

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 <sup>7</sup> 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

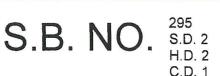
Sincerely,

Sreen M.D.

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

on\_\_\_\_\_JUN 1 4 2023

THE SENATE THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII



ACT 086

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 responsibilities of caring for and nurturing its keiki. This 17 18 kuleana, or responsibility and privilege, was collectively

2023-2813 SB295 CD1 SMA-2.docx 

shared by everyone. The responsibility of ensuring the welfare 1 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 without a shared decision about where the keiki would reside. 4 The overall well-being of the keiki was always at the center of 5 any decision made concerning the keiki. Traditional practices 6 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

# 2023-2813 SB295 CD1 SMA-2.docx

Page 3

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

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

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

# 2023-2813 SB295 CD1 SMA-2.docx



care and move toward a collaborative, shared purpose of
 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;

# 2023-2813 SB295 CD1 SMA-2.docx

Page 5

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	SECT	ION 2. (a) There is established within the office of
8	wellness a	and resilience for administrative purposes the malama
9	ohana wor]	king group to seek, design, and recommend
10	transforma	ative 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

# 2023-2813 SB295 CD1 SMA-2.docx

Page	6
------	---

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;

2023-2813 SB295 CD1 SMA-2.docx

Page 7

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	recommend	ations to establish a child welfare system that is
9	trauma-in	formed, sustains a community-based partnership, and
10	responds	to the needs of children and families in the system and
11	the commu	nity. 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

# 2023-2813 SB295 CD1 SMA-2.docx

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 c	compensation but shall be reimbursed for reasonable
16	expenses	necessary for the performance of their duties,
17	including	g 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,

# 2023-2813 SB295 CD1 SMA-2.docx





, 2023

including preparation of the report required pursuant to
 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.

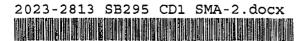
7 (g) The malama ohana working group shall be dissolved upon
8 adjournment sine die of the regular session of 2025.

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

APPROVED this 14th day of June

-Int Dree-

GOVERNOR OF THE STATE OF HAWAI'I



S.B. No. 295, S.D. 2, H.D. 2, C.D. 1

### 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

Cento Co

Clerk of the Senate

### 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.

our.

Scott K. Saiki Speaker House of Representatives

Mili Julie

Brian L. Takeshita Chief Clerk House of Representatives