

JAN 20 2023

A BILL FOR AN ACT

RELATING TO CHILD WELFARE.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Expand the investigative powers of the department of
3 human services to include review and investigation of
4 families that receive benefits from the State's
5 adoption assistance program and against whom a
6 post-adoption complaint has been made;

7 (2) Require the department of human services to report to
8 the legislature before the convening of the regular
9 session of 2025 on the impact of expanding
10 post-permanency services to families receiving
11 benefits from the adoption assistance program;

12 (3) Require the department of human services to establish
13 a working group to seek, design, and recommend
14 transformative changes to the State's existing child
15 welfare system; and



1 (4) Appropriate funds to increase the procurement of
2 contracted services to provide additional support,
3 resources, and monitoring of post-permanency services.

4 SECTION 2. Section 346-301, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§346-301[+] Adoption assistance program
7 established[-]; review or investigation of program benefit
8 recipients. The department of human services shall maintain an
9 adoption assistance program to facilitate the adoption of
10 children with special needs. Families receiving benefits from
11 the adoption assistance program and against whom a post-adoption
12 complaint has been made with the department of human services
13 shall be subject to review or investigation in a manner, place,
14 and form as may be prescribed by the department or its
15 authorized agents in accordance with chapters 350 and 587A."

16 SECTION 3. The department of human services shall collect
17 and analyze data to determine the impact of expanding
18 post-permanency services to families receiving benefits from the
19 adoption assistance program and shall submit a report of its
20 findings and recommendations, including any proposed



1 legislation, to the legislature no later than twenty days prior
2 to the convening of the regular session of 2025.

3 SECTION 4. (a) There is established within the department
4 of human services, a Malama Ohana working group to consider,
5 develop, and recommend transformative changes to the State's
6 existing child welfare system.

7 (b) The Malama Ohana working group shall consist of the
8 following members:

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

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

16 (3) Four members of Na Kama a Haloa;

17 (4) Two members from each of the following constituencies,
18 selected by the board of directors of Epic Ohana, Inc.
19 that operates the Na Kama a Haloa program:

20 (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 service branch;
- 4 (C) Licensed resource caregivers; and
- 5 (D) Kinship resource caregivers;
- 6 (5) The director of human services or the director's
7 designee;
- 8 (6) Two members representing the child welfare services
9 branch's investigators, case managers, or their
10 assistants, designated by the branch administrator;
- 11 (7) The chairperson of the trauma-informed care task
12 force, or the chairperson's designee;
- 13 (8) The chief executive officer of the office of Hawaiian
14 affairs, or the chief executive officer's designee;
- 15 (9) The chief executive officer of Kamehameha Schools, or
16 the chief executive officer's designee; and
- 17 (10) The chief executive officer of Liliuokalani Trust, or
18 the chief executive officer's designee.
- 19 (c) The Malama Ohana working group shall develop
20 recommendations to establish a child welfare system that is
21 trauma informed, sustains a community-based partnership, and is



1 responsive to the needs of children and families in the system
2 as well as the community. In carrying out its purpose, the
3 working group shall:

4 (1) Conduct listening sessions throughout the State and
5 with affected constituencies;

6 (2) Convene meetings to brainstorm and develop concepts
7 for recommendation;

8 (3) Develop recommendations on ways to better coordinate
9 and improve the protection and well-being of children
10 and families in the child welfare system;

11 (4) Identify training, best practices, assessment
12 criteria, and ways to sustain an effective workforce
13 within the department of human services' child welfare
14 services branch;

15 (5) Identify training, best practices, assessment
16 criteria, and ways to sustain an effective workforce
17 within the community of agencies serving the child
18 welfare system;

19 (6) Identify best practices, including Native Hawaiian
20 cultural practices, that provide assistance to



1 children and youth who are involved in the child
2 welfare system and their families;

3 (7) Identify other cultural practices that build wellness
4 and resilience in communities and collaboration
5 between communities and the child welfare services
6 branch; and

7 (8) Collaborate with the trauma-informed care task force,
8 and where appropriate, conduct joint listening
9 sessions or design sessions for the purpose of
10 reforming the child welfare system.

