
A BILL FOR AN ACT

RELATING TO THE CHILD WELFARE SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that criticism of
2 Hawaii's child welfare system has been increasing and is
3 accentuated when there is a tragedy. Shortcomings in Hawaii's
4 child welfare system are not new, and there is strong desire in
5 the community to address these concerns. Before the
6 disappearance of six-year-old Isabella Kalua at her home in
7 Waimanalo, the effects of the coronavirus disease 2019 pandemic
8 were already having an outsized impact on Hawaii's children and
9 youth, further stressing the department of human services and
10 its social services division's child welfare services branch.

11 The legislature further finds that, although Native
12 Hawaiian children and families are overrepresented in the
13 State's child welfare system, all children in the system have
14 similar issues and needs. Historically, Native Hawaiian
15 ancestors had a very well-structured child welfare system in
16 which the people within the kauhale, or community, shared the
17 responsibilities of caring for and nurturing its keiki. This



1 kuleana, or responsibility and privilege, was collectively
2 shared by everyone. The responsibility of ensuring the welfare
3 of keiki was never meant to rest solely on the government and
4 keiki were certainly not intended to be removed from their ohana
5 without a shared decision about where the keiki would reside.
6 The overall well-being of the keiki was always at the center of
7 any decision made concerning the keiki. Traditional practices
8 of hanai and luhi (adoption or temporary care) were not seen as
9 punitive or demeaning but as means to provide comfort and
10 reassurance that the keiki would be in a safe, nurturing, and
11 caring environment.

12 The legislature also finds that the members of Nā Kama a
13 Hāloa, which is a network of community-based organizations and
14 representatives of the child welfare services branch created by
15 Effective Planning and Innovative Communication, Inc., a
16 nonprofit Hawaii corporation operating as EPIC `Ohana, Inc.,
17 first came together in 2018 to seek ways to address the
18 overrepresentation of Native Hawaiians in Hawaii's child welfare
19 system. Nā Kama a Hāloa demonstrates the value of collaborating
20 for collective impact, and since its formation, the efforts of
21 its working groups have resulted in various positive outcomes.



1 For example, the cultural training programs that were developed
2 for new child welfare services branch workers and resource
3 caregivers are now required by the department of human services.
4 Furthermore, the department now supports and encourages the
5 practices of connecting children in the child welfare system
6 with their siblings and reflecting the voices of the children's
7 makua, or parents, in their care.

8 The legislature finds that the problems faced by children
9 and families in the State's child welfare system are extremely
10 complex and cannot be resolved by the department of human
11 services alone. The legislature further finds that, to address
12 and resolve these diverse and multi-faceted problems, the State
13 must work with the community and various stakeholders to
14 determine where the core infrastructure is failing.

15 The legislature also finds that Act 291, Sessions Laws of
16 Hawaii 2022, established on a temporary basis the office of
17 wellness and resilience within the office of the governor. The
18 office was established to address the various barriers that
19 impact the physical, social, and emotional well-being of all
20 people in the State by building wellness and resilience through
21 trauma-informed, strength-based strategies; and to support



1 agencies in their individual efforts to address trauma-informed
2 care and move toward a collaborative, shared purpose of
3 collective system reform.

4 The legislature finds that, by establishing a working group
5 within the office of wellness and resilience that comprises
6 members of the child welfare services branch, institutions
7 serving Native Hawaiians, contracted service providers,
8 community-based organizations, birth parents, and youth with
9 lived experience in the State's child welfare system, outcomes
10 can be improved not just for Native Hawaiian children and
11 families but for all children and families in the State's child
12 welfare system. The legislature also believes that the working
13 group will contribute to the development of more effective
14 community support while allowing the community to be heard and
15 to take more responsibility for the well-being and welfare of
16 children.

17 Accordingly, the purpose of this Act is to improve the
18 State's child welfare system by:

- 19 (1) Establishing within the office of wellness and
20 resilience the malama ohana working group to seek,



- 1 design, and recommend transformative changes to the
- 2 State's existing child welfare system;
- 3 (2) Authorizing the office of wellness and resilience to
- 4 contract with an administrative facilitator to provide
- 5 necessary support for the malama ohana working group
- 6 in carrying out its duties;
- 7 (3) Requiring the malama ohana working group to report to
- 8 the legislature prior to the regular session of 2025;
- 9 and
- 10 (4) Appropriating funds for the malama ohana working
- 11 group.

12 SECTION 2. (a) There is established within the office of
13 wellness and resilience the malama ohana working group to seek,
14 design, and recommend transformative changes to the State's
15 existing child welfare system.

