



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1805, H.D. 1, RELATING TO CHILD WELFARE.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Thursday, February 26, 2026      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Tiffany R. Chang, Lynne M. Youmans, or  
Regina Anne M. Shimada, Deputy Attorneys General

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Chair Todd and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This bill establishes an Office of the Child Advocate within the Department, for administrative purposes. Under the bill, the Child Advocate shall be appointed solely by the Legislature. The bill further states that the Office of the Child Advocate "shall be independent of any agency in the performance of the office's duties."

There are currently three offices wherein the administrator is appointed by the Legislature: (1) the Auditor, chapter 23, Hawaii Revised Statutes (HRS); (2) the Legislative Reference Bureau, chapter 23G, HRS; and (3) the Ombudsman, chapter 96, HRS. All three of these offices are fully independent of any executive branch agency.

In contrast, the administrators of statutorily created divisions and attached agencies of the Department are appointed either by the Attorney General or by a board or commission whose members are appointed by the Governor pursuant to section 26-34, HRS. For example, the administrators of the Hawai'i Criminal Justice Data Center, section 846-2, HRS, the Crime Prevention and Justice Assistance Division, section 28-10.6, HRS, and the Child Support Enforcement Agency, section 576D-11, HRS, are all appointed by the Attorney General. Similarly, the members of the Law Enforcement

Standards Board are appointed by the Governor, and the board appoints the administrator.

The Department understands that the Legislature intends the Child Advocate to be independent of all other state agencies. Because of that, we believe it would be difficult to place the Office of the Child Advocate within or attached to any existing state agency. Therefore, we suggest that the Office of the Child Advocate be established as an entirely separate legislative entity under a new chapter, which could be similar to the statutory framework of the Auditor, the Ombudsman, and the Legislative Reference Bureau, thus ensuring independence.

Thank you for the opportunity to provide comments.



Robin K. Matsunaga  
Ombudsman

Yvonne M.F. Jinbo  
First Assistant

**OFFICE OF THE OMBUDSMAN**  
**STATE OF HAWAII**  
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**TESTIMONY OF ROBIN K. MATSUNAGA, OMBUDSMAN,  
ON H.B. NO. 1805, H.D. 1, A BILL FOR AN ACT  
RELATING TO CHILD WELFARE**

**HOUSE COMMITTEE ON FINANCE**

**FEBRUARY 26, 2026**

Chair Todd and Members of the Committee on Finance:

Thank you for the opportunity to present comments on H.B. No. 1805, H.D. 1. I support the intent of this bill to create an Office of the Child Advocate to independently address issues within the child welfare system. I believe creating an advocate for children in Hawaii's child welfare system would be an effective step towards improving that system, based on the success child advocate offices in other states have been able to achieve in improving outcomes for children in their state's child welfare system. Almost all of these offices are established in the executive branch, but are able to function independently from the agencies they have jurisdiction over. Therefore, to administratively attach the proposed office to the Department of the Attorney General or another executive branch department would not be inappropriate.

Thank you for the opportunity to submit comment on this bill.



# UNIVERSITY OF HAWAII SYSTEM

## ‘ŌNAEHANA KULANUI O HAWAII

### Legislative Testimony

### Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the  
House Committee on Finance  
February 26, 2026 at 10:00 a.m.

By

Debora Halbert  
Vice President for Academic Strategy  
University of Hawai'i System

HB 1805 HD1 – RELATING TO CHILD WELFARE.

Chair Todd, Vice Chair Takenouchi, and Members of the Committee:

The University of Hawai'i (UH) offers comments on HB 1805 HD1– Relating to Child Welfare. UH shares the Legislature's commitment to the health, safety, and well-being of children and their families. HB 1805 HD1 includes the University of Hawai'i within the definition of "agency" found in HRS §96-1, thereby subjecting UH to oversight by the proposed Office of the Child Advocate. UH respectfully requests clarification regarding the intended scope of this oversight to ensure appropriate alignment of responsibilities and resources. Specifically, does the Legislature intend active oversight of all UH programs involving minors, or is oversight intended to focus on programs that are analogous to traditional child-serving or child welfare services?

UH encompasses a range of activities that may involve minors, including but not limited to: campus childcare facilities, dual enrollment and Early College programs serving high school students, cooperative extension and 4-H youth programs, youth summer programs and camps, and research activities involving minors under federally regulated human subject protocols. Additionally, some students are still minors when they initially matriculate to a UH campus. Clarifying which UH functions fall under the umbrella of this legislation would help avoid unintended overbreadth and ensure that the Office of the Child Advocate can focus its oversight where it is most impactful.

