

ACT 336

H.B. NO. 1453

A Bill for an Act Relating to Hawaii Children's Trust Fund.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to establish the Hawaii children's trust fund to serve as a medium for a public-private partnership for family strengthening to prevent child abuse and neglect. Research performed nationally and locally indicates that child abuse and neglect are preventable through programs and activities which strengthen the family through education and support. The fund will make grants to private nonprofit organizations, public agencies, or qualified persons in order to provide community-based services and education designed to strengthen families and prevent child abuse and neglect. The fund shall serve as a mechanism to maximize financial resources for this endeavor by serving as a repository for federal and state funds, as well as private contributions from corporations and other businesses, foundations, individuals, and other interested parties.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII CHILDREN’S TRUST FUND**

§ -1 **Definitions.** As used in this chapter, unless the context clearly requires otherwise:

“Advisory committee” means the component of the Hawaii children’s trust fund coalition that serves in an advisory capacity to the trust fund and the department of health.

“Board” means the Hawaii children’s trust fund advisory board.

“Child abuse and neglect” has the same meaning as “child abuse or neglect” as defined in section 350-1.

“Coalition” means the Hawaii children’s trust fund coalition.

“Primary prevention” means efforts targeting the general population designed to promote the general welfare of children and families prior to any occurrence of abuse or neglect.

“Secondary prevention” means efforts targeting children and families that are considered, because of their life situations, to be at risk of abuse or neglect.

“Trust fund” or “fund” means the Hawaii children’s trust fund.

§ -2 **Creation of the Hawaii children’s trust fund.** (a) There is established the Hawaii children’s trust fund as a separate fund of the Hawaii Community Foundation, a Hawaii nonprofit corporation. Moneys received from the state, county, or federal government, and private contributions of cash and other property, and the income and capital gains earned by the fund shall constitute the trust fund assets.

(b) The Hawaii Community Foundation shall have the responsibility for the expenditure of moneys from the trust fund for the purposes of this chapter.

(c) The purpose of the trust fund is to strengthen families primarily by the award of grants for primary and secondary prevention activities to prevent child abuse and neglect.

(d) The fund may receive contributions, grants, or gifts in cash or otherwise from all sources. The legislature intends that the public and private sectors work together as partners in securing contributions for the fund. The State may donate moneys to the trust fund by legislative appropriation; provided that any appropriations made by the State are not intended to supplant the funding of existing prevention programs.

(e) There shall be an endowment component of the Hawaii children’s trust fund.

(f) The aggregate principal sum deposited in the Hawaii children’s trust fund, and any income and capital gains earned by the trust fund but not expended for grantmaking or administration, shall be invested in accordance with the provisions of the Hawaii Community Foundation in a manner intended to maximize the rate of return on investment of the trust fund consistent with the objective of preserving the trust fund’s principal.

(g) The department of health shall serve as the lead agency for the public sector and, in conjunction with the Hawaii Community Foundation, may provide staffing for the board, the coalition, and advisory committee.

(h) Results of the annual audit of the Hawaii Community Foundation shall be submitted to the department of health not later than thirty days from the date the Hawaii Community Foundation receives the audit results. The Hawaii Community Foundation shall retain for three years all documents, papers, books, records, and

other material pertinent to the fund and audit. The Hawaii Community Foundation shall permit the department of health, the department of accounting and general services, the legislature, and the auditor, or their authorized representatives, to inspect and have access to any of these materials.

(i) In the event of the termination of the trust fund or the dissolution of the Hawaii Community Foundation, the unspent appropriations made by the State, if any, shall revert back to the State. Any other amounts remaining in the Hawaii children's trust fund shall be distributed at the recommendation of the board.

§ -3 **Receipt of funds.** The fund may accept contributions, grants, or gifts from corporations or other businesses, foundations, government, individuals, and other interested parties.

§ -4 **Hawaii children's trust fund advisory board.** (a) There shall be a Hawaii children's trust fund advisory board, which shall make the final recommendations to the Hawaii Community Foundation for the expenditure of funds for the following activities:

- (1) Grantmaking with private nonprofit organizations, public agencies, or qualified individuals to provide community-based services and education designed to strengthen families to prevent child abuse and neglect;
 - (2) Grantmaking to raise community awareness of the trust fund; and
 - (3) Administration of the trust fund.
- (b) The board shall consist of seven members to be appointed as follows:
- (1) One member shall be selected by the Hawaii Community Foundation to serve for a term of three years. This member may not serve more than two consecutive terms.
 - (2) Three members shall be appointed by the governor from a list of names of seven persons submitted by the Hawaii Community Foundation. Each of these three members shall serve for a term of three years, except that the terms of the initial board members shall be staggered as follows: one member shall be appointed to a one-year term, one member shall be appointed to a two-year term, and one member shall be appointed to a three-year term. None of these three members shall serve for more than two consecutive terms.
 - (3) One member shall be appointed from among the members of the senate by the president of the senate, to serve until the expiration of the member's term in the senate during which the member is appointed.
 - (4) One member shall be appointed from among the members of the house of representatives by the speaker of the house to serve until the expiration of the member's term in the house of representatives during which the member is appointed.
 - (5) One member shall be the director of health or the director's designee.

§ -5 **Hawaii children's trust fund coalition.** There shall be a Hawaii children's trust fund coalition which, through its advisory committee, shall develop policy, planning, strategy, and publicize the fund, as well as solicit public and private moneys for the fund. The coalition shall serve as a forum for addressing the issue of family strengthening, and for promoting strategies and statewide planning for the prevention of child abuse and neglect. Membership in the coalition shall be open to any representative of any agency and any individual committed to strengthening families to prevent child abuse and neglect.

§ -6 **Hawaii children's trust fund advisory committee.** (a) There shall be an advisory committee of the Hawaii children's trust fund coalition. The advisory committee shall provide leadership for the coalition. Members of the advisory committee shall be initially selected prior to December 1, 1993.

(b) The advisory committee shall perform the following functions:

- (1) Promote statewide planning and strategies for strengthening families with the intent of preventing child abuse and neglect;
- (2) Establish criteria and guidelines for grantmaking for the board;
- (3) Publicize the fund and solicit moneys from public and private sources, in collaboration with the board;
- (4) Advise the department of health on matters involving the prevention of child abuse and neglect; and
- (5) Facilitate the exchange of information between groups concerned with families and children.

(c) The advisory committee shall include private and public members. Public sector representation shall include the department of health, department of human services, department of education, office of children and youth, office of youth services, and the judiciary. The coalition shall elect the private sector representatives, whose membership shall equal one more than the number of public sector representatives.

(d) Each member of the advisory committee shall have one vote, except that the representative of the department of health shall not vote on matters relating to advising the department of health. The advisory committee shall elect its officers.

§ -7 **Grants.** Grants provided for the strengthening of families, with the intent of preventing child abuse and neglect, may include, but are not limited to, the following:

- (1) Programs for families to increase the family unit's capability to create a healthy environment in which each member may develop to the member's fullest potential;
- (2) Programs for parents to increase their ability to provide a safe and nurturing environment for their children;
- (3) Programs for children to increase their ability to form healthy relationships, and to avoid and cope with dangerous situations;
- (4) Training and education for professionals, including making information about the problems of child abuse and neglect available to agencies dealing with these problems;
- (5) General community education to increase the community's awareness of the needs of families and children, and of the issues of child abuse and neglect and its prevention; and
- (6) Research, evaluation, and advocacy activities related to the prevention of child abuse and neglect."

SECTION 3. Section 321-38, Hawaii Revised Statutes, is amended to read as follows:

"[§321-38] **[Child abuse and neglect secondary prevention advisory committee.** (a) There is established within the department for administrative purposes the child abuse and neglect secondary prevention advisory committee. The committee shall consist of seven members appointed by the governor as provided in section 26-34; except that members shall be appointed for three-year terms. The members shall be officers or employees of public and private agencies which provide multidisciplinary intervention services for the secondary prevention of child abuse and neglect.

(b) The advisory committee shall advise the department on implementation of this part.

(c) The advisory committee shall elect its officers.

(d) Members of the advisory committee shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.] **Hawaii children's trust fund advisory committee.** There is established the Hawaii children's trust fund advisory committee as provided in section -6. The advisory committee shall have the functions as provided in section -6(b)."

SECTION 4. The director of health shall publicly announce the time and place of the initial meeting of the coalition, to be convened before December 1, 1993.

SECTION 5. There shall be appropriated out of the general revenues of the State of Hawaii the sum of \$1, or so much thereof as may be necessary for fiscal year 1993-1994, to the Hawaii children's trust fund for the purposes of this Act.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 6. If any provision of this Act, or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which may be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon approval; provided that section 5 shall take effect on July 1, 1993.

(Approved June 30, 1993.)