

STUDY OF FOSTER CARE IN HAWAII

**Conducted Under the Direction of the
National Child Welfare Resource Center
for Management and Administration
University of Southern Maine**

A Report to the Governor and the Legislature of the State of Hawaii

**National Child Welfare Resource Center for Management and Administration
Human Services Development Institute**

Legislative Auditor

OVERVIEW

STUDY OF FOSTER CARE IN HAWAII

Honolulu, Hawaii

February 1990

Summary

Foster care is the system of programs and services to support children who cannot live in their own homes because of the inability or unwillingness of parents to provide even marginal care. The need for foster care is growing both nationally and in Hawaii, but at the same time, adequate services have become increasingly difficult to provide. New and complex problems affect the children who need help, and demographic and economic factors restrict the supply of foster parents.

Recognizing these problems, the Legislature in 1989 requested the legislative auditor to study Hawaii's system of foster care. After soliciting proposals from experts in the field, the auditor

selected a consortium of five national organizations to conduct the study under the auspices of the National Child Welfare Resource Center for Management and Administration of the University of Southern Maine.

The examination of Hawaii's foster care efforts reveals that in its struggle to deal with the problems associated with family deterioration and child abuse and neglect, Hawaii has not kept pace with advances in the field as set forth by the goals of federal legislation on foster care. The consultants make numerous recommendations and provide a blueprint for overhauling Hawaii's current approach to foster care.

FINDINGS

Hawaii lacks a unified system of foster care and instead operates a series of discrete and uncoordinated programs.

Compared to experience elsewhere, Hawaii is over-using foster care in both the number of placements and the length of time children spend in foster care. Some practices lack sensitivity and add to the trauma experienced by children going into foster care.

Hawaii has an acute shortage of foster parents and is not adequately using this valuable resource. Other services to Hawaii's foster children and their families are severely limited.

In the face of heavy staff turnover and high social worker caseloads, the Department of Human Services is having difficulty translating its improvement plans into effective action.

Because adoption is not emphasized, many of Hawaii's children have become "stuck" in the system. Also lacking is a coherent approach to preparing older adolescents for adulthood and independent living.

RECOMMENDATIONS

Hawaii should set up a mechanism to coordinate the actions of different agencies in the field of child welfare and foster care. The State should also broaden and improve its foster care services in such areas as prevention, placement, support, teamwork, and independent living.

The role of foster parents should be enhanced by improving recruitment and training, clarifying rights and responsibilities, and encouraging adoptions by foster parents.

The coordination and direction of foster care should be improved by enlarging the role of the new Office of Youth Services, assuring

plans are translated into action, revamping information systems, and closing gaps between central office and field staff.

Social worker vacancies should be filled and caseloads reduced by modifying entry qualifications and increasing training. Procedural steps should be taken to claim the large amounts of available foster care funds.

Statutory and procedural changes should be made to promote permanent homes for foster children, to enhance foster care review, and to improve legal protection and representation.

RESPONSE

The affected agencies agreed in general with the study's findings and recommendations. There was broad consensus that the study provides useful guidance for improving Hawaii's approach to foster care.

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Submitted by

**Legislative Auditor of the State of Hawaii
Honolulu, Hawaii**

February 1990

FOREWORD

In response to various concerns regarding foster care in Hawaii, the Hawaii State Legislature in 1989 under Act 394 appropriated funds to the legislative auditor to undertake a study of Hawaii's system of foster care. After soliciting research proposals from experts in the foster care and child welfare fields from across the country, the auditor selected for the conduct of the study a team of five national organizations who had formed a consortium to respond to the request.

Study director for the project was Helaine Hornby of the National Child Welfare Resource Center for Management and Administration, University of Southern Maine. Other members of the study team included: Mark Hardin, National Legal Resource Center for Child Welfare, American Bar Association; Tom Morton and Toni Oliver, Center for Foster and Residential Care, Child Welfare Institute; Nancy McDaniel, National Resource Center on Child Abuse and Neglect, American Association for Protecting Children; and Michael Petit and Robert McKeagney, Michael Petit Associates.

The study team wishes to express its appreciation for the cooperation and assistance extended to it by officials and personnel of the Department of the Attorney General, Department of Corrections, Department of Health, Department of Human Services, various Family Courts of the Judiciary, Office of Children and Youth, and Office of Youth Services, and by the many individuals in the community representing foster parents, provider organizations, and advocacy groups who provided input into the study.

