideration and respectfully requests that your Committees on Ways and Means and Judiciary further examine those issues and concerns raised by the testimony.

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 S.B. No. 3237, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3237, 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.:*	Committee Referral:	Date:
SB 3237	HMS, WAM/JDC	02/03/2022

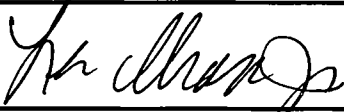
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 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	4	0	0	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes