Department Testimony: The purpose of this bill is to amend chapter 352 and chapter 352D, Hawaii Revised Statutes, to establish the Kawaiolao Youth and Family Wellness Center, and transform the approach of juvenile justice to a therapeutic model.

The Department of Health supports the intent of this bill and provides comments. The Department of Health supports the intent of the legislation to divert at risk youth (ages 21 years and under) from involvement in the justice system and/or placement in out of state mental health facilities.

Currently, the Child and Adolescent Mental Health Division (CAMHD), a division of the Department of Health’s Behavioral Health Administration, provides mental health prevention, assessment, and treatment services to over 2,000 children and adolescents with emotional and behavioral challenges and their families statewide. CAMHD also works in partnership with the Office of Youth Services (OYS) to provide behavioral and emotional health services to at risk youth placed at Hawaii Youth Correctional Facility (HYCF) via the co-located Family Court Liaison Branch (FCLB). Thus, the CAMHD is well-positioned to comment on this bill and has been in collaborative discussions with OYS regarding the therapeutic vision of Kawaiolao’s residential and/or intensive delinquency prevention programs. In initial discussions with OYS,
CAMHD has identified several potential opportunities for CAMHD involvement at the Kawailoa facility:

1. Possible collaboration with OYS to develop a request for proposals process and contract with outside agencies for behavioral and emotional health services. This partnership would ensure that the Kawailoa youth and families would be offered therapeutic treatment from providers who have been both screened through a rigorous evaluation process and have demonstrated experience in the management of residential emotional and behavioral health programs.

2. Possible provision of certain types of intensive evidence-based treatments to youth clients (21 years and under) at Kawailoa, presenting with high-risk behaviors (e.g., suicidality, substance use, aggression).

In summary, the Department of Health supports the intent of this measure and has identified numerous opportunities for partnership with OYS, towards the goal of providing better services for our local youth and families.

Thank you for the opportunity to comment on this bill.
Date: 03/15/2018  
Time: 10:00 AM  
Location: 329  
Committee: House Health and Human Services

Department: Education  
Person Testifying: Dr. Christina M. Kishimoto, Superintendent of Education  
Title of Bill: SB 2791, SD2 RELATING TO JUVENILE JUSTICE REFORM.  
Purpose of Bill: Establishes the Kawaiola Youth and Family Wellness Center within the Department of Human Services under the supervision of the Office of Youth Services and the Hawaii Youth Correctional Facilities. Changes the approach of juvenile justice to a more therapeutic model. Takes effect 7/1/2050. (SD2)

Department's Position:

The Department of Education (Department) supports the intent of SB 2791 SD2, with comments.

While SB 2791 SD2 addresses therapeutic measures, it is unclear how the proposed Kawaiola Youth and Family Wellness Center will provide a quality standards based education and special education services to eligible at risk young adults between the ages of 18 and 24.

Young adults under the age of 22, who are eligible for special education, must still be provided all appropriate services, per their Individualized Education Program (IEP). In accordance with the Department's child-find responsibilities, any student under the age of 22, not currently eligible for special education and is suspected to have a disability, is entitled to an evaluation.

Currently, Olomana School provides a quality standards based education to students at the Hawaii Youth Correctional Facility (HYCF), Detention Home (DH), Home Maluhia, and Olomana Youth Center (OYC), with approximately 33 percent of the students receiving special education services. The Department is seeking clarification regarding how the educational needs of current Olomana School students as well as those at the proposed Kawaiola Youth and Family
Wellness Center, will be supported.

A collaborative partnership between the Department and HYCF as they develop Kawailoa Youth and Family Wellness Center is encouraged to ensure that students receive a quality education as well as the supports and services necessary to earn a high school diploma, GED, certificate, or pursue post-secondary education and/or careers.

Thank you for the opportunity to provide testimony on SB 2791 SD2.

