

ACT 250

S.B. NO. 1137

A Bill for an Act Relating to the Spouse and Child Abuse Special Fund.

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

SECTION 1. The legislature finds that Congress passed the Family First Prevention Services Act (Family First) as part of the Bipartisan Budget Act of 2018, Public Law 115-123. Family First changes the way states may spend and claim funds pursuant to title IV-E of the Social Security Act (title IV-E funds). Previously, title IV-E funds could only be used for foster care maintenance, adoption assistance, kinship guardianship assistance, and related training and administrative expenses. Family First provides reimbursement of title IV-E funds for child abuse and prevention services. Hawaii will soon submit its Family First Hawaii Plan for federal review, and upon approval, it will have the option to use state and title IV-E funds for prevention services that would allow children who have been abused or neglected or are at risk of being abused or neglected to remain with their parents or relatives.

The legislature further finds that section 346-7.5, Hawaii Revised Statutes, currently allows not more than \$3,000,000 in unencumbered and unexpended moneys to be retained in the spouse and child abuse special fund. To maximize Hawaii's ability to draw additional federal fund reimbursement available through Family First, the department of human services needs a significant source of sustainable non-federal revenue to support spouse and child abuse and neglect prevention and intervention services, including personnel costs. With the decrease in general fund revenues due to disruptions caused by the coronavirus disease 2019 (COVID-19), it is necessary to increase the amount of unencumbered and unexpended moneys that the spouse and child abuse special fund can retain.

The legislature also finds that the department of human services is seeking to retain unencumbered and unexpended moneys in the spouse and child abuse special fund of up to \$5,000,000, including Family First federal reimbursements and title IV-E federal reimbursements received in the fiscal year following the year in which the funds were expended, to secure a stable source of funding for spouse abuse, child abuse and neglect prevention, intervention, and other services.

The purpose of this Act is to allow the spouse and child abuse special fund to retain up to \$5,000,000 unencumbered and unexpended moneys.

SECTION 2. Section 346-7.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) All unencumbered and unexpended moneys in excess of ~~[\$3,000,000]~~ \$5,000,000 in the spouse and child abuse special fund shall lapse to the credit of the general fund. Upon dissolution of the spouse and child abuse special fund, any unencumbered moneys in the fund shall lapse to the general fund.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval, and shall be repealed on June 30, 2027.

(Approved July 7, 2022.)