UH also seeks clarification regarding Section 96-E(b), which grants the Child Advocate access to records "except where specifically prohibited by federal law." As an institution subject to the Family Educational Rights and Privacy Act (FERPA), UH must comply with federal requirements governing access to and disclosure of student education records. FERPA permits disclosure of education records to state and local officials when such disclosure is authorized by state statute, provided that required conditions and documentation are met. To ensure consistency with federal law, UH respectfully suggests consideration of language confirming that any access to education records by the Child Advocate shall comply with FERPA's procedural and documentation requirements, and requests for records will include the written certification of purpose and need required under federal regulations.

UH operates under extensive federal oversight for programs and activities involving minors, including compliance with Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and adhering to federal regulations governing the protection of human subjects in research, including additional safeguards for children. To avoid duplicative or conflicting investigative processes, UH suggests consideration of language that would require coordination where there are existing federal investigations prior to initiating parallel state investigations. UH also suggests that language is included to permit acceptance of federal compliance documentation where applicable and recognize federal jurisdiction where matters are already under federal review. Such coordination would promote efficiency and ensure consistent protections for children.

The University of Hawai'i supports the Legislature's goal of strengthening child welfare oversight and appreciates the opportunity to provide these comments.

Mahalo for the opportunity to testify.

JOSH GREEN, M.D.  
GOVERNOR



MARK PATTERSON  
CHAIR

CHRISTIN M. JOHNSON  
OVERSIGHT COORDINATOR

COMMISSIONERS  
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
**E HUIKALA A MA'EMA'E NŌ**  
235 S. Beretania Street, 16<sup>th</sup> Floor  
HONOLULU, HAWAII 96813  
(808) 587-4160

TO: The Honorable Chris Todd, Chair  
The Honorable Jenna Takenouchi, Vice Chair  
House Committee on Finance

FROM: Mark Patterson, Chair  
Hawai'i Correctional System Oversight Commission

SUBJECT: House Bill 1805, House Draft 1, Relating to Child Welfare  
Hearing: Thursday, February 26, 2026; 10:00 a.m.  
State Capitol, Room 308

Chair Todd, Vice Chair Takenouchi, and Members of the Committee:

The Hawai'i Correctional System Oversight Commission (HCSOC) submits testimony in **support** of House Bill 1805, House Draft 1, relating to child welfare, which establishes an independent Office of the Child Advocate to oversee and evaluate the delivery of services to children and their families by various state agencies and entities, receive and investigate complaints, and make recommendations for improvement.

Children of incarcerated parents and youth involved in the foster care or child welfare system face a substantially higher risk of incarceration later in life. This heightened risk is often linked to preventable trauma, instability, and systemic failures experienced while navigating child welfare systems. These realities underscore the urgent need for strong, independent oversight to ensure vulnerable children are protected, supported, and not further harmed by the systems meant to serve them. Independent oversight plays a critical role in identifying systemic breakdowns early, promoting timely interventions, and safeguarding children's rights, safety, and long-term well-being—particularly for those at the intersection of the child welfare and justice systems.

Independent oversight of systems serving vulnerable populations is widely recognized as a best practice. The Commission's experience demonstrates that transparency, rigorous review, and public accountability drive meaningful improvements in safety, rehabilitative and therapeutic focuses, and overall system performance. Oversight helps uncover gaps in care, protects vulnerable populations, strengthens agency accountability, and builds public trust. Establishing an Office of the Child Advocate would extend these proven oversight principles to the child welfare system, providing impartial monitoring, investigating complaints, and advancing evidence-based recommendations to improve policies, practices, and outcomes for children and families.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-849-3580 or at [christin.m.johnson@hawaii.gov](mailto:christin.m.johnson@hawaii.gov). Thank you for the opportunity to testify.



# HOALOHA PROJECT

*Serving foster keiki of Hawai'i*

Aloha Chair Todd, Vice Chair Takenouchi, and Members of the Committee,

Mahalo for the opportunity to testify again in strong support of HB1805.

Hoaloha Project respectfully **supports** this measure. As a nonprofit founded by individuals who have experienced Hawaii's foster care system firsthand, we understand the importance of ensuring that every keiki has a strong and independent advocate.

