

ACT 74

S.B. NO. 1106

A Bill for an Act Making an Emergency Appropriation for the Department of Human Services.

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

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with article VII, section 9, of the constitution of the State of Hawaii.

SECTION 2. Act 281, Session Laws of Hawaii 2000, appropriated a sum of money to the department of human services to provide funds for child welfare services under the department's social services division for the fiscal period beginning July 1, 2000, and ending June 30, 2001.

A critical funding emergency exists. At a hearing relating to the *Felix v. Cayetano* consent decree on August 2, 2000, the United States District Court for the District of Hawaii ordered the department to hire interagency case coordinators and case aides to deliver direct and support services to children, foster parents, and social workers involved with court-ordered benchmarks.

The court also ordered the expansion of contracted services to recruit and support foster parents for special needs children and to expand comprehensive services for the child welfare services population.

To comply with these orders, additional funds are urgently needed.

SECTION 3. It is the legislature's intention to fully fund the fiscal year 2000-2001 emergency appropriation requested by each department affected by the *Felix v. Cayetano* consent decree. Funding for fiscal biennium 2001-2003 is dependent upon the monetary needs demonstrated and is reflected in the General Appropriations Act for fiscal biennium 2001-2003.

As the executive branch has submitted written requests for the specific amounts which it believes are necessary for it to meet the *Felix* decree, it is expected that with the passage of *Felix* emergency appropriation bills for each department and the budget bill, the departments will meet their obligations under the consent decree in a timely manner for this year and for fiscal year 2001-2002.

By written communication submitted by the governor to the speaker of the house of representatives dated February 6, 2001, the department of human services requested an appropriation of \$1,800,000 in connection with the *Felix* decree, as an emergency appropriation.

The purpose of this Act is to fully fund that request, as part of the full funding for all the departments' *Felix* needs for this and the coming fiscal year.

SECTION 4. Act 116, Session Laws of Hawaii 1999, is amended by amending section 4 to read as follows:

“SECTION 4. There is established in the department of human services the child welfare services demonstration project to assist and support social workers to improve the delivery of child welfare services. The department of human services may hire employees for this demonstration project without regard to chapters 76, 77, and 78, Hawaii Revised Statutes. The demonstration project shall be supervised by child welfare services staff, who shall be responsible for assignments and supervision of the demonstration project employees and coordination with the other units. The child welfare services demonstration project shall cease to exist on [~~June 28, 2001~~] July 1, 2001.”

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,800,000 or so much thereof as may be necessary for fiscal year 2000-2001 to be used to:

- (1) Hire interagency case coordinators and case aides to deliver direct and support services to children, foster parents, and social workers involved with court-ordered benchmarks;
- (2) Expand contracted services to recruit and support foster parents for special needs children; and
- (3) Expand comprehensive services for the child welfare services population.

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

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved April 27, 2001.)