

STAND. COM. REP. NO. 65

Honolulu, Hawaii

FEB - 7 2023

RE: S.B. No. 398
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 398 entitled:

"A BILL FOR AN ACT RELATING TO CHILD WELFARE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the investigative powers of the Department of Human Services to include review and investigation of families that receive benefits from the State's adoption assistance program and against whom a post-adoption complaint has been made;
- (2) Require the Department of Human Services to collect and analyze data to determine the impact of expanding post-permanency services to families receiving benefits from the adoption assistance program and report its findings and recommendation to the legislature before the convening of the Regular Session of 2025;
- (3) Establish within the Department of Human Services a Malama Ohana Working Group to seek, design, and recommend transformative changes to the State's existing child welfare system;



- (4) Require the Malama Ohana Working Group to report its findings and recommendations to the Legislature before the convening of the Regular Session of 2025 and dissolve on June 30, 2025; and
- (5) Appropriate an unspecified amount of funds for the procurement of contracted services to provide additional support, resources, and monitoring of families receiving benefits from the State's adoption assistance program, including funding for certain additional full time equivalent positions and for the Malama Ohana Working Group.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Hawaii Coalition for Child Protective Reform and two individuals. Your Committee received comments on this measure from the Department of Human Services and EPIC 'Ohana, Inc.

Your Committee finds that many children in foster care continue to require support from the Department of Human Services' Child Welfare Services Branch after being placed in permanent custody of a family through adoption. Your Committee further finds that there is strong desire in the community to address the long-standing shortcomings of Hawaii's child welfare system to detect and prevent cases like the recent abuse and death of Isabella Kalua, also known as Ariel Sellers, and other similar past tragedies befalling children who were or had previously been under the protection and legal jurisdiction of the State. This measure would assist the Department of Human Services in their efforts to improve the child welfare system.

Your Committee notes the concerns raised in the testimony of the Department of Human Services that existing law already authorizes the Department to investigate upon receiving a report that a child is subject to imminent harm, has been harmed, or is subject to or threatened harm, and applies to all families residing in the State, including those receiving adoption assistance. Additionally, your Committee finds that S.B. No. 295 (Regular Session of 2023), which was also heard by your Committee, establishes a Malama Ohana Working Group in the Governor's Office of Wellness and Resilience, and is the preferred vehicle for



advancing this important effort to recommend collaborative, transformative changes to the State's child welfare system. Amendments to this measure are therefore necessary to address these concerns.

Your Committee further notes the testimony of the Department of Human Services requesting an appropriation amount of \$8,000,000 for the itemized expenditures and positions described in this measure to improve the child welfare system. Your Committee requests that your Committee on Ways and Means consider the appropriation amount suggested by the Department of Human Services, taking into account that some of the amounts have been added by the Department into its budget request.

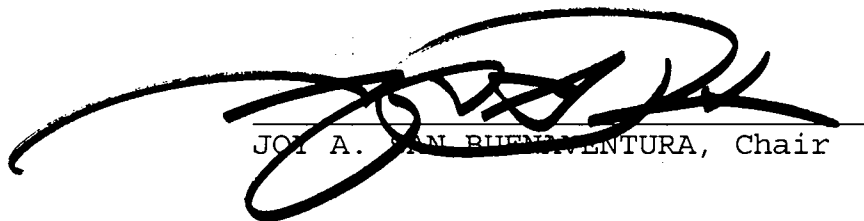
Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have expanded the investigative powers of the Department of Human Services to include review and investigation of families that receive benefits from the State's adoption assistance program and against whom a post-adoption complaint has been made;
- (2) Deleting language that would have established the Malama Ohana Working Group in the Department of Human Services;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 398, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 398, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