11 (d) Members of the Malama Ohana working group shall serve
12 without compensation but shall be reimbursed for reasonable
13 expenses necessary for the performance of their duties,
14 including travel expenses. No member of the working group shall
15 be subject to chapter 84, Hawaii Revised Statutes, solely
16 because of the member's participation in the working group.

17 (e) The department of human services may contract with an
18 administrative facilitator to provide necessary support for the
19 Malama Ohana working group in carrying out its activities,
20 including preparation of the report required pursuant to
21 subsection (f).



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

5 (g) The Malama Ohana working group shall be dissolved on
6 June 30, 2025.

7 SECTION 5. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2023-2024 and
10 the same sum or so much thereof as may be necessary for fiscal
11 year 2024-2025 for the procurement of contracted services to
12 provide additional support, resources, and monitoring of
13 families receiving benefits from the State's adoption assistance
14 program for the purposes of assisting with family strengthening
15 and the maintenance of a safe home environment for adopted
16 children.

17 The sums appropriated shall be expended by the department
18 of human services for the purposes of this Act; provided that:

19 (1) \$ shall be expended for the development and
20 maintenance of necessary information technology



1 systems, including the establishment of full
2 time equivalent (FTE) positions;

3 (2) \$ shall be expended to increase compensation
4 to fill vacancies and retain employees in existing
5 child welfare services branch investigator, case
6 manager, and social worker positions; provided that
7 any increase in compensation shall be subject to
8 collective bargaining with the objective of
9 expeditiously filling all vacancies;

10 (3) \$ shall be expended for the department of
11 human services to contract with a third-party for
12 enhanced permanency support services, including
13 additional training for resource caregivers, wellness
14 visits within a year of adoption or guardianship of
15 children formerly in foster care, respite care, and
16 enhanced supportive services to assist with family
17 strengthening and maintenance of a safe home
18 environment for adopted children;

19 (4) \$ shall be expended for the establishment of
20 one full time equivalent (1.0 FTE) planner or project
21 specialist position to administer and monitor



1 additional service contracts and assist with
2 additional service coordination, data collection, and
3 analysis of the new program; and

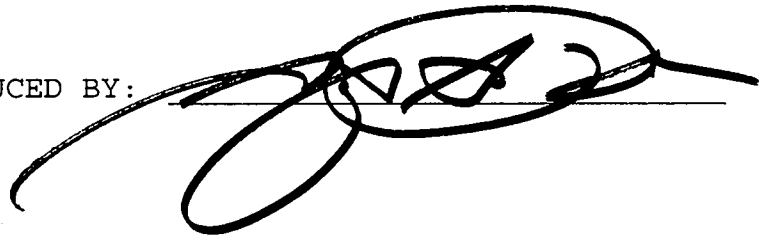
4 (5) § shall be expended for the Malama Ohana
5 working group established within the department of
6 human services pursuant to section 4 of this Act, to
7 contract with an administrative facilitator to provide
8 necessary support for the working group in carrying
9 out its activities.

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval;
13 provided that section 5 of this Act shall take effect on July 1,
14 2023, and section 4 of this Act shall be repealed on June 30,
15 2025.

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INTRODUCED BY:

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S.B. NO. 398

Report Title:

Department of Human Services; Foster Care; Adoption; Adoption Assistance Program; Review; Investigation; Malama Ohana Working Group; Post-Permanency Services; Report; Appropriation

Description:

Expands the investigative powers of the Department of Human Services to include review and investigation of families that receive benefits from the State's adoption assistance program, against whom a post-adoption complaint has been made. Requires the Department of Human Services to report to the Legislature prior to the convening of the 2025 Regular Session on the impact of expanding post-permanency services to families receiving benefits from the adoption assistance program. Establishes a working group within the Department of Human Services to consider, develop, and recommend transformative changes to the State's existing child welfare system, and report to the Legislature prior to the 2025 Regular Session. Appropriates funds to provide additional support, resources, and monitoring of post-permanency services. Repeals the Malama Ohana Working Group on 6/30/2025.

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