The Hawaii State Department of Education seeks to advance the goals of the Strategic Plan which is focused on student success, staff success, and successful systems of support. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at www.hawaiipublicschools.org.
March 14, 2018

TO: The Honorable John M. Mizuno, Chair
House Committee on Health and Human Services

FROM: Merton Chinen, Executive Director

SUBJECT: SB 2791 SD2, Relating to Juvenile Justice Reform

Hearing: Thursday, March 15, 2018, 10:00 a.m.
State Capitol, Conference Room 329

OFFICE’S POSITION: OYS supports the measure. The overarching goal of establishing the Kawaiola youth and family wellness center (KYFWC) is to be a pu’uhonoua, or place of healing, for youth and young adults. Many youth have experienced some form of trauma in their young lives that have negatively impacted their functioning and coping behaviors, resulting in their involvement with the juvenile justice, child welfare, mental health, substance abuse and other systems of care. Accessing appropriate services and programs to address root causes is critical to increase resiliency and protective factors for youth at-risk. Youth involved in one or more systems of care are often challenged in making connections, sustaining healthy relationships, and building academic/vocational/life skills; providing culturally-grounded, and therapeutically appropriate programming at KYFWC will help their journeys as they make the transition through young adulthood.

OYS has met with the Department of Education, and United Public Workers Union, to discuss potential issues and concerns related to the implementation of the KYFWC. Further planning will include both and additional partners as well.

PURPOSE: The purpose of the measure is to establish the Kawaiola youth and family wellness center at the Hawaii youth correctional facility of the office of youth services to incorporate a more therapeutic and rehabilitative focus.

Thank you for the opportunity to present this testimony.
March 13, 2018

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Health and Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: SB 2791 SD2 – RELATING TO JUVENILE JUSTICE REFORM

Hearing: Thursday, March 15, 2018, 10:00 a.m.
Conference Room 329, State Capitol

DEPARTMENT’S POSITION: The Department of Human Services (DHS) supports this administration measure and provides comments.

PURPOSE: The purpose of the bill is to amend chapter 352 and chapter 352D, Hawaii Revised Statutes, to establish the Kawailoa Youth and Family Wellness Center, and transform the approach of juvenile justice to a therapeutic model. The Wellness Center will provide much needed services for at-risk youth and young adults, including victims of commercial sexual exploitation of children (CSEC).

DHS supports the continuing efforts to reform the juvenile justice system, recognizes the need for additional services for at-risk youth and young adults in the community, and supports the development of a therapeutic model to address complex issues affecting our youth.

DHS Child Welfare Services Branch (CWS) had concerns regarding the mixture of minors with adult population. CWS met with the Office of Youth Services (OYS) and clarified with OYS that although the Wellness Center would provide services to youth and young adults between the ages of eighteen and twenty-four, the crisis shelter for victims of human trafficking would be limited to minors. This separation is necessary to ensure that these
minor victims are not in residence or residential care with adults. CSEC victims who are minors and the young adult population at the Wellness Center will not be integrated, and provisions will be in place to separate participants from the various programs on the property to ensure that all of those being serviced on the property are safe.

Regarding the notes of the Senate Committee on Human Services that "that the Department of Education has expressed the intent to meet with the Department of Human Services and Department of Health to clarify the educational needs of the youth and young adults at the proposed Kawaiola Youth and Family Wellness Center," (See STAND. COM. REP. NO. 2487), DHS clarifies that while DHS will collaborate, the principle authorities to discuss educational needs of individuals subject to this measure are the Office of Youth Services and the Hawaii Youth Correctional Facility. Per section 356D-4, Hawaii Revised Statutes (HRS), the Office of Youth Services is an attached agency to DHS for administrative purposes. Section 356D-4, HRS, further provides that,

"[t]he office shall also be responsible for program planning and development, intake/assessment, oversight, as well as consultation, technical assistance, and staff training relating to the delivery of services.

The office shall provide a continuum of services as follows:

... (2) The necessary educational, vocational, social counseling and mental health services[."

Further, section 352-1, HRS, defines that "the powers, duties, and functions relating to the Hawaii youth correctional facilities shall be administered by the office of youth services."