Helaine Hornby
Study Director

February 1990

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Executive Summary

Foster care, sometimes called substitute care, is the system of programs and services developed to support children who cannot live in their own homes. There are many reasons why children find themselves in foster care. It usually boils down to the parents' inability or unwillingness to provide even marginal care for their children either because they are abusive or extremely neglectful or because the children themselves possess illnesses or disabilities which the parents cannot manage. Foster care programs provide care and supervision to children in licensed foster homes or in group settings such as emergency shelters. In addition, they should provide medical and/or therapeutic services to children and assistance to the parents so they can have their children returned.

The following discussion summarizes the major findings of the comprehensive study of foster care in Hawaii and suggests areas of recommendation which are elaborated throughout the report.

A Multi-agency System Lacking Coordination

Hawaii does not operate a foster care "system" as much as a series of discrete foster care programs each with its own staff, budget and purposes. Nevertheless, the Department of Human Services (DHS) is the major element in foster care because it pays for over 90 percent of the nearly 1,800 children in Hawaii who reside in foster care on a given day. Of this 90 percent, the department is directly in charge of only 76 percent; the other 14 percent are managed by the Department of Health and private agencies licensed by the DHS as "child placing agencies." The remaining 10 percent totally outside the jurisdiction of DHS are both placed and paid for by the Department of Health; the Judiciary, Family Court; and/or private agencies such as the Casey Family Program. The policy of DHS of allowing other agencies to place children in foster care and of assuming all monthly board and care costs without monitoring these placements puts DHS in a weak position from the standpoint of fiscal and program management. At present it is obligated to pay bills for over 200 children over whom it has no effective oversight. The Department of Human Services should institute controls over who enters foster care through the licensed agencies, how long they stay in care, and what their programs or services should be.

A major problem with the current multi-agency structure is that there is limited coordination among the foster care providers and a good deal of competition for resources, particularly foster family homes. With the exception of the Interdepartmental Cluster which has a specific mandate

(to develop service plans for “multi-system children having severe emotional and developmental problems”), there are few mechanisms for interagency planning, for sharing information, or for sharing resources. Yet, many of the problems facing one agency are the same for the others: finding suitable homes and treatment for difficult adolescents; coping with increases in substance abuse and its affects on the foster care system; and providing adequate training for foster parents, as examples.

The Legislature’s recent creation of the Office of Youth Services and the earlier establishment of the Interdepartmental Cluster are positive signs that the State is looking in the direction of coordination, if not consolidation, of its foster care programs. This report recommends that, at a minimum, an interdepartmental structure be established which systematically addresses issues which cross all agencies providing foster care. Examples are developing comprehensive information about the children they serve; identifying the need for and coordinating the delivery of preventive services; mounting joint campaigns for recruiting and training foster parents; and coordinating purchase of service contracts. In addition, it recommends that the Family Court foster care program be placed under the jurisdiction of the Office of Youth Services. Eventually the State may consider consolidating all foster care programs under one agency.

Over-use of Foster Care

A review of data on the children in foster care, when compared to national averages, reveals that Hawaii uses foster care services far more frequently relative to the size of its population than most other states. Thus, while the national use of foster care for all children is 37 children per ten thousand in the population (State Child Welfare Chart Book), Hawaii’s use appears to be 62 children per ten thousand, assuming each placement in foster care represents a different child. In fact, we know that some children move in and out of care and because we cannot determine from the current data what percent are repeat placements the prevalence would actually be somewhat lower. However, another indicator of over-use is the percent of abused and neglected children who wind up in foster care. While approximately 10 percent of all abused and neglected children nationally are placed (American Humane Association), nearly 30 percent of Hawaii’s children are. The problem is that foster care should generally be considered a last resort solution not a first choice option. Many studies have demonstrated the deleterious effects on children of removing them from their homes, to say nothing of the wrenching effects on parents. In the debate between protecting children versus preserving families, Hawaii is stronger on the former than the latter. However, foster care in and of itself is a hollow protection. What children need is

permanent homes. In recent years, Hawaii has been investing increasing numbers of dollars in community services provided by private agencies as well as in strengthening the public workforce through additional positions. One encouraging positive sign is that in the last two years both the numbers of confirmed abuse and neglect reports and the use of foster care have been levelling off, even declining. Encouraged by this progress, Hawaii needs to continue to pursue with renewed vigor its efforts in developing a system of programs and services which prevent abuse and neglect, and strengthen families and supplement their ability to care for their children rather than using the drastic measure of removing children.

Foster Parent Shortage

While the substantial increase in board payments to foster parents had not yet taken effect, DHS had fewer licensed homes in June 1989 than June 1988. On a given day in 1989, there were only 29 vacant beds statewide, 10 on Oahu. Such few vacancies relative to the number of children requiring foster care means that agencies cannot attempt to match the needs of the child with the attributes of the foster home or keep the child in a community close to home. Indeed, there was some evidence that children were "bumped" from foster homes to allow others to enter.

Efforts made by DHS to recruit foster parents are largely disorganized, underfunded, understaffed and poorly targeted. In addition, foster parents are inadequately prepared and trained to support DHS's efforts to return children home or find other suitable permanent homes. There is considerable duplication in effort and in fact competition among agencies to recruit foster homes. Foster parents of one agency generally do not have knowledge of or access to training sponsored by another.

Foster parents working with the DHS tend to be less satisfied than other foster parents. They are often unclear about their roles and do not receive consistent information about their rights and entitlements. However, they generally acknowledge that DHS social workers are overworked, carry large caseloads, and face a great deal of stress. Hawaii does not have a consistent policy relative to foster parent adoption. While national studies have shown foster parents to be the most viable single resource for adopting children with special needs, many foster parents in Hawaii are discouraged from considering or pursuing adoption. While the reasons may in many instances be valid, Hawaii should assume a posture of promoting foster parent adoption for children, particularly those already in permanent custody.

The Department of Human Services, in cooperation with the other foster care agencies, needs to establish a centrally staffed program capacity to support and coordinate recruitment and retention activities both on Oahu and the neighbor islands. In addition, training and supportive services such as respite care need to be provided routinely to foster parents.

Severe Lack Of Services To Foster Children And Parents

Perhaps one of the greatest problems in Hawaii's foster care system is the disparity between the tremendous needs of children and families and the intensity of services provided to meet those needs. Of the 102 DHS case records reviewed, court review was the most frequently mentioned "service" provided to clients. Post-crisis protective casework was the next most frequently mentioned followed by supervision and placement. What emerges is a view of services precipitated by crisis and followed primarily by supervision and monitoring. There is little evidence in the case records of efforts to solve the problems necessitating state involvement in the first place. Furthermore, study data suggest that half the families and children do not have face-to-face contact with the social workers even once a month. Workers themselves reported spending only 22 percent of their time on average in direct client contact.

To remedy these problems, DHS needs to set standards relative to frequency of worker contacts, enhance supervisory practices, fill existing vacancies so to lower caseloads, and place more dollars (from those recovered through increased federal claims) into community-based treatment services.

Insensitivity to Children Being Placed

Initial placement into foster care represents a very traumatic time in the life of a child. The sense of security the child has felt at home, even in an abusive situation, is voided by the powerlessness of the child and the involuntary nature of the placement.

In Hawaii many practices exacerbate rather than relieve the pain of removal. Frequently children are taken to police stations and/or emergency shelters before being placed in a home. Case aides are used to "transport" the child rather than social workers helping them settle in to a new home. Foster parents often are provided only scanty information about the child. No assessment is made of the immediate needs of the child in relation to separation from the family or adjustment to the new home or school.

These practices warrant improvement such as either using social workers or training case aides to handle the child's initial trauma and feelings of loss in being removed from home; providing foster parents with more complete information; and conducting an initial assessment of the child's emotional needs just as they receive medical examinations to assess their physical needs.

Difficulty Implementing Plans

Hawaii's foster care agencies, particularly the Department of Human Services, have active planning capacities. There is evidence of creative thinking and positive planning for program development. Yet administrators appear to have considerable difficulty translating plans into action on a timely basis. Examples of unimplemented plans are the creation of "service teams" recommended by a consultant and embraced by agency administrators; installation of a new information system; and development, despite federal funding, of an independent living program.

Implementing change can be uncomfortable. Obtaining input and gaining support of field staff are important ingredients as are obtaining overt support and direction from the highest echelons of management.

