



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

How States are implementing the Fostering Connections Act

Hawaii's At-risk Children

Hawaii Department of Human Services (DHS), Division of Social Services (DSS), Child Welfare Services (CWS) section data reflects improved outcomes for the children, youth and families served. Confirmed child abuse and neglect cases (CANs) in the islands of Hawaii dropped from 3,930 in 2001 to 2,075 in 2007. The number of CAN reports investigated in FFY 2007 rose slightly from FFY 2006, but is still well below the reported high in FFY 2003.¹ The 1,416 children entering foster care in FFY 2007 represents a 38 percent drop from the 2,273 entering care in FFY 2004. Significantly, the number of Hawaiian/part-Hawaiian children living in out-of-home care dropped from a high of 2,557 in SFY 2004 to 1,774 in SFY 2007² and continued to decrease. In SFY 2008, the average number of Hawaiian children in foster care during a month was 524.³

Hawaii attributes the continuing drop in the number of children in the child welfare system foster care primarily to two strategies: 1) improving the skills and qualifications of child welfare staff and foster families and 2) its differential response initiative, which was kicked off statewide in December 2005. The initiative established three levels of response for referrals. The first two—family strengthening services and voluntary case management services—are strictly voluntary for reports the present low or moderate risk to the child(ren). Families are engaged through voluntary, less restrictive intrusive approaches and have increased access to community-based services. The third and highest level requires child protective services (CPS) intervention for safety reasons. The need for this level of intervention has decreased but when required, is provided by highly skilled child welfare staff. The original assignment level may be increased or decreased based on additional information gathered during the service assessment or investigation phase. This initiative required extensive investment in front end family strengthening and support services. To fund the differential response initiative, DHS transferred maximum allotment allowed from the Temporary Assistance for Needy Families (TANF) to the Social Service Block Grant program.⁴

These strategies are working to keep children safe with their own families. Hawaii has one of the lowest re-abuse rates in the nation at 3.1 percent in SFY 2009. The national standard is 6.1 percent. Hawaii was 6 percent in 2003⁵ and has met or exceeded the national standard for reoccurrence consistently since 2005.⁶ Hawaii is also making progress in terms of timely reunification for children removed from their homes and achieving permanent reunification/reducing foster care re-entry. However, the more difficult and challenging cases are remaining in the system. The proportion of teens/older youth is growing increasing the number of youth requiring transitional planning and the need for foster and adoptive homes for this age group.⁷

Hawaii's Budget Landscape

Hawaii faces 2010 with a budget deficit and by state constitutional requirement is required to balance it. When the current biennium budget that covers the fiscal biennial 2009-2011, was passed in May, 2009 and began on July 1, 2009 cost saving measures totaling \$452.3 million were implemented. These measures included a comprehensive 13.85 percent restriction on operating budget appropriations. Payroll savings were instituted through furloughs and reductions in force. The 2009 legislature abolished positions statewide. The DHS laid off 190 employees.⁸ CWS lost over 100 positions and \$1.3 million in differential response and other purchase of service programs.⁹

These measures were not sufficient to close the expanding state budget gap, which by December, 2009 totaled \$721 million. On Monday, December 22, 2009, Governor Linda Lingle proposed reducing the current SFY 2010 operating budget by 9.8 percent or \$522.1 million to off set the 2.5 percent lowered general fund revenue forecast. Budget actions are aimed at realigning expenditures to stay within projected tax revenues, closing a projected \$1.23 billion funding gap, and at the same time meeting the State's responsibility to provide core services and programs. Furloughs will continue

through 2011. The supplemental budget builds on programs to improve and modernize the state's infrastructure and accelerate capital improvement projects to help stimulate the economy and create jobs.¹⁰

P.L. 110-351 State Options

Guardianship Assistance Program (GAP) will be implemented. The state is in the process of changing administrative rules to align Hawaii's current state funded subsidized guardianship program with the federal regulations. This will enable the state to draw down the federal IV-E match to offset the current state general funds expenditures that support the state program. Freed state funds can then be used for purchase of service programs for permanency assistance to produce better outcomes for this population. It is estimated that 30 to 40 percent of the state's subsidized guardianship assistance populations will be eligible to receive the federal GAP funds, which is estimated to generate approximately \$1.5 million in federal funds.¹¹ Number of children/youth receiving permanency assistance during June 2009 through December 2009 averaged approximately 1140 per month.

Support to eligible young adults aged 19, 20, or 21 will not be implemented at this time. This provision would require legislative action and expanding to services to this group is not fiscally feasible at this time.

Current state law allows youth to be supported to age 19, if the court makes a determination that it is in the best interest of the youth. This determination is made on a case by case basis depending on the youth's needs. Usually this means the youth needs to complete high school or is developmentally delayed. The court's extended jurisdiction enables the state to continue to provide ongoing services and pay foster care board, but the state no longer has custody. The youth is considered an adult at age 18 and the services must be accepted voluntarily.¹²

It is important to note that youth are not just dropped when they leave care. Resources are open to them. With support from the Casey Family Programs, Hawaii conducts permanency round tables to look at planning for older youth up to age 21.¹³ The state uses Chafee Foster Care Independence funds and Educational Training Voucher (ETV) funding in conjunctions with state funded higher education allowance payments to assist former foster youth pursuing higher education. Act 198 passed by the Hawaii legislature in 2009 gives former foster youth additional time to apply for higher education benefits by increasing the application window from one year following completion of high school to the end of their 21st year, increases the maximum age that youth can receive higher education allowance from 22 to 26 years and increases the duration of education benefits from a 48 months maximum to 60 months.¹⁴

Support to eligible youth who exit care to guardianship or adoption after age 16 is already in place. This population is eligible to receive the same independent living services as youth in care.¹⁵ The Department plans to move forward with modification to rules and regulations to bring the program into alignment with the Federal regulations in order to maximize federal funding support.

Hawaii Tribes

There are no federally-recognized or state-recognized tribes within Hawaii borders. Hawaii operates in compliance with the Indian Child Welfare Act (ICWA). There are established policies and procedures providing ICWA protections when American Indian children come to the state's child welfare agency's attention due to abuse/neglect. These policies and procedures include identification, removal, and adoption guidelines for Indian children and incorporate notification procedures, placement preferences, and rights of the Tribe to intervene in state proceeding, or transfer proceedings to the jurisdiction of the Tribe. ICWA training is a regular part of core training for new CWS workers. DHS consults with the Federal Department of the Interior and the Bureau of Indian Affairs in Portland for assistance in determining a child's Indian tribe, and on eligibility and fair treatment of an American Indian child in care.

The state child welfare agency is responsible for providing the protections under 422(b)(8) until jurisdiction can be transferred to a Tribe. The Department and the Courts have not received any requests to transfer jurisdiction. But the numbers are small. During the first half of FFY 2008, October 2007 through March 2008, there were 28 American Indian children and no Alaskan Natives in CWS foster care.¹⁶

P.L. 110-351 Mandatory Provision

A bill that updates all state child welfare regulations has been drafted and is pending as a priority for state legislative action in January 2010. This bill aligns Hawaii child welfare policies and laws with multi-federal requirements including the Fostering Connections and Increasing Adoptions Act and new Title IV-E standards. This bill has the support of a collaborative of stakeholders including the Family Court. These partners will be testifying to ensure the bills passage.

Relative Notification was incorporated into Hawaii child welfare statute in 2008 via Act 199 and is embedded in case practice. Pursuant to Chapter 587, Hawaii Revised Statutes (HRS), DHS is authorized and required to identify and provide relatives of all children who enter placement notice of the judicial proceedings and an application to become a foster parent for the child(ren). The current Hawaii statute requires that families be notified within 60 days but the pending legislation will align Hawaii law with the 30 day federal requirement. Intensive family finding takes place upfront in all cases and is done through family conferences and the family finding initiatives. Beginning in SFY 2008, DHS funded the Effective Planning and Innovative Communications (EPIC) Ohana Connections Program which locates the biological kin of foster youth and assists the youth and appropriate family members to re-establish connections.¹⁷

