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# A BILL FOR AN ACT

RELATING TO CHILD WELFARE.

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

1           SECTION 1. The legislature finds that Act 86, Session Laws  
2 of Hawaii 2023, established the malama ohana working group,  
3 which was tasked with recommending transformative changes to the  
4 State's existing child welfare system. Over the course of  
5 fifteen months, seventeen members of the malama ohana working  
6 group, which represented those serving youth, as well as youth  
7 and families throughout the State, together with hundreds of  
8 community members, opened their hearts and listened deeply to  
9 the stories of lived experience within the child welfare system.

10           The malama ohana working group strove to develop  
11 recommendations to establish a child welfare system that is  
12 trauma-informed, sustains a community-based partnership, and  
13 responds to the needs of children and families in the system and  
14 the community. Their work resulted in a powerful vision for  
15 transforming how Hawaii supports families and protects children.

16           Among the many recommendations to move toward this vision  
17 was the establishment of a method for the independent resolution



1 of complaints concerning the child welfare system. Currently,  
2 the office of the ombudsman plays this role, upon request.

3 The legislature further finds that the office of the  
4 ombudsman is an independent agency of the legislature that  
5 investigates complaints about actions of executive branch  
6 agencies of the State and counties. The ombudsman serves as a  
7 neutral, independent intermediary between citizens and executive  
8 agencies. The ombudsman has the authority to obtain necessary  
9 information for an investigation and to recommend corrective  
10 action if a complaint is found to be substantiated.

11 As a first step in addressing concerns raised by the malama  
12 ohana working group, the legislature wishes to fully utilize the  
13 office of the ombudsman by raising awareness of the office as a  
14 resource for those who have complaints related to the child  
15 welfare services branch of the department of human services.

16 Therefore, the purpose of this Act is to:

17 (1) Require the office of the ombudsman to publish an  
18 annual report on its website that identifies the  
19 number and nature of complaints that it receives  
20 regarding the child welfare services branch of the  
21 department of human services; and



1           (2) Require the child welfare services branch of the  
2           department of human services to notify birth families,  
3           children in foster care, and resource caregivers that  
4           they can file a complaint with the office of the  
5           ombudsman.

6           SECTION 2. The office of the ombudsman shall publish on  
7           its website an annual report that identifies:

8           (1) The number and nature of complaints that the office of  
9           the ombudsman receives regarding the child welfare  
10          services branch of the department of human services;  
11          provided that for the purposes of this paragraph,  
12          "nature of complaint" means the relationship of the  
13          complainant with the child welfare services branch and  
14          the service provided by the child welfare services  
15          branch that is the subject of the complaint; and

16          (2) The disposition of those complaints.

17          SECTION 3. The child welfare services branch of the  
18          department of human services shall notify all individuals,  
19          including birth families, children in foster care, and resource  
20          caregivers, that they can also file a complaint with the office  
21          of the ombudsman if they disagree with a decision made by the



1 child welfare services branch when a case is first established  
2 and again at the time that an oral or written complaint is made  
3 to employees of the child welfare services branch.

4 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Office of the Ombudsman; Child Welfare Services Branch;  
Department of Human Services; Complaints

**Description:**

Requires the Office of the Ombudsman to publish an annual report on its website that identifies the number and nature of complaints that it receives regarding the Child Welfare Services Branch of the Department of Human Services. Requires the Child Welfare Services Branch to provide notification to certain parties that complaints can also be filed with the Office of the Ombudsman. Effective 7/1/3000. (HD3)

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