The Department of Human Services needs to be more pro-active in implementing what it considers to be important program initiatives and administrative changes by establishing goals and timetables, describing concrete steps, making assignments and monitoring progress.

High Turnover, Caseloads Hurt Services

Hawaii has recognized its personnel problem--the need for more staff and the inability to fill positions--and has taken steps to remedy it: adding positions in an effort to serve huge caseloads, instituting shortage pay for workers in high stress jobs such as child protective investigations, increasing the use of emergency hires. The problem is, the solutions are not fully working. Caseloads stand at 35 per worker on average, far higher than recommended national standards and vacancies remain high throughout the agency. People who have been hired in temporary positions or on an emergency basis have become disgruntled with their status and lack of benefits. Over one-third of the workers surveyed have been in their jobs less than a year, indicating continued high turnover.

Hawaii has twice as many social workers with Bachelor of Social Work (BSW) and Master of Social Work (MSW) degrees employed in its public agencies as national averages and should be

commended for its high qualification standards. Yet the supply of social work graduates in the State cannot come close to meeting the large demand for workers not only in the public but also in the private agencies. To meet its worker shortage, Hawaii will need to place a greater emphasis on substituting education and experience coupled with a more extensive pre-service and in-service training program for formal social work credentials.

In addition, emergency workers who have been on the job more than 6 months should have their performance reviewed and if satisfactory be placed on permanent status. Temporary positions should be converted to permanent positions.

Hawaii Losing Millions In Federal Funds

Over the past several years the Legislature has been generous with the agencies operating foster care programs in Hawaii, providing substantial increases in funds for agency staff and new community services. However, in turning to its own legislature for help, agency administrators have neglected a very large and open-ended source of funds: the federal government. By not instituting procedures to claim federal funds (i.e., to be reimbursed for allowable expenses), Hawaii has lost literally millions of dollars in federal funds since the program went into effect in 1980--funds that could be used to enhance services to the affected children and other families.

The Adoption Assistance and Child Welfare Act, P.L. 96-272, allows states to claim federal reimbursement under Part E, Title IV, of the Social Security Act for the monthly maintenance payments of eligible children in foster care. While nationally 40 percent of all children qualify for and receive federal reimbursement, in Hawaii only 2.8 percent of the foster children have been qualified by DHS. The Act also allows long-term subsidies to parents adopting children with special needs; yet only a couple of dozen families in Hawaii receive it. Furthermore, the Act allows states to claim 50 percent of all the costs to administer the Part E foster care program, while they are performing eligible activities such as recruiting foster homes, preparing for and participating in judicial reviews, developing case plans, supervising children in foster care, and licensing foster homes. The agency need only to develop a "cost allocation plan" which shows how eligible costs will be determined, have it approved by the federal government, and then implement the plan. Finally, Part E allows states to be reimbursed for 75 percent of all the costs (pre-service and in-service) associated with training social workers and supervisors serving foster children. Out of the 50 states Hawaii is at or near the bottom in claiming federal funds for its foster care and adoption programs. This report suggests both legal and administrative steps to remedy the problem.

Children “Stuck” In Permanent Custody: No Emphasis On Adoption

While the legal system supporting foster care is well designed and administered through the Family Court, several serious problems mar the effectiveness of foster care in Hawaii. First and foremost, many children get “stuck” in the system. Once an agency is awarded “permanent custody” by the court, the laws and procedures are not structured to achieve adoptions or other legally secure permanent homes. Thus, we see a very high percentage of children, over 40 percent for whom DHS has legal custody, who have been in the same placement over 18 months without pressing forward to adoption. Many Hawaii judges, attorneys, court staff, DHS personnel, and foster parents express dissatisfactions over the legal options available to foster children who cannot return home. This report discusses the problems with the current options and recommends a new set of legal alternatives.

A second major legal problem relates to flaws in the federally mandated six-month foster care review process. Hawaii has elected to use the judiciary to conduct its reviews. To comply more fully with federal requirements, Hawaii needs modifications in both court prereview reports and court orders used at six-month reviews. In addition, judges need to make “reasonable efforts” determinations when a child is removed from home to decide whether the agency has done all it could to prevent removal or assist in returning the child home. By not making such determinations in every case, the court is precluding the agency from claiming federal matching funds for the child or even federal adoption assistance payments should the case come to that. This study recommends several ways to modify court procedures which will assure compliance with federal law.

While not recommending the substitution of citizen review for the current system of court review, the report does recommend using citizen review for children not currently subject to court review, e.g., those in voluntary placement and those under Department of Health supervision.

No Preparation For Independent Living

Despite new federal legislation and an influx in federal funds for this purpose, Hawaii has not yet devised a coherent program targeted to adolescents in foster care who will spend the remainder of their youth in care. Social workers do not know what should be included in case plans for youth 16 years old and older to prepare them for young adulthood. The need for independent living services was among the greatest cited in the social worker survey.

Job training, a completed education, driver's licenses, and counseling are just a few of the services that need to be readily available. Many recommendations are made to improve the chances of adolescents in foster care achieving independence and successful adulthood.

Conclusion

Like many other states Hawaii has struggled over the past decade to handle the steady increase in abuse and neglect reports and to respond to the many problems associated with the deterioration of the American family as we know it. In its struggle, Hawaii has not kept up with the advances in the field characterized by the goals of P.L. 96-272: to find children safe, permanent homes as quickly as possible; to make reasonable efforts to prevent removal in the first place; and to have a set of alternatives available in the community to support families. Instead, Hawaii is still putting out fires, trying to keep up with workloads exacerbated by the rapid turnover in social workers, and scrapping to find decent foster homes for children. The Department of Human Services has not been aggressive in pursuing the federal reimbursements to which it is entitled. Claiming these funds would help pay for many of the improvements being recommended.

Hawaii cannot afford to have several agencies operating foster programs independently and competing for resources. The State needs to set up an interagency mechanism for coordinating programs and jointly conducting various functions such as recruiting and training foster parents.

This report lays out a series of steps for the State to take which will bring more funds into the State, strengthen local community abilities to work with families in their own homes, provide a more stable workforce, improve services to children in foster care and their families, and increase the number of children in permanent homes.

Chapter 1

Introduction: The Legal and Organizational Framework for Foster Care Services

Background

In response to various signals of distress surrounding Hawaii's system of providing foster care services to children and youth, the Legislature, in 1989, appropriated funds for a "comprehensive study of Hawaii's system of foster care" (Section 4, Act 394, Session Laws of Hawaii, 1989).

The Office of the Auditor was given responsibility for conducting the study and solicited research proposals from experts in the foster care and child welfare fields from across the country. This report is the product of a team of five national organizations who formed a consortium to respond to the request. The study was conducted over a four-month period, between August and December, 1989.

This chapter describes the scope of the study that was undertaken as well as its methodology. It then gives definitions and objectives of the term "foster care," discusses the legal framework for the program, and shows how each of the state agencies providing foster care services is organized to do so. It concludes with a brief description of the organization of the report.

Scope of the Study

This study encompasses all departments and agencies which provide foster care services in Hawaii: the Department of Human Services; the Department of Health; the Judiciary, Family Courts; the Department of Corrections; and the private agencies funded by the State to provide placement and social services to foster children and their families. In relation to these agencies the study team reviewed the numbers and kinds of children served and, where possible, compared these to national averages; the policies and practices surrounding the recruitment, retention, and treatment of foster parents; the way services are organized and delivered to families and the numbers and kinds of services actually received; the overall capacity to plan, implement and monitor programs; the management of human and fiscal resources; as well as the laws, rules, and regulations governing the program.

Study Methodology

To achieve both breadth and depth in the data collection process a variety of methods were used. These included (1) an analysis of written documents including laws, bills, policy manuals, special studies, memoranda, training curricula, data generated from computer systems, cooperative