16 (b) The malama ohana working group shall comprise the
17 following members:

- 18 (1) The executive director of Effective Planning and
- 19 Innovative Communication, Inc., operating as EPIC
- 20 `Ohana, Inc., or the executive director's designee,



1 who shall be invited to participate and to serve as
2 co-chair of the working group;

3 (2) The chief executive officer of Hale Kipa, Inc., or the
4 chief executive officer's designee, who shall be
5 invited to participate and to serve as co-chair of the
6 working group;

7 (3) Two members from each of the following constituencies,
8 whom the co-chairs shall invite to participate in the
9 working group:

10 (A) Former foster youth;

11 (B) Birth parents who were involved in child welfare
12 services, specifically with the department of
13 human services' child welfare services branch;

14 (C) Licensed resource care givers; and

15 (D) Kinship resource care givers;

16 (4) The director of human services, or the director's
17 designee;

18 (5) Two members of the department of human services' child
19 welfare services branch representing its
20 investigators, case managers, or assistants,
21 designated by the branch administrator;



1 (6) The chairperson of the trauma-informed care task force
2 established pursuant to Act 209, Session Laws of
3 Hawaii 2021, or the chairperson's designee;

4 (7) The chief executive officer of the office of Hawaiian
5 affairs, or the chief executive officer's designee;

6 (8) The chief executive officer of Kamehameha Schools, or
7 the chief executive officer's designee; and

8 (9) The chief executive officer of Lili'uokalani Trust, or
9 the chief executive officer's designee.

10 (c) The malama ohana working group shall develop
11 recommendations to establish a child welfare system that is
12 trauma informed, sustains a community-based partnership, and is
13 responsive to the needs of children and families in the system
14 and the community. In fulfilling its purpose, the working group
15 shall:

16 (1) Conduct informational meetings throughout the State
17 with affected constituencies;

18 (2) Convene meetings to develop recommendations to better
19 coordinate and improve the protection and well-being
20 of children and families in the State's child welfare
21 system;



- 1 (3) Identify training, best practices, assessment
2 criteria, and methods to sustain an effective
3 workforce within the child welfare services branch and
4 within the larger circle of community agencies serving
5 the child welfare system;
- 6 (4) Identify best practices, including those from Native
7 Hawaiian cultural practices, to assist children and
8 youth who are involved in the child welfare system and
9 their families;
- 10 (5) Identify other cultural practices that build wellness
11 and resilience in communities and collaboration
12 between communities and the child welfare services
13 branch; and
- 14 (6) Collaborate with the trauma-informed care task force,
15 and, where appropriate, conduct joint informational
16 meetings.
- 17 (d) Members of the malama ohana working group shall serve
18 without compensation but shall be reimbursed for reasonable
19 expenses necessary for the performance of their duties,
20 including travel expenses.



1 (e) The office of wellness and resilience may contract
 2 with an administrative facilitator to provide necessary support
 3 for the malama ohana working group in carrying out its duties,
 4 including preparation of the report required pursuant to
 5 subsection (f).

6 (f) The malama ohana working group shall submit a report
 7 of its findings and recommendations, including any proposed
 8 legislation, to the legislature no later than twenty days prior
 9 to the convening of the regular session of 2025.

10 (g) The malama ohana working group shall be dissolved upon
 11 adjournment sine die of the regular session of 2025.

12 SECTION 3. There is appropriated out of the general
 13 revenues of the State of Hawaii the sum of \$ or so
 14 much thereof as may be necessary for fiscal year 2023-2024 and
 15 the same sum or so much thereof as may be necessary for fiscal
 16 year 2024-2025 for the malama ohana working group established
 17 pursuant to this Act, including for the office of wellness and
 18 resilience to contract with an administrative facilitator to
 19 provide necessary support for the working group in carrying out
 20 its duties.



1 The sums appropriated shall be expended by the office of
2 the governor for the purposes of this Act.

3 SECTION 4. This Act shall take effect on December 31, 2050



Report Title:

Child Welfare System; Child Welfare Services; Office of Wellness and Resilience; Office of the Governor; Malama Ohana Working Group; Report; Appropriation

Description:

Establishes within the Office of Wellness and Resilience, the Malama Ohana Working Group to seek, design, and recommend transformative changes to the State's existing child welfare system. Allows the Office of Wellness and Resilience to contract with an administrative facilitator to provide necessary support for the Malama Ohana Working Group in carrying out its duties. Requires the Malama Ohana Working Group to report to the Legislature prior to the Regular Session of 2025 and be dissolved upon the adjournment thereof. Appropriates funds. Effective 12/31/2050. (SD2)

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