Thank you for the opportunity to testify on this bill.
The Office of Hawaiian Affairs (OHA) SUPPORTS SB2791 SD2. This measure would transform the Hawai‘i Youth Correctional Facility into the Kawaiholoa Youth and Family Wellness Center, which would adopt an innovative, therapeutic approach specifically designed to help heal Hawai‘i’s troubled youth, restore their families, and enhance the long-term safety and overall well-being of our communities.

In 2010, OHA produced a comprehensive report detailing the overrepresentation and disparate treatment of Native Hawaiians in the criminal justice system.1 This report found that Native Hawaiian youth are disproportionately represented in the juvenile justice system, and are also most frequently arrested in all offense categories.2 Since 2012, OHA has also administered the Native Hawaiian Justice Task Force (NHJTF), which was tasked by the Legislature to address the multi-faceted issue of Native Hawaiian involvement in the criminal justice system.3 In its report, the Task Force further acknowledged that “an individual’s contact with the criminal justice system, regardless of race, often begins at youth.”4

The proposed Kawaiholoa Youth and Family Wellness Center will help to address these very concerning findings, by taking an innovative approach to rehabilitating at-risk and offending youth that is individual-, family-, and community-focused. OHA understands that the Center will focus on treating the root causes of delinquent youth behavior, rather than simply punishing the symptoms, thereby reducing the likelihood that offending youth will continue to engage in criminal activity through adulthood. For example, services offered will seek to proactively prevent and disrupt juvenile delinquency by addressing the unique challenges faced by youth experiencing homelessness, drug addiction, mental illness, and human trafficking. The Ho‘opono Mamo diversion program supported by this measure, which has already demonstrated success with its youth participants, will also continue to provide moral and spiritual grounding for at-risk Hawaiian youth by focusing on personal accountability and

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2 Id. at 68.
4 Id. at 21.
interpersonal healing through traditional Hawaiian practices including pule, hoʻoponopono, and mālama ʻāina. OHA believes that these early-stage therapeutic approaches will help to heal our broken youth, resulting in stronger individuals and families, and will likely provide long-term benefits to public safety and the overall well-being of our communities. In addition, OHA is hopeful that the success of the Kawailoa Center may also serve as a model for greater reform within our criminal justice system.

Therefore, OHA urges the Committee to PASS SB2791 SD2. Mahalo for the opportunity to testify on this measure.
My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO. The UPW is the exclusive bargaining representative for approximately 12,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents about 1,500 members of the private sector.

The UPW opposes SB2791 SD2 for staffing issues and the absence of forthright plans and information regarding current BU-01 and BU-10 employees. Management of the Hawaii Youth Correctional Facility are reluctant to provide any training plans or organizational information to the UPW staff at the HYCF through the exclusive representative and the staff relationship to Kawailoa Youth and Family Wellness Center. The UPW
staff seeks to be part of the solution to help our youth in Hawaii. The staff job description extends beyond incarceration tasks; it includes counseling of youth and listening to them at the HYCF. Many of the HYCF staff are parents who understand and relate to young persons in real life situations. They care about our youth.

In a previous hearing on HB2364, a companion bill to SB2791, the Committee Chair of the House Health and Human Services Committee directed the management of the HYCF to work it out with the UPW. The UPW reiterates its original question, “what are the plans for the BU-01 and BU-10 employees at the HYCF in relation to the Kawaiola Youth and Family Wellness Center?”

The UPW appreciates the opportunity to submit this testimony and respectfully awaits for an official and detailed response from the HYCF in writing.
Aloha Chair Mizuno, Vice Chair Kobayashi and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai‘i for more than two decades. This testimony is respectfully offered on behalf of the families of Ashley Grey, Daisy Kasitati, Joey O’Malley, Jessica Fortson and all the people who have died under the “care and custody” of the state as well as the approximately 5,500 Hawai‘i individuals living behind bars or under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai‘i’s imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

He SB 2791 SD1 establishes the Kawailoa Youth and Family Wellness center and transforms the approach of juvenile justice to a therapeutic model.

