



GOV. MSG. NO. 1187

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

SB295 SD2 HD2 CD1

RELATING TO THE CHILD WELFARE
SERVICES.
ACT 086

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 14 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 295
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE CHILD WELFARE SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that criticism of
 2 Hawaii's child welfare system has been increasing and is
 3 accentuated when there is a tragedy. Shortcomings in Hawaii's
 4 child welfare system are not new, and there is strong desire in
 5 the community to address these concerns. Before the
 6 disappearance of six-year-old Isabella Kalua at her home in
 7 Waimanalo, the effects of the coronavirus disease 2019 pandemic
 8 were already having an outsized impact on Hawaii's children and
 9 youth, further stressing the department of human services and
 10 its social services division's child welfare services branch.

11 The legislature further finds that, although Native
 12 Hawaiian children and families are overrepresented in the
 13 State's child welfare system, all children in the system have
 14 similar issues and needs. Historically, Native Hawaiian
 15 ancestors had a very well-structured child welfare system in
 16 which the people within the kauhale, or community, shared the
 17 responsibilities of caring for and nurturing its keiki. This
 18 kuleana, or responsibility and privilege, was collectively



1 shared by everyone. The responsibility of ensuring the welfare
2 of keiki was never meant to rest solely on the government and
3 keiki were certainly not intended to be removed from their ohana
4 without a shared decision about where the keiki would reside.
5 The overall well-being of the keiki was always at the center of
6 any decision made concerning the keiki. Traditional practices
7 of hanai and luhi (adoption or temporary care) were not seen as
8 punitive or demeaning but as means to provide comfort and
9 reassurance that the keiki would be in a safe, nurturing, and
10 caring environment.

11 The legislature also finds that the members of Nā Kama a
12 Hāloa, which is a network of community-based organizations and
13 representatives of the child welfare services branch created by
14 Effective Planning and Innovative Communication, Inc., a
15 nonprofit Hawaii corporation operating as EPIC 'Ohana, Inc.,
16 first came together in 2018 to seek ways to address the
17 overrepresentation of Native Hawaiians in Hawaii's child welfare
18 system. Nā Kama a Hāloa demonstrates the value of collaborating
19 for collective impact, and since its formation, the efforts of
20 its working groups have resulted in various positive outcomes.
21 For example, the cultural training programs that were developed



1 for new child welfare services branch workers and resource
2 caregivers are now required by the department of human services.
3 Furthermore, the department now supports and encourages the
4 practices of connecting children in the child welfare system
5 with their siblings and reflecting the voices of the children's
6 makua, or parents, in their care.

7 The legislature finds that the problems faced by children
8 and families in the State's child welfare system are extremely
9 complex and cannot be resolved by the department of human
10 services alone. The legislature further finds that, to address
11 and resolve these diverse and multi-faceted problems, the State
12 must work with the community and various stakeholders to
13 determine where the core infrastructure is failing.

14 The legislature also finds that Act 291, Session Laws of
15 Hawaii 2022, established on a temporary basis the office of
16 wellness and resilience within the office of the governor. The
17 office was established to address the various barriers that
18 impact the physical, social, and emotional well-being of all
19 people in the State by building wellness and resilience through
20 trauma-informed, strength-based strategies; and to support
21 agencies in their individual efforts to address trauma-informed



1 care and move toward a collaborative, shared purpose of
2 collective system reform.

3 The legislature finds that, by establishing a working group
4 within the office of wellness and resilience that comprises
5 members of the child welfare services branch, institutions
6 serving Native Hawaiians, contracted service providers,
7 community-based organizations, birth parents, and youth with
8 lived experience in the State's child welfare system, outcomes
9 can be improved not just for Native Hawaiian children and
10 families but for all children and families in the State's child
11 welfare system. The legislature also believes that the working
12 group will contribute to the development of more effective
13 community support while allowing the community to be heard and
14 to take more responsibility for the well-being and welfare of
15 children.

