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TESTIMONY OF ROBIN K. MATSUNAGA, OMBUDSMAN,
ON H.B. NO. 1805, A BILL FOR AN ACT
RELATING TO CHILD WELFARE

HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

FEBRUARY 18, 2026

Chair Holt and Members of the Committee on Legislative Management:

Thank you for the opportunity to present comments on H.B. No. 1805. 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.

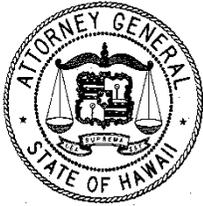
I believe the authors of this bill, understanding the importance of independence, drafted the bill to administratively attach the child advocate office to my office in order to provide the child advocate office both functional and structural independence. However, administratively attaching the child advocate office to my office will cause a number of adverse consequences for my office that the bill authors may not have been aware of, which I will explain below.

Attaching the Office of the Child Advocate to the Office of the Ombudsman for administrative purposes will suggest that the function of my office is also to provide advocacy services, which we do not provide. I strongly believe this misunderstanding of my office's function will cause persons who seek the services of my office to become more frustrated and discontented with government.

In addition, my office has no physical space to house the Child Advocate or any additional staff. If administratively attached to my office, I believe my office will be responsible for assisting the Child Advocate in finding office space, developing position descriptions, hiring necessary staff, and providing office supplies, computer equipment, etc. These additional responsibilities will place an unreasonable burden on my Administrative Services Officer, who is the only employee who performs the human resources and fiscal officer services in my office.

I would like to suggest that consideration be given to attaching the Office of the Child Advocate to an agency of the executive branch, such as the Department of the Attorney General, similar to what the legislature chose to do with the Correctional System Oversight Commission; or to the Department of Health, whose goals include promoting health and well-being, preventing disease and injury, and promoting the strength and integrity of families and communities.

Thank you for your consideration of this testimony and for your support of my office.



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

DATE: Wednesday, February 18, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 430

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

Chair Holt and Members of the Committee:

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

This bill establishes an independent Office of the Child Advocate within the Office of the Ombudsman, for administrative purposes.

We are concerned that the oversight authority of the Office of the Child Advocate, as currently in the bill, may be overbroad.

Section 96-5, Hawaii Revised Statutes (HRS), grants the Ombudsman the "jurisdiction to investigate the administrative acts of agencies." The definition of "agency," as used in chapter 96, HRS, explicitly excludes from investigation the Judiciary, Legislature, heads of the Executive Branch of the state and county governments, or any federal or multistate governmental bodies. Because the Office of the Ombudsman is an independent agency of the Legislature, this limitation avoids possible violations of the separation of powers or, in the case of federal bodies, violations of the Supremacy Clause.

We note, however, that this bill does not include those same limitations for the Child Advocate. We, therefore, recommend deleting the definition of "state agency" from section 96-A, at page 3, line 20, to page 4, line 14, and replacing it with a definition of "agency," as follows:

"Agency" has the same meaning as in section 96-1."

The definition would then need to be placed alphabetically within the section. We further recommend that each reference to "state agency" in the bill be amended to "agency."

The Department also notes that the Office of the Ombudsman already has the personnel, infrastructure, and statutory framework to accomplish the goals of this bill. It has a long history of independent oversight that ensures our state agencies work for the people they are meant to serve. As such, we recommend creating the Office of the Child Advocate as a division of the Office of the Ombudsman, with a specialized mandate over child welfare services. The Legislature has established similar statutorily authorized units with specialized purviews within the Department, like the Organized Crime Unit, section 28-71, HRS, Medicaid Fraud Unit, section 28-91, HRS, and Drug Nuisance Abatement Unit, section 28-131, HRS.

Therefore, we recommend amending section 96-B, page 4, lines 16-18, as follows:

There is established a division within the office of the ombudsman [~~for administrative purposes only~~], which shall be called the office of the child advocate.

Accordingly, we also recommend deleting sections 7 through 11, at page 13, line 13, through page 23, line 12), because the proposed amendments, to section 28-8.3, HRS, page 16, line 4; section 84-18, HRS, page 19, lines 13-14; section 89C-1.5, HRS, page 20, line 5; section 92F-19, HRS, page 22, lines 10-11; and section 353-29, HRS, page 23, line 9, would no longer be necessary. Sections 12 to 16 would need to be renumbered.

Thank you for the opportunity to provide comments.



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 Legislative Management
February 18, 2026 at 2:00 p.m.

By

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

HB 1805 – RELATING TO CHILD WELFARE.

Chair Holt, Vice Chair Quinlan, and Members of the Committee:

The University of Hawai'i (UH) offers comments on HB 1805 – Relating to Child Welfare. UH shares the Legislature's commitment to the health, safety, and well-being of children and their families. HB 1805 includes the University of Hawai'i within the definition of a "state agency," 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.



HOALOHA PROJECT

Serving foster keiki of Hawai'i

Aloha Chair Holt, Chair Todd, and Members of the Committees,

Hoaloha Project respectfully offers **strong support** for HB1805. As a nonprofit founded by individuals who have experienced Hawai'i's foster care system firsthand, we understand the necessity of ensuring that every keiki has a strong advocate.

While we do our best to provide programs to help foster youth navigate the system, their voices can still go unheard beyond the walls of a foster home — **something we know from our own experiences.**

With more than 1,000 children in Hawai'i's foster care system, even the most dedicated professionals can become overwhelmed. We recognize and deeply appreciate the difficult work of Child Welfare Services (CWS) workers, who continue to serve our keiki under challenging conditions and heavy caseloads.

Establishing an independent Office of the Child Advocate will provide much needed support through strengthened oversight, transparency, and accountability, helping ensure that fewer keiki slip through the cracks of an overburdened system.

The voices of foster youth are too often overlooked or dismissed within complex systems, leaving their needs unmet and concerns unaddressed. An impartial advocate provides reassurance 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 urges your support.

We thank you for your commitment to Hawai'i's keiki.

Mahalo nui,

Ku'u Pasco

Ku'u Pasco
Executive Director
Hoaloha Project



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
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(808) 587-4160

TO: The Honorable Daniel Holt, Chair
The Honorable Sean Quinlan, Vice Chair
House Committee on Legislative Management

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

SUBJECT: House Bill 1805, Relating to Child Welfare
Hearing: Wednesday, February 18, 2026; 2:00 p.m.
State Capitol, Room 430

Chair Holt, Vice Chair Quinlan, and Members of the Committee:

The Hawai'i Correctional System Oversight Commission (HCSOC) submits testimony in **support** of House Bill 1805, 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. Thank you for the opportunity to testify.