Community Alliance on Prisons supports Hawai‘i changing its approach to youth justice to a public health-focused model. This is a very ambitious project and we look forward to Hawai‘i once again becoming a leader in juvenile/youth justice as we were back in the day.

Research has shown making the shift from a punitive system to a rehabilitative one that cares about the youth being served, has a tremendous and sometimes life-long effect on the person. When we start WORKING WITH our youth rather than WORKING ON them, we create an environment of caring, this is what allows change to happen. This is what our youth need. Open minds, caring hearts, and community support to guide them through this information-overloaded world.

Community Alliance on Prisons urges the committee to pass this important legislation. Mahalo for this opportunity to testify.

The failure to invest in youth reflects a lack of compassion and a colossal failure of common sense.

Coretta Scott King
**SB-2791-SD-2**  
Submitted on: 3/13/2018 9:18:02 PM  
Testimony for HHS on 3/15/2018 10:00:00 AM

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Comments:  
We continue to STRONGLY SUPPORT this bill. Mahalo.
To: Committee on Health and Human Services  
From: DANI RUIZ  
Re: Testimony in SUPPORT OF SB 2791 SD2

Aloha Chair, Vice chair, and members of the House Committee on Health and Human Services. My name is Dani Ruiz and I am in strong support of SB2791. I currently a graduate student at the University of Hawaii at Manoa, of Native Hawaiian descent, and I’m currently employed by Child and Family Service (CFS). I am submitting this testimony as an individual and not as a representative of CFS.

My husband and I have been pillars in our community in a couple of different areas but we are most proud of our 15 years as not just foster parents of teenage girls but permanent parents for our 4 biological children, 4 adopted children, 5 children we were awarded legal guardianship, 5 children we have assisted in aging out of the foster care system, and many more along the way. Through our experiences as parents in the last 25 years, I believe the passage of SB2791 is important for several reasons. The most important reasons are 1) when children are involved in delinquent behavior often times it is an early sign that there is something affecting the family or the youth’s connection to their family, 2) by the time a youth is confined to a higher level facility, their parents or caregiver is exhausted and overwhelmed which causes them to either give up or “throw away” their child, 3) their continues to be a disproportionate number of Native Hawaiians in the juvenile justice and foster care systems, and 4) many homeless youth are youth who have aged out or escaped the foster care system trying to seek safety due to the lack of having safe connections.

The need for Hawaii’s youth correctional facility to transition to a more therapeutic and rehabilitative model it greatly needed to compliment the other state systems attempting to do the same. We have had the unfortunate, yet very fortunate, to have experienced one of our children dig her way through the juvenile justice system. It was extremely disheartening and heartbreaking to visit her every Sunday and sit in a nearly empty room when 15 more girls were waiting anxiously for a visitor. I understand the hurt and pain as a parent that you experience that led to your child being detained. However, it is this detainment when our children are in the most stable and clear minded state to allow themselves to be vulnerable and commit to improving their life and relationships. Instead of caregivers throwing their children away because of their own pain, both children and caregivers need a therapeutic intervention to rebuild and renew their connections and heal their relationship. And if this can be done through expanding the Ho’opono Mamo diversion concept into a full service center, this deep level of distraught and hopelessness feelings can be addressed early in a supportive and culturally receptive way.

Lastly, I have lived in Colorado for the last 6 years before returning to Hawaii and I have experienced the opening and accessed a very similar family center that is envisioned for the Kawailoa Youth and Family Wellness Center. If you have the time, please look up the Shiloh House Family Resource Pavilion in Centennial Colorado. It has provided an amazing resource to families, communities, and agencies in several counties in the Denver Metro area. I ask that this bill be passed to invest in building a stronger collective community of healthy youth and families.

Thank you for your time.
Melodie Aduja  |  OCC Legislative Priorities Committee, Democratic Party of Hawai‘i  |  Support  |  No

Comments:

To the Honorable John M. Mizuno, Chair; the Honorable Bertrand Kobayashi, Vice-Chair and the Members of the House Committee on Health & Human Services:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on SB2791 SD2 relating to the DHS; OYS; HYCF; Juvenile Justice Reform; and the Kawaiola Youth and Family Wellness Center.