16 Accordingly, the purpose of this Act is to improve the
17 State's child welfare system by:

18 (1) Establishing within the office of wellness and
19 resilience the malama ohana working group to seek,
20 design, and recommend transformative changes to the
21 State's existing child welfare system;



1 (2) Authorizing the office of wellness and resilience to
2 contract with an administrative facilitator to provide
3 necessary support for the malama ohana working group
4 in carrying out its duties; and

5 (3) Requiring the malama ohana working group to report to
6 the legislature prior to the regular session of 2025.

7 SECTION 2. (a) There is established within the office of
8 wellness and resilience for administrative purposes the malama
9 ohana working group to seek, design, and recommend
10 transformative changes to the State's existing child welfare
11 system.

12 (b) The malama ohana working group shall comprise the
13 following members:

14 (1) The executive director of Effective Planning and
15 Innovative Communication, Inc., operating as EPIC
16 'Ohana, Inc., or the executive director's designee, who
17 shall be invited to participate and to serve as co-
18 chair of the working group;

19 (2) The chief executive officer of Hale Kipa, Inc., or the
20 chief executive officer's designee, who shall be



- 1 invited to participate and to serve as co-chair of the
2 working group;
- 3 (3) Two members from each of the following constituencies,
4 whom the co-chairs shall invite to participate in the
5 working group:
- 6 (A) Former foster youth;
- 7 (B) Birth parents who were involved in the child
8 welfare system, specifically with the department
9 of human services' child welfare services branch;
- 10 (C) Licensed resource caregivers; and
- 11 (D) Kinship resource caregivers;
- 12 (4) The director of human services, or the director's
13 designee;
- 14 (5) Two members of the department of human services' child
15 welfare services branch representing its
16 investigators, case managers, or assistants,
17 designated by the branch administrator;
- 18 (6) The chairperson of the trauma-informed care task force
19 established pursuant to Act 209, Session Laws of
20 Hawaii 2021, or the chairperson's designee;



1 (7) The chief executive officer of the office of Hawaiian
2 affairs, or the chief executive officer's designee;

3 (8) The chief executive officer of Kamehameha Schools, or
4 the chief executive officer's designee; and

5 (9) The chief executive officer of Lili'uokalani Trust, or
6 the chief executive officer's designee.

7 (c) The malama ohana working group shall develop
8 recommendations to establish a child welfare system that is
9 trauma-informed, sustains a community-based partnership, and
10 responds to the needs of children and families in the system and
11 the community. In fulfilling its purpose, the working group
12 shall:

13 (1) Conduct informational meetings throughout the State
14 with affected constituencies;

15 (2) Convene meetings to develop recommendations to better
16 coordinate and improve the protection and well-being
17 of children and families in the State's child welfare
18 system;

19 (3) Identify training, best practices, assessment
20 criteria, and methods to sustain an effective
21 workforce within the child welfare services branch and



1 within the larger circle of community agencies serving
2 the child welfare system;

3 (4) Identify best practices, including Native Hawaiian
4 cultural practices, to assist children and youth who
5 are involved in the child welfare system and their
6 families;

7 (5) Identify other cultural practices that build wellness
8 and resilience in communities and collaboration
9 between communities and the child welfare services
10 branch; and

11 (6) Collaborate with the trauma-informed care task force,
12 and, where appropriate, conduct joint informational
13 meetings.

14 (d) Members of the malama ohana working group shall serve
15 without compensation but shall be reimbursed for reasonable
16 expenses necessary for the performance of their duties,
17 including travel expenses.

18 (e) The office of wellness and resilience may contract
19 with an administrative facilitator to provide necessary support
20 for the malama ohana working group in carrying out its duties,



1 including preparation of the report required pursuant to
2 subsection (f).

3 (f) The malama ohana working group shall submit a report
4 of its findings and recommendations, including any proposed
5 legislation, to the legislature no later than twenty days prior
6 to the convening of the regular session of 2025.

7 (g) The malama ohana working group shall be dissolved upon
8 adjournment sine die of the regular session of 2025.

9 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 14th day of June, 2023



GOVERNOR OF THE STATE OF HAWAII



THE SENATE OF THE STATE OF HAWAI'I

Date: May 4, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate

SB No. 295, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 4, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives