

JAN 26 2022

A BILL FOR AN ACT

RELATING TO CHILD WELFARE SERVICES.

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

1 SECTION 1. The legislature finds that additional measures
2 are needed to strengthen the network of state systems that
3 protect and ensure the safety and security for at-risk children
4 to prevent cases like the recent abuse and death of Isabella
5 Kalua, born Ariel Sellers, and other similar past tragedies
6 befalling children who were or had previously been under the
7 protection and legal jurisdiction of the State. One means of
8 preventing similar tragedies is to extend the oversight of child
9 welfare services beyond foster care to include children for whom
10 equivalent payments are made through the State's adoption
11 assistance program or legal guardianship assistance program.
12 Currently, neither program requires home visits to verify that
13 the child lives in the home, nor to determine if the child is in
14 a safe environment. Oversight is limited to a biannual form
15 where the beneficiary indicates whether the beneficiary still
16 qualifies for and desires to receive payments.



1 The legislature finds that all children in foster care have
2 suffered trauma, either from abuse by their families or through
3 the removal process. This trauma may result in behaviors that
4 are difficult for caregivers to manage. Once a child is placed
5 in permanent custody through adoption or guardianship, the need
6 for support does not simply go away. Infrequent case visits
7 will be an opportunity to connect adoptive parents and legal
8 guardians with existing services and programs as the services
9 available and the needs of the children may have changed since
10 the last visit. Additionally, if the visit raises concerns for
11 the welfare of the child, the case can be referred as a
12 suspected abuse or neglect case, which the department of human
13 services already offers as a service.

14 From December 2020 to December 2021, there was a monthly
15 average of 1,555 children in foster care, 1,170 children
16 receiving legal guardianship assistance, and 2,710 children
17 receiving adoption assistance. This Act expands current
18 services to cover children outside of foster care, which will
19 increase the number of cases under management by approximately
20 two and one-half times. However, the contact for most cases
21 will only be once a year compared to the intensive duties of



1 case managers for children under foster care, where a case load
2 of only sixteen cases is suggested as manageable. Case managers
3 for foster children visit at least monthly, manage transitions
4 to new care settings, interact with birth parents if parental
5 rights have not been terminated, seek permanent placement, and
6 support children in legal proceedings as needed. Case managers
7 for children who receive adoption assistance or legal
8 guardianship payments will only need to do home visits, and the
9 frequency can be greatly diminished as the caregivers will have
10 gone through a vetting process. A visit should take place six
11 months after the adoption, the termination of parental rights in
12 the case of legal guardianship, or where a petition for adoption
13 has begun but has not yet been completed, and annually
14 thereafter as long as payments are being received. Lastly,
15 under this Act, data collected by the department of human
16 services will be analyzed to determine the impact of expanding
17 home visits to families receiving adoption assistance or legal
18 guardianship assistance and reported back to the legislature
19 five years after initiation of the program.

20 The legislature further finds that there is a need to
21 improve mental health crisis intervention for at-risk youths in



1 the community by expanding existing crisis response services to
2 provide trauma-informed engagement within the system and
3 individual training in trauma-informed care. These expanded
4 services will reduce the risk of harm to youths; promote safety
5 for youths in home, school, and community settings; reduce the
6 use of emergency facilities, acute psychiatric hospitals, and
7 other out-of-home placements for youths; increase supports
8 available to youths and families to maintain placement and
9 improve quality of life; and provide trauma-informed care and
10 ongoing support to youths and families in the community.

11 The purpose of this Act is to:

12 (1) Expand the investigative power of the department of
13 human services to include children who have been
14 adopted or have been placed in legal guardianship but
15 whose families are receiving financial assistance
16 through the State;

17 (2) Expand the investigative power of the department of
18 human services to include children in the foster care
19 system for whom there is a pending petition for
20 adoption and the child is pendente lite or for whom an
21 adoption decree has been issued but the child has not



- 1 yet been placed in the custody of the adoption
2 petitioner;
- 3 (3) Establish and appropriate funds to create a crisis
4 mobile outreach team pilot program to provide
5 additional support and expansion of services for
6 existing crisis response services;
- 7 (4) Appropriate funds for additional case workers and
8 support staff; and
- 9 (5) Appropriate funds to increase compensation for
10 existing child welfare services case worker positions.

11 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§346- Adoptive families and legal guardianship;
15 authority over. Any family that has adopted or received legal
16 guardianship of a child for whom maintenance is provided
17 pursuant to part E of title IV of the Social Security Act or
18 through the state adoption assistance program pursuant to part
19 XII of chapter 346, or is receiving financial assistance through
20 the State's permanency assistance program, including adoptive
21 families where an adoption decree is pending and the child is



1 pendente lite or where an adoption decree has been issued but
2 adoption has not yet taken place, shall be subject to review or
3 investigation at any time and in a manner, place, and form as
4 may be prescribed by the department or its authorized agents."

5 SECTION 3. Section 346-301, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§346-301[+] **Adoption assistance program**
8 **established[-]; review or investigation of program benefit**
9 **recipients.** The department of human services shall maintain an
10 adoption assistance program to facilitate the adoption of
11 children with special needs. Pursuant to section 346- ,
12 families receiving benefits from the adoption assistance program
13 shall be subject to review or investigation at any time and in a
14 manner, place, and form as may be prescribed by the department
15 or its authorized agents."

16 SECTION 4. (a) There is established a crisis mobile
17 outreach team pilot program within the child and adolescent
18 mental health division of the department of health to expand and
19 support existing crisis response services and programs for at-
20 risk youths. The crisis mobile outreach team pilot program



1 shall begin on July 16, 2022, to coincide with the
2 implementation of the nationwide 988 suicide prevention hotline.

3 (b) The crisis mobile outreach team pilot program shall
4 provide the following services:

5 (1) Crisis prevention with community collaboration and
6 community program development;

7 (2) Face-to-face intervention within one hour of a request
8 for intervention;

9 (3) Crisis de-escalation and assessment; and

10 (4) Stabilization of up to eight weeks including:

11 (A) Connecting youths to community supports and
12 services;

13 (B) In-home clinical support for youths and families;

14 (C) Connection with higher level support if
15 determined necessary; and

16 (D) Collaboration with community partners and other
17 state agencies.

18 (c) The child and adolescent mental health division of the
19 department of health shall submit a report to the legislature,
20 no later than twenty days prior to the convening of the regular
21 session of 2024, with findings and recommendations arising from



1 the crisis mobile outreach team pilot program, including any
2 proposed legislation and a recommendation as to whether the
3 pilot program should be extended.

4 (d) The crisis mobile outreach team pilot program shall
5 end on June 30, 2024.

6 SECTION 5. The department of human services shall collect
7 and analyze data to determine the impact of expanding home
8 visits to families receiving adoption assistance or legal
9 guardianship assistance and shall submit a report of its
10 findings and recommendations, including any proposed
11 legislation, to the legislature no later than twenty days prior
12 to the convening of the regular session of 2027.

13 SECTION 6. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$1,780,000 or so much
15 thereof as may be necessary for fiscal year 2022-2023 to
16 establish a crisis mobile outreach team pilot program to expand
17 existing crisis response services and for the hiring and
18 training of mental health professionals with trauma-informed
19 training and experience working with youth.

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



1 SECTION 7. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2022-2023 for
4 the hiring of case workers and support
5 staff positions to provide annual or semi-annual in-home visits
6 for families receiving adoption assistance or legal guardianship
7 assistance.

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

10 SECTION 8. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so
12 much thereof as may be necessary for fiscal year 2022-2023 to
13 increase compensation to fill vacancies and retain employees in
14 existing child welfare services case worker positions.

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

17 SECTION 9. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19

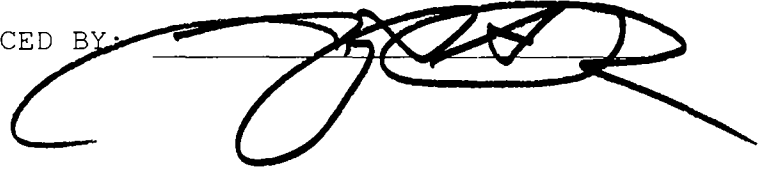


S.B. NO. 3237

1 SECTION 10. This Act shall take effect on July 1, 2022.

2

INTRODUCED BY: _____

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

S.B. NO. 3237

Report Title:

Foster Care; Adoption; Adoption Assistance; Investigation;
Crisis Mobile Outreach Team Pilot Program; Appropriation

Description:

Expands the investigative authority of the department of human services to include foster children with a pending adoption decree, foster children where an adoption decree has been issued but adoption has not yet taken place, children who are placed into legal guardianship and who receive permanency assistance payments, and adopted children who receive adoption assistance payments. Establishes a crisis mobile outreach team pilot program to expand existing crisis response services. Requires the department of human services to analyze and report on the impact of expanding home visits to families receiving adoption assistance or legal guardianship assistance and make a report to the legislature five years after the start of the program. Appropriates funds for the pilot program, including for the hiring and training of staff. Appropriates funds for additional case worker and support staff positions. Appropriates funds for increased compensation for existing child welfare services case worker positions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