Caseworkers engage relatives to maintain contact with the child(ren) even though they may not be able to have the child(ren) placed in their care. Children in care ages 0-3 are tracked so the state can examine its efforts to place these children with their relatives and siblings. Every week, all CWS section administrators hold a telephone conference on every child in care under the age of three to ensure that all efforts are underway and continuous to find family for the child.¹⁸

Education stability is a challenging provision for Hawaii to implement. Practice in accordance with the foster children's bill of rights is to maintain children in their home community and school of origin whenever it is feasible. To this end DHS works collaboratively with the Department of Education. The state supports youth with transportation. Buses or reimbursement to foster parents is provided using state funds as needed. McKinney Vento and Title IV-E funds are leveraged to assist whenever possible. However, what is in the best interest of a child must be decided on case by case bases. Geographic distances and the feasibility of transportation in terms of the child's time on the road must be considered and may present a major obstacle.

Sibling Connections have high priority when making placements. Increased resources have been targeted to find placements for large sibling groups. Hawaii statute provides waivers on foster care licensing to allow up to six siblings to be placed together if the home can accommodate and caregivers can provide adequate care. The primary emphasis, as previously noted, is on placing children with their families and if this is not possible keeping families connected through visitation. The family finding initiative and family conferencing assists with these efforts.

Hawaii also has residential arrangements that are temporary and allow siblings to remain together while there is intensive search for family and/or a foster home for large sibling group, or services are put in place to enable expeditious reunification. Project First Care specially trains foster parents to keep children for 30 days and assist with their reunification. The Maile Home, a private contractor facility, accepts pregnant teens in care and when they give birth, the infants can remain in the same home with their mother. Parenting skills are taught prior to discharge. This home can accommodate up to 20 young people and also accepts large sibling groups. The maximum stay in Maile is sixty days. Both programs welcome visits from parents and relatives as appropriate. Family connections are not disrupted and service interventions and reunification can be expedited. A typical scenario might be that law enforcement removed the child(ren) in a crisis situation. By statute the state must assume custody though service interventions were not tried prior to the removal.¹⁹

Transition plans for children aging out of foster care are required by CWS policy for all youth age 16 and older in out-of-home care to prepare them to make a successful transition to young adulthood. Recognizing that youth benefit from problem solving and life skills development and preparation early on, particularly during the critical middle school years, it is recommended that planning for independent living begin at age 12. At age 15 transitional/independent living (IL) planning shifts into high gear to provide additional support as needed. These supports include but are not limited to daily living skills, linkage with community resources, housing assistance and supervised transition/IL apartments.

Transition/IL plans are separate from the permanency plan but the state is working with The National Resource Center for Family-Centered Practice and Permanency Planning to integrate these ongoing planning processes while retaining the unique focus of each. Transitional/IL planning is provided statewide through purchase of service (POS) contracts.²⁰ Transitional/IL planning is youth-driven and delivered through individual sessions that include individualized assessment and service plans and a group process known as The E Makua Ana Youth Circle (becoming an adult in Hawaiian). The circle is a youth-driven, strength-based, and solution-focused process that draws on a youth's support system to generate options and resources to support the youth's goals and informed decision-making.²¹ Ideally, a youth will have three youth circles by the time they age out of foster care—two before they reach age 18 and one after they turn 18.²² At the request of the youth, circles may continue until age 19 and 20. Previously discussed resources expanded by Act 198 are utilized.²³ Since July 2004 family group conference and decision-making services funded by DHS and provided by EPIC through

community facilities have been available to help foster youth develop their transition plan for independent living and identify, build and sustain family connections.²⁴ Forming enduring family connections for older youth often requires intensive support. On Oahu and the Island of Hawaii, EPIC Family Engagement Specialists (FES) are assigned to foster youth, age 16 to emancipation, and provide case management support to facilitate family connections.²⁵

Hawaii has not enacted the Chafee option to extend Medicaid to youth who have aged out of foster care. After leaving foster care youth are generally eligible to receive individual Early Periodic Screening Diagnosis and Treatment (EPSDT) coverage, until to age 21 in accordance with Hawaii's Medicaid or Medicaid managed care requirements. In preparation for the youth's exit from foster care, the youth's name, address and employment information is provided to the Med QUEST Division (MQD). MQD then sends the youth an application for continued medical coverage. Hawaii chose to retain the process of applying for continued coverage to reinforce the life skills development process of choice, decision-making and action. Former foster youth must meet an asset and income test to qualify for this program.²⁶

