

JAN 25 2023

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 whenever there is a tragedy. Shortcomings in
4 Hawaii's child welfare system are not new and there is strong
5 desire in the community to address the tragedies and concerns.
6 Before the disappearance of six-year-old Isabella Kalua at her
7 home in Waimanalo, the effects of the coronavirus disease 2019
8 pandemic were already having an outsized impact on Hawaii's
9 children and youth, further stressing the department of human
10 services and its social services division's child welfare
11 services branch.

12 The legislature further finds that although Native Hawaiian
13 children and families are overrepresented in the State's child
14 welfare system, the same issues and needs relate to all children
15 in the system. Historically, Native Hawaiian ancestors had a
16 very well-structured child welfare system in which the people
17 within the kauhale, or community, shared the responsibilities of



1 caring for and nurturing its keiki. This kuleana, or
2 responsibility and privilege, was collectively shared by
3 everyone. The responsibility of ensuring the welfare of keiki
4 was never meant to rest solely on the government and keiki were
5 certainly not intended to be removed from their ohana without a
6 shared decision on where the keiki would reside. The overall
7 well-being of the keiki was always at the center of any decision
8 made concerning the keiki. Traditional practices of hanai and
9 luhi (adoption or temporary care) were not seen as punitive or
10 demeaning but as means to provide comfort and reassurance that
11 the keiki would be in a safe, nurturing, and 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, that was
15 created by Effective Planning and Innovative Communication,
16 Inc., a nonprofit Hawaii corporation operating as EPIC 'Ohana,
17 Inc., 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 collaboration
20 for collective impact, and since its formation, the efforts of
21 its working groups have resulted in various positive outcomes.



1 For example, cultural training programs that were developed for
2 new child welfare services branch workers and resource
3 caregivers have now become a requirement by the department of
4 human services. Furthermore, the department now supports and
5 encourages connecting children in the child welfare system with
6 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 to
18 address the various barriers that impact the physical, social,
19 and emotional well-being of all people in the State by building
20 wellness and resilience through trauma-informed, strengths-based
21 strategies; and support agencies in their individual reform



1 efforts to address trauma-informed care and move toward a
2 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 consists of
5 members of the child welfare services branch, Native Hawaiian
6 serving institutions, contract service providers, community-
7 based organizations, and birth parents and youth with lived
8 experience in the State's child welfare system, outcomes can be
9 improved for not just Native Hawaiian children and families but
10 for all children and families in the State's child welfare
11 system. The legislature also believes that the working group
12 will contribute to the development of more effective community
13 supports while allowing the community to be heard and take more
14 responsibility for the well-being and welfare of children.

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

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



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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;

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

8 (4) Appropriating funds for the malama ohana working
9 group.

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

14 (b) The malama ohana working group shall consist of the
15 following members:

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



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

18 (3) Identify training, best practices, assessment
19 criteria, and methods to sustain an effective
20 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 those from Native
4 Hawaiian cultural practices, to assist children and
5 youth who were involved in the child welfare system
6 and their 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. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$250,000 or so much
11 thereof as may be necessary for fiscal year 2023-2024 and the
12 same sum or so much thereof as may be necessary for fiscal year
13 2024-2025 for the malama ohana working group established
14 pursuant to this Act, including for the office of wellness and
15 resilience to contract with an administrative facilitator to
16 provide necessary support for the working group in carrying out
17 its duties.

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

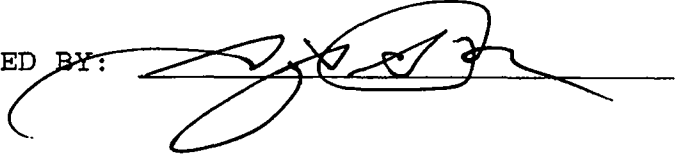
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1 SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:

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S.B. NO. 1211

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. Allows the Office of Wellness and Resilience to contract with an administrative facilitator to provide necessary support for the Malama Ohana Working Group in carrying out its duties. Requires the Malama Ohana Working Group to report to the Legislature prior to the Regular Session of 2025 and be dissolved upon the adjournment thereof. Appropriates funds.

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