While we work to support foster youth navigating the system, we know from lived experience that their voices can go unheard beyond the walls of a foster home. With more than 1,000 children in Hawai'i's foster care system, even the most dedicated professionals can become overwhelmed. We deeply appreciate the difficult work of Child Welfare Services workers, who continue to serve our keiki under challenging conditions and heavy caseloads.

Establishing an independent Office of the Child Advocate would strengthen oversight, transparency, and accountability — helping ensure fewer keiki slip through the cracks of an overburdened system.

Beyond improving safety and outcomes, independent oversight can help the State avoid costly litigation, protect federal Title IV-E reimbursements, and identify systemic failures before they result in tragedy or financial liability. Investing in accountability and prevention is both fiscally responsible and essential to restoring public trust.

The voices of foster youth are too often overlooked within complex systems, leaving their needs unmet and concerns unaddressed. An impartial advocate helps ensure that safety, well-being, and rights remain the highest priority.

HB1805 represents an important step toward preventing harm and ensuring Hawai'i's most vulnerable keiki are protected and heard.

Hoaloha Project respectfully urges your support.

We appreciate your commitment to Hawai'i's keiki.

Mahalo nui,

*Ku'u Pasco*

Ku'u Pasco  
Executive Director  
Hoaloha Project

**HB-1805-HD-1**

Submitted on: 2/24/2026 10:35:25 PM

Testimony for FIN on 2/26/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

1805 HB RELATING TO CHILD WELFARE.

**HB-1805-HD-1**

Submitted on: 2/24/2026 10:57:31 AM

Testimony for FIN on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice-Chair and committee,

Hawai'i is in desperate need of oversight for Child Welfare Services, but I **oppose this bill**.

Last session a bill for oversight and complaints of child welfare was submitted to be housed in the Office of the Ombudsman. Testimony was in opposition for various good reasons, including by the Ombudsman himself. This year, the same office is suggested to be placed in the Office of the Attorney General, the same agency that defends Child Welfare! Additionally, the Attorney General's testimony aims to incorporate the office into the Ombudsman that was deferred last year! **Neither of these offices are independent or unbiased.**

I suggest that states such as Kansas and Arizona be duplicated to fulfill at least complete independence from other offices in the state and that the **Child Advocate office should answer only to the Governor.**

Marilyn Yamamoto, advocate for parents in the child welfare system.

**HB-1805-HD-1**

Submitted on: 2/25/2026 9:13:21 AM

Testimony for FIN on 2/26/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Chiwa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Representative Todd, Vice Chair Representative Takenouchi and Members of the Committee on Finance.

Please support HB 1805 HD 1 which I strongly support. Thank you very much to all of the representatives who co-sponsored this bill. Establishing the Office of the Child Advocate, as described in this bill, will, I think, greatly improve services to children and their families by state agencies.

Again, please support HB 1805 HD 1.

Mahalo.

Jennifer Chiwa

Makiki and life long resident of Oahu

House of Representatives - State of Hawaii  
Thirty-Third Legislature, 2026  
February 26, 2026 at 10:00 AM

To whom it may concern,

RE: HB1805 HD1

My name is Haley Fleming, a current University of Hawaii Bachelors in Social Work student in their Junior year, and I am writing to give my utmost approval with this bill. As we know within the news, we have unfortunately witnessed far too many deaths within foster homes, especially with young children. I especially have been struck with anger and frustration with Child Welfare, and their incompleteness to further protect our keiki from such horrible and disgusting people. Those children who are no longer here with us on Earth should have been able to live, grow up, and most importantly, have hope in the future with a safe and thriving home. I am hoping that in my future once I graduate, I can work amongst foster children in order to find their forever homes, and to ensure their safety, wellbeing, emotional and physical health. Having more oversight on people directly working with children and families can allow for thorough investigations, and essentially 'double check' their work to make sure everything is up to date, and especially is within legal requirements. With an individual as a child advocate, we have the resource for children to be able to speak up if they also feel something is not right, as it is the child advocate's job to make sure that everything is okay at home, on paper, and within the courts. Having credible records is also extremely relevant, as we can continue our research on how to better support keiki and their ohana moving forward with statistical evidence. Mahalo for taking the time to read this and once again, I approve of this bill, and supporting our foster children in Hawaii.

Haley Fleming - [haleyfl@hawaii.edu](mailto:haleyfl@hawaii.edu) // (808) 291-5070