

JAN 17 2025

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 the department of
2 human services is statutorily obligated to provide services "for
3 the protection and care of abused or neglected children and
4 children in danger of becoming delinquent to make paramount the
5 safety and health of children who are harmed or are in life
6 circumstances that threaten harm," pursuant to section 346-14,
7 Hawaii Revised Statutes. Through its child welfare services
8 branch, the department of human services places children who
9 cannot remain safely in their homes into foster homes until
10 those children can be reunited with their families or placed
11 with adoptive parents or legal guardians.

12 The legislature further finds that there have been a number
13 of egregious incidents involving the care of children under the
14 department of human services' supervision, including some that
15 have risen to the media's and public's attention. The
16 legislature acknowledges the significant staffing challenges of



1 the child welfare services branch in recruiting and retaining
2 staff that has led to a vacancy rate of over twenty per cent.

3 At the legislature's request, a performance audit of the
4 child welfare services branch was conducted by the state auditor
5 that was culminated in the report *Audit of the Department of*
6 *Human Services' Child Welfare Services Branch*, Report No. 24-05,
7 April 2024. The report did not alleviate concerns about the
8 branch's ability to fulfill its statutory obligation to protect
9 children. Based on the foregoing, the legislature concludes
10 that an oversight body is needed to recommend actions that will
11 reduce child harm and death and improve and strengthen the
12 effectiveness of the child welfare services branch.

13 The purpose of this Act is to establish and appropriate
14 funds for a temporary oversight commission for the child welfare
15 services branch of the social services division of the
16 department of human services.

17 SECTION 2. (a) There is established within the department
18 of the attorney general a child welfare services branch
19 oversight commission for the purpose of making recommendations
20 that will reduce child harm and death. The first meeting of the
21 commission shall be convened by the attorney general no later



1 than October 1, 2025. The department of the attorney general
2 shall provide administrative support to the commission.

3 (b) The commission shall consist of the following members:

4 (1) The attorney general, or a designee, who shall serve
5 as the chairperson of the commission;

6 (2) The director of human services, or a designee from a
7 division or branch other than the social services
8 division or the child welfare services branch;

9 (3) A representative of the department of health, to be
10 designated by the director of health;

11 (4) A representative of the office of the auditor;

12 (5) A member of the house of representatives, to be
13 appointed by the speaker of the house of
14 representatives;

15 (6) A member of the senate, to be appointed by the
16 president of the senate;

17 (7) Three representatives of different businesses or
18 nonprofit organizations having expertise in child
19 welfare services branch contracts, to be invited by
20 the chairperson; provided that the business or



1 organization does not have a current contract with the
2 child welfare services branch;

3 (8) Three representatives of different nonprofit
4 organizations that advocate for child welfare in the
5 State, to be invited by the chairperson;

6 (9) Two representatives of families who have had a child
7 placed into foster custody of the child welfare
8 services branch, to be invited by the chairperson;

9 (10) Two representatives of families who fostered or
10 adopted children through the child welfare services
11 branch, to be invited by the chairperson; and

12 (11) Two representatives of guardians ad litem who have
13 worked with the child welfare services branch, to be
14 invited by the chairperson; provided that the
15 representatives do not have a current contract with
16 the child welfare services branch.

17 (c) The commission shall:

18 (1) Review and assess case management procedures of the
19 child welfare services branch;

20 (2) Review and assess the training that is provided to the
21 child welfare services branch staff;



- 1 (3) Review and assess the necessary staffing levels and
2 other support provided to the child welfare services
3 branch by the department of human services;
4 (4) Address issues identified by the office of the
5 auditor's report *Audit of the Department of Human*
6 *Services' Child Welfare Services Branch*, Report No.
7 24-05, April 2024;
8 (5) Provide recommendations on, among other matters,
9 actions to reduce child harm and death;
10 (6) Make recommendations for legislation, funding, and
11 other needs for the child welfare services branch to
12 support the goals of the commission; and
13 (7) Submit an annual status report on the progress made in
14 reducing child harm and death in the State and
15 improving and strengthening the effectiveness of the
16 child welfare services branch to the legislature no
17 later than forty days prior to the convening of the
18 regular sessions of 2026, 2027, and 2028.
19 (d) The members of the child welfare services branch
20 oversight commission shall serve without compensation but shall



1 be reimbursed for expenses, including travel expenses, necessary
2 for the performance of their duties.

3 (e) The child welfare service branch oversight commission
4 shall be dissolved on June 30, 2028.

5 SECTION 3. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$25,000 or so much
7 thereof as may be necessary for fiscal year 2025-2026 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2026-2027 to convene and administer the child welfare services
10 branch oversight commission.

11 The sums appropriated shall be expended by the department
12 of the attorney general for the purposes of this Act.

13 SECTION 4. This Act shall take effect on July 1, 2025.

14

INTRODUCED BY: _____

Kul Nhoah



S.B. NO. 798

Report Title:

AG; DHS; CWS; Oversight Commission; Reports; Appropriations

Description:

Establishes a Child Welfare Services Branch (CWS) Oversight Commission within the Department of the Attorney General to review and assess case management procedures, training, staffing levels and other support given to CWS and address issues identified in the 2024 Auditor's Report on CWS and make recommendations on actions to reduce child harm and death and for legislation, funding, and other needs for CWS to support the goals of the Commission. Requires annual status reports to the Legislature. Dissolves the Commission on 6/30/2028. 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.

