

---

---

# 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



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

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



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

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

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



1 agencies in their individual efforts to address trauma-informed  
2 care and move toward a collaborative, shared purpose of  
3 collective system reform.

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

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

- 19       (1) Establishing within the office of wellness and  
20             resilience the Malama Ohana working group to seek,



1 design, and recommend transformative changes to the  
2 State's existing child welfare system;

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

7 (3) Requiring the Malama Ohana working group to report to  
8 the legislature prior to the regular session of 2025;  
9 and

10 (4) Appropriating funds for the Malama Ohana working  
11 group.

12 SECTION 2. (a) There is established within the office of  
13 wellness and resilience for administrative purposes a Malama  
14 Ohana working group to seek, design, and recommend  
15 transformative changes to the State's existing child welfare  
16 system.

17 (b) The Malama Ohana working group shall consist of the  
18 following:

19 (1) The executive director of the office of wellness and  
20 resilience, or the executive director's designee, who  
21 shall serve as a co-chair of the working group;



- 1 (2) The director of human services, or the director's  
2 designee, who shall serve as a co-chair of the working  
3 group;
- 4 (3) A representative from the family court, who shall  
5 serve as a co-chair of the working group;
- 6 (4) The chief executive officer of the office of Hawaiian  
7 affairs, or the chief executive officer's designee;
- 8 (5) Two investigators, case managers, or their assistants,  
9 from the department of human services' child welfare  
10 services branch, as designated by the branch  
11 administrator;
- 12 (6) The chairperson of the trauma-informed care task force  
13 established within the department of health for  
14 administrative purposes pursuant to Act 209, Session  
15 Laws of Hawaii 2021, or the chairperson's designee;
- 16 (7) One representative from the Honolulu police  
17 department, who shall be appointed by the speaker of  
18 the house of representatives;
- 19 (8) One representative from the department of public  
20 safety or its successor agency, who shall be appointed  
21 by the president of the senate;



1           (9) One member of the house of representatives, who shall  
2           be appointed by the speaker of the house of  
3           representatives; and

4           (10) One member of the senate, who shall be appointed by  
5           the president of the senate.

6           (c) The Malama Ohana working group shall invite the  
7 following individuals to join the working group:

8           (1) The executive director of Effective Planning and  
9           Innovative Communication, Inc., doing business as EPIC  
10           ‘Ohana, Inc., or the executive director's designee, who  
11           shall be requested to serve as a co-chair of the  
12           working group;

13           (2) The chief executive officer of Hale Kipa, Inc., or the  
14           chief executive officer's designee, who shall be  
15           requested to serve as a co-chair of the working group;

16           (3) Two members from each of the following constituencies,  
17           whom the co-chairs shall invite to participate in the  
18           working group:

19           (A) Former foster youth;



- 1 (B) Birth parents who were involved in the child  
2 welfare system, specifically with the department  
3 of human services' child welfare services branch;
- 4 (C) Licensed resource caregivers; and
- 5 (D) Kinship resource caregivers;
- 6 (4) The chief executive officer of Kamehameha Schools, or  
7 the chief executive officer's designee;
- 8 (5) The chief executive officer of Lili'uokalani Trust, or  
9 the chief executive officer's designee;
- 10 (6) Two representatives from LGBTQ+ advocacy groups, one  
11 each to be appointed by the speaker of the house of  
12 representatives and president of the senate,  
13 respectively; and
- 14 (7) Two representatives from disability advocacy groups,  
15 one each to be appointed by the speaker of the house  
16 of representatives and president of the senate,  
17 respectively.
- 18 (d) The Malama Ohana working group shall develop  
19 recommendations to establish a child welfare system that is  
20 trauma-informed, sustains a community-based partnership, and  
21 responsive to the needs of children and families in the child



1 welfare system and the community. In fulfilling its purpose,  
2 the working group shall:

3 (1) Conduct informational meetings throughout the State  
4 with affected constituencies;

5 (2) Convene meetings to develop recommendations to better  
6 coordinate and improve the protection and well-being  
7 of children and families in the State's child welfare  
8 system;

9 (3) Identify training, best practices, assessment  
10 criteria, and methods to sustain an effective  
11 workforce within the child welfare services branch and  
12 within the larger circle of community agencies serving  
13 the child welfare system;

14 (4) Identify best practices, including those from Native  
15 Hawaiian cultural practices, to assist children and  
16 youth who are involved in the child welfare system and  
17 their families;

18 (5) Identify other cultural practices that build wellness  
19 and resilience in communities and collaboration  
20 between communities and the child welfare services  
21 branch; and



1 (6) Collaborate with the trauma-informed care task force,  
2 and, where appropriate, conduct joint informational  
3 meetings.

4 (e) Members of the Malama Ohana working group shall serve  
5 without compensation but shall be reimbursed for reasonable  
6 expenses necessary for the performance of their duties,  
7 including travel expenses.

8 (f) The office of wellness and resilience may contract  
9 with an administrative facilitator to provide necessary support  
10 for the Malama Ohana working group in carrying out its duties,  
11 including preparation of the report required pursuant to  
12 subsection (g).

13 (g) The Malama Ohana working group shall submit a report  
14 of its findings and recommendations, including any proposed  
15 legislation, to the legislature no later than twenty days prior  
16 to the convening of the regular session of 2025.

17 (h) The Malama Ohana working group shall be dissolved upon  
18 adjournment sine die of the regular session of 2025.

19 SECTION 3. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 much thereof as may be necessary for fiscal year 2023-2024 and



1 the same sum or so much thereof as may be necessary for fiscal  
2 year 2024-2025 for the Malama Ohana working group established  
3 pursuant to this Act, including for the office of wellness and  
4 resilience to contract with an administrative facilitator to  
5 provide necessary support for the working group in carrying out  
6 its duties.

7 The sums appropriated shall be expended by the office of  
8 the governor for the purposes of this Act.

9 SECTION 4. This Act shall take effect on December 31,  
10 2050.



**Report Title:**

Child Welfare System; Child Welfare Services; Office of Wellness and Resilience; Malama Ohana Working Group; Report; Appropriation

**Description:**

Establishes within the office of wellness and resilience the Malama Ohana working group to seek, design, and recommend transformative changes to the State's existing child welfare system and allow the office to contract with an administrative facilitator to provide necessary support for the working group. Requires the Malama Ohana working group to report to the legislature. Appropriates funds. Effective 12/31/2050. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