The OCC Legislative Priorities Committee is in favor of SB2791 SD2 and support its passage.

SB2791 SD2 is in alignment with the Platform of the Democratic Party of Hawai‘i ("DPH"), 2016, as it establishes the Kawaiola Youth and Family Wellness Center within the Department of Human Services under the supervision of the Office of Youth Services and the Hawaii Youth Correctional Facilities and changes the approach of juvenile justice to a more therapeutic model.

The DPH Platform states that "[w]e believe that all families should have an equal opportunity to build their assets and become self-sufficient, and we support a strong safety net of programs that will afford them the opportunity to do so. We must protect our children, our future, from violence and neglect and provide them with a safe and healthy environment in which to grow and thrive." (Platform of the DPH, P. 4, Lines 184-187 (2016)).

We also support the establishment of adequate mental health and statewide drug rehabilitation programs set up in conjunction with policing policies aimed at enabling all that seek assistance to obtain whatever support assistance is needed to allow them to remain free of drug dependence. (Platform of the DPH, P. 7, Lines 382385 (2016)).

We support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise, we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational, and other assistance programs needed to allow them to become productive and respected members of the community. (Platform of the DPH, P. 5, Lines 273-277 (2016)).

Given that SB2791 SD2 establishes the Kawaiola Youth and Family Wellness...
Center within the Department of Human Services under the supervision of the Office of Youth Services and the Hawaii Youth Correctional Facilities and changes the approach of juvenile justice to a more therapeutic model, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee
Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889
Having read the testimony that has already been submitted, I'd like to say "Ditto."

I would particularly like to commend the UPW for asking for additional training for the staff assigned to the proposed facility.

Accordingly, I ask this Committee to pass this bill, taking into account the suggestions contained in testimony.

Thank you.
Comments:

Chair Mizuno and Vice Chair Kobayashi--

I am in strong support of SB2781 Sd2. A center for youth that would attempt to catch problems before they enlarge and to deal with them therapeutically has the promise of reducing criminal behavior in the future and making our communities safer. This holds promise of being a cost-effective way of reducing crime and supporting young people.

Thank you for hearing SB2. I STRONGLY SUPPORT ITS PASSAGE.
As a homeless youth service provider, I have watched a growing numbers of youth take care of themselves on the street at a very young age for far too long. The recent UH Center on Family Street Youth survey tells us the average age kids first experience homelessness is 14...that's an average. The CDC tells us there are no safe levels of homelessness for children yet by their 18th birthday many of these kids fit HUD’s definition of chronically homeless. These aren’t punk kids who run away because they don’t like the rules. The recent study tells us 40% of these youth have experienced violence, both sexual and physical while homeless. Yet they still don’t go home or into an adult shelter or the child welfare system. Has anyone stopped to ask why that is? Most of these kids will tell you its because they feel safer on the streets than in their home...This is about the trauma they have experienced in their homes or at the hands of adults who are sworn to protect them.

Our child welfare system is over burdened and despite the monumental reforms our juvenile justice system has made in the recent years, HYCF and DH often hold youth because there is still no safe alternative placement for them. So where do these kids go when they age out of either of these systems? The streets...that’s what the data tells us. 48% (almost half) of the homeless youth had been incarcerated as a minor and 39% have aged out of foster care.

It is time we step up our efforts to deal with the problem and capitalize on the strengths and resiliency of our young people. These kids want help. Nearly a third had tried drug treatment and 38% have seen a behavioral health specialist and have been diagnosed with anxiety, PTSD or more debilitating mental illnesses.

The idea is to intervene early, with services targeted toward the particular needs of young people — before homelessness becomes chronic, and it’s much harder to move them off the street.

We are exploring safe zones and Pu‘u ho nuas for our homeless encampments...are our children and young people not worthy of the same considerations? A safe place to sleep? A place to heal the hurt and rebuild their lives?

I humbly ask you pass this proposal as is and with a clean date. Let the Kawailoa Youth and Family Wellness Center start the work to guide these youth to a pono and righteous path.