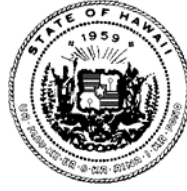


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DEPARTMENT OF HUMAN SERVICES
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March 1, 2023

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means

FROM: Cathy Betts, Director

SUBJECT: **SB 398 SD1 – RELATING TO THE CHILD WELFARE.**

Hearing: March 3, 2023, 10:00 AM.
Conference Room 225 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the Legislature's continued support of the department's efforts to prevent and address child abuse and neglect in Hawaii. DHS supports the proposed bill and provides amounts for the proposed appropriations.

PURPOSE: Requires the Department of Human Services to collect and analyze data to determine the impact of expanding post-permanency services to families receiving benefits from the adoption assistance program and report to the Legislature before the 2025 Regular Session. Appropriates funds. Effective 12/31/2050 (SD1)

The SD1 amended the measure by:

- (1) Deleting language that would have expanded 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 and against whom a post-adoption complaint has been made;

- (2) Deleting language that would have established the Malama Ohana Working Group in the Department of Human Services;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Section 2 directs DHS to collect and analyze data to determine the impact of expanding post-permanency services to families receiving adoption assistance and to provide a report to the Legislature. Notably, post-permanency services are voluntary, and their status as voluntary is essential to respecting the legality of the adoptive family. Currently, DHS offers post-permanency support services to all families statewide who adopt children from Hawaii's foster care system. Once an adoption is finalized the rights of the adoptive parents are the same as the rights of all other legal parents, meaning that Child Welfare Services only has the statutory authority to mandate services if there are concerns about child abuse and neglect as defined in sections 350-1, 350-2, and Chapter 587A, Hawaii Revised Statutes. CWS will work with families, youth, advocates, providers, and communities to see how to expand post-permanency services or activities to encourage more participation.

Section 3 makes appropriations for various services that support efforts to improve the child welfare system. Notably, DHS can seek federal reimbursement for a percentage of certain expenditures of general funds. DHS suggests the amounts discussed last session in [HB2424](#) for \$8,000,000 for each fiscal year of the biennium,

- \$8,000,000 or so much thereof for fiscal year 2023-2024 and the same sum or so much thereof as may be necessary for fiscal year 2024-2025 for the procurement of contracted services to provide additional support, resources, and monitoring of families receiving benefits from the State's adoption assistance program and permanency assistance program, for the purposes of assisting with family strengthening and the maintenance of a safe home environment for adopted children. The sums shall be expended by the department of human services for the purpose of this Act; provided that:
 - (1) \$1,000,000 shall be expended for the development and maintenance of necessary information technology systems, including the establishment of two full time equivalent (2.0 FTE) positions;
 - (2) \$1,200,000 shall be expended to increase compensation to fill vacancies and retain employees in existing child welfare services branch

investigator, case manager, and social worker positions; provided that any increase in compensation shall be subject to collective bargaining with the objective of expeditiously filling all vacancies;

- (3) \$800,000 shall be expended for the department of human services to contract with a third party for enhanced permanency support services, including additional training for resource caregivers, wellness visits within a year of adoption or guardianship of children formerly in foster care, respite care, and enhanced supportive services to assist with family strengthening and maintenance of a safe home environment for adopted children;
- (4) \$100,000 shall be expended for the establishment of one full time equivalent (1.0 FTE) planner or project specialist position to administer and monitor additional service contracts and assist with additional service coordination, data collection, and analysis of the new program; and

Thank you for the opportunity to provide comments on this measure.

SB-398-SD-1

Submitted on: 2/28/2023 7:34:46 PM

Testimony for JDC on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Testifying for Hawaii Coalition for Child Protective Reform	Oppose	Written Testimony Only

Comments:

Committee members,

SECTION 3 (3) was vetoed last year for being a violation of constitutional rights to conduct wellness visits. Lines 11-13 need to be deleted. Except for additional training for resource caregivers, services to adoptive/guardianship families must be by request only.

Marilyn Yamamoto

SB-398-SD-1

Submitted on: 3/2/2023 12:26:33 PM

Testimony for JDC on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nonohe Botelho	Testifying for Hawaii Coalition for Child Protective Reform	Oppose	Written Testimony Only

Comments:

Hawaii Coalition for Child Protective Reform OPPOSES SB398.

SECTION 3:3, is UNCONSTITUTIONAL. Wellness Checks for adoptive parents should be VOLUNTARY and not forced or required if there are no complaints against adoptive parents.