
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)

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