agreements, purchase of service contracts, personnel forms and related material to obtain a view of the "formal" system in Hawaii; (2) ninety face-to-face interviews with people at the state level including program administrators from the public sector, members of the Legislature and their staffs, judges, program administrators from the private sector, advocacy groups, foster parent groups and members of the bar association; (3) field visits to Department of Human Services branch offices on Oahu, Maui, Molokai, East Hawaii, West Hawaii, and Kauai where over one hundred fifty interviews took place with casework staff and administrators, foster children, private agency personnel, police, educators, foster home finders, judges, attorneys, guardians ad litem, and foster parents; (4) reviews of 102 case records, randomly selected, with a form completed on each; (5) questionnaires administered statewide to three groups: 315 public social work staff and supervisors who deal with child protective and foster care cases for the Departments of Human Services, Health, and Corrections and the Judiciary, Family Courts; 701 licensed foster parents of the Departments of Human Services and Health, of the Judiciary, Family Courts, and of six private child placing agencies; and all provider agencies which have contracts with the Department of Human Services to deliver social services and residential programs to its clients. (Copies of the three questionnaires and of the case review form are available for inspection in the Office of the Auditor.) Response rates were 63 percent for the social worker survey and 39 percent for the foster parent survey.

Case record and survey data were processed and analyzed at the University of Southern Maine. Such analyses included frequencies, means, medians, modes, univariate analyses, and analyses of variance and significance using chi-square tests.

Foster Care Defined

Foster care, sometimes called substitute care, is the system of programs and services developed to support children who cannot live in their own homes for one or more of the following reasons: they lack adequate care and supervision due to the absence, incapacity or negligence of their parents; they are in danger of abuse or exploitation by their parents; they are legally available for adoption or are in the process of becoming available; they display serious adjustment problems which their parents cannot manage at home; they possess physical or emotional disabilities which their parents cannot manage; and/or they have acted in an unruly or delinquent manner, bringing them under the jurisdiction of the juvenile justice system.

Foster care programs provide alternative or substitute homes for children on a temporary basis in licensed foster homes or group settings such as emergency shelters. In addition, they should provide care and supervision to children including medical and/or therapeutic services while permanent homes are being sought for them.

Foster Care Systems and Objectives in Hawaii

The Departments of Human Services, Health, and Corrections; the Judiciary, Family Courts; and a series of private agencies licensed by the State all provide foster care services in Hawaii. Foster care objectives relate, in part, to the system or agency placing the child. The major systems and their objectives are:

SYSTEM

OBJECTIVES

Child Welfare

(Department of Human Services)

To protect children from abuse or neglect

To support and enable families to provide adequate care to their own children

Juvenile Justice

(The Judiciary, Family Courts;
Department of Corrections,
Hawaii Youth Correctional Facility)

To provide supervision and direction to juveniles who have violated legal standards of behavior

To protect the general community by preventing further illegal activity by juveniles

To provide appropriate care and treatment to juveniles whose own families are unable to do so

Mental Health

(Department of Health,
Division of Mental Health,
Office of Children's Services)

To provide therapeutic care to children who are experiencing behavioral or adjustment problems resulting from diagnosable conditions of mental illness

To provide care and supervision to children whose families are unable to cope with their mental illness

To enable biological or substitute families to provide appropriate and therapeutically sound care to children with conditions of mental illness

Developmental Disabilities
(Department of Health, Division
of Developmental Disabilities)

To provide therapeutic care to children who are experiencing behavioral or adjustment problems resulting from developmental disabilities

To provide care and supervision to children whose families are unable to cope with their developmental disabilities

To enable biological or substitute families to provide appropriate and therapeutically sound care to children with developmental disabilities

The common, overriding goal of each of these systems is to enable children, while living in substitute homes, to mature with the appropriate social skills to be able to assume responsible, self-sufficient roles as adults. This goal, in turn, places each system within the larger framework of community services such as education, health care, and economic assistance.

For the past ten years the focus of foster care in the *child welfare system* nationally has been to help children return safely to their own homes by supporting the parents or to help them find stable alternative homes, preferably through adoption. As such, foster care programs should be managed with an overt recognition that each child “has come from somewhere” and is also “headed for somewhere.” The other service systems, particularly health and developmental disabilities, do not always embrace the same emphasis on foster care as a short-term temporary solution.

The term used nationally to connote foster care in child welfare as a temporary service is *permanency planning*. For each child entering foster care the agency is responsible for developing a permanency plan which specifies the goal for the child (for example, to return home), the problems preventing the achievement of the goal at present, and the services that will be provided to both the parents and the child to assure that the goal will be achieved.

Legal Framework for Foster Care

Both federal and state laws guide the conduct of foster care programs.

Federal Law

The most important federal law is the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. This act is both a potential substantial source of funding for Hawaii’s foster

care system and a mechanism for reform and quality