Health oversight and coordination planning is underway. The state is working with their health care providers and multi-disciplinary teams on these provisions. Upon entry into out-of-home care every child gets a medical examination and is assigned a primary care physician. In 1969, DHS established a collaboration and partnership with the Kapiolani Child Protection Center (KCPC) to assist in early identification, treatment, and prevention of child maltreatment. This partnership has expanded to a statewide multidisciplinary team, assessment and consultation services that consists of pediatrician consultants, nurse consultants, psychologist consultations, social work consultants and team coordinators. As part of comprehensive health assessment, the nurse consultant gathers health status information, including information on dental health, for review. DHS contracts with KCPC with IV-B, subpart 2 funds.²⁷ The multi-disciplinary team approach also includes intensive psychiatric day treatment and special education services through Intensive School Based Day Treatment (ISBDT) programs as well as comprehensive array of medical and dental services from a public health nurse, forensic care department, 0-3 healthy start program nursing component, and physician. The challenge is that not all services are available on all islands. When necessary DHS will fly children in from other islands to ensure they receive the type of care needed.²⁸

Family Connections Grants

Hawaii was awarded a Family Connections Grant of \$450,000 a year for three years²⁹ to expand its family conferencing and intensive family finding efforts. Hawaii's family conference program 'Ohana project began in Honolulu, Hawaii in July 1996 as a collaborative effort of the family court of the first circuit, DHS and the Wai'anae community on the island of O'ahu.³⁰ It has been a DHS funded statewide effort since SFY 2008 when DHS formed a partnership with EPIC. Though Hawaii does not have a kinship navigator program, the EPIC Ohana Conferencing multiple strategies approach is used to locate, engage and keep families connected.³¹

In 2008, DHS collaborated with Department of Health (DOH) Alcohol and Drug Abuse Division (ADAD) to obtain a Federal Access to Recovery (ATR) grant from the federal Substance Abuse and Mental Health Services Administration (SAMHSA). Hawaii was awarded \$8.25 million over a 3 years period to fund substance abuse recovery support services for parents, guardians in the CWS system. ATR is a presidential initiative which utilizes a voucher system where clients can access substance abuse clinical treatment and recovery support services. The goals of the program are to expand capacity, support client choice, and increase the array of faith-based and community based providers for clinical treatment and recovery support services.³² The state has a "Women's Way" residential treatment facility program for women and their infants.³³

Opportunities & Challenges³⁴

Hawaii is working with the Family Court to reach an understanding of the best way to handle domestic violence matters. Domestic violence is a significant issue and these cases are increasing child protective service intake. The court hearing these petitions correctly determines that there is potential risk and external intervention is required. The question is how and when these matters require the intervention of child protective services and when other interventions can work well. It is essential that other parts of the system be used. For example, a domestic violence advocate may be able to effectively assist the victim. Child protective services only needs to be involved when the perpetrator is dangerous to the child(ren). Otherwise there is risk at overloading the current CWS system that is already strained by the loss of staff and furloughs.

Federal funding streams are complex and are not flexible enough to support the type of front-end services currently needed. Each funding opportunity carries its own set of rules, regulations and instructions that are interpreted with variations in different federal regions. It is challenging to blend and braid the fragmented federal funding streams and various rules and regulations into effective and efficient service programs that will improve outcomes. Consolidated

federal funding streams and clear program instructions would be helpful. In addition, eliminating the IV-E look back to 1996 eligibility would enable all children found in need to receive federal support services, eliminate the need for dual complex tracking systems, and allow eligibility workers to be redeployed to do other work.

The current fiscal environment challenges all sectors of society. Hawaii collaborates with Family court, the Judiciary, the native Hawaiian community and other community partners to ensure that even in these difficult economic times the most vulnerable among us, children subject to abuse and neglect, are protected and provided services. In face of furlough and lost positions child welfare staff at all levels are resolute and committed. Staff strive day-in and day-out, to provide core services the will ensure the quality of existing services and current high-level outcomes are maintained.

Conclusion³⁵

While the provisions and options of the Fostering Connections and Implementing Adoptions Act are significant and will help improve the lives of children, it primarily impacts children and youth who have been placed in-out-of home care. Hawaii urges that federal policy makers look at front-load funding to prevent the harm that leads to a child being removed from his or her home and entering foster care in the first place. Funding expansion or flexibility that would allow building and strengthening practices that are showing results would be welcomed.

¹ Altonn, Helen. *Hawaii reforming child welfare service*. Start Bulletin. October 24,2009. Retrieved December 23,2009 from http://www.starbulletin.com/news/20091024_Hawaii_reforming_child_welfare_service.html

² FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Page 23. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf

³ Department of Human Services Report on Fiscal Years 2007 & 2008, page 46. Retrieved from <http://hawaii.gov/dhs/main/reports/AnnualReports/DHS%20Annual%20Report%20FY%202007-2008>

⁴ Interview on December 11, 2009 with John Walters, and Cynthia Goss, Acting Child Welfare Services Branch Administrator Department of Human Services, Division of Social Services, Child Welfare Service.

⁵ Altonn, Helen. *Hawaii reforming child welfare service*. Start Bulletin. October 24,2009. Retrieved December 23,2009 from http://www.starbulletin.com/news/20091024_Hawaii_reforming_child_welfare_service.html

⁶ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Pages 8-10. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf

⁷ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

⁸ *Hawaii To close \$1.23 Billion revenue Shortfall and Balance Budget*. The Gov Monitor Public Sector New & Information. Retrieved December 24, 2009 from http://thegovmonitor.com/world_news/united_states/hawaii-to-close-1-23-billion-revenue-shortfall-and-balance-budget-19522.html

⁹ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

¹⁰ *Hawaii To close \$1.23 Billion revenue Shortfall and Balance Budget*. The Gov Monitor Public Sector New & Information. Retrieved December 24, 2009 from http://thegovmonitor.com/world_news/united_states/hawaii-to-close-1-23-billion-revenue-shortfall-and-balance-budget-19522.html.

¹¹ Interview on December 11, 2009 with John Walters and Cynthia Goss, Acting Child Welfare Services Branch Administrator Department of Human Services, Division of Social Services, Child Welfare Service.

¹² Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

¹³ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

¹⁴ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Pages 8-10. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf

¹⁵ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

¹⁶ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Pages 92-94. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf

¹⁷ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Pages 63. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf

¹⁸ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

¹⁹ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

²⁰ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.

²¹ *Youth. Gathering Ohana to make informed decisions about children*. Retrieved December 23, 2009 from http://epicohana.info/component/option.com_frontpage/Itemid,1/.

²² *Youth. Gathering Ohana to make informed decisions about children*. Retrieved December 23, 2009 from http://epicohana.info/component/option.com_frontpage/Itemid,1/.

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- ²³ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.
- ²⁴ *Youth. Gathering Ohana to make informed decisions about children.* Retrieved December 23, 2009 from http://epicohana.info/component/option.com_frontpage/Itemid,1/.
- ²⁵ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Pages 63. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf
- ²⁶ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Page 112. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf
- ²⁷ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Page 112. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf
- ²⁸ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.
- ²⁹ Altonn, Helen. *Hawaii reforming child welfare service.* Start Bulletin. October 24, 2009. Retrieved December 23, 2009 from http://www.starbulletin.com/news/20091024_Hawaii_reforming_child_welfare_service.html
- ³⁰ *History of EPIC.* Gathering Ohana (family) to make informed decisions about children. Retrieved December 24, 2009 from http://epicohana.info/component/option.com_frontpage/Itemid,1/
- ³¹ FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Page 77. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf
- ³² FY 2009 Annual Progress and Services Report State of Hawaii Department of Human Services Social Services Division June 2008, Updated October 2008. Page 77. Retrieved December 23, 2009 from http://hawaii.gov/dhs/protection/social_services/child_welfare/FY%202009%20APSR%20Oct08.pdf.
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- ³⁴ Interview on December 11, 2009 with John Walters and Cynthia Goss, Department of Human Services, Division of Social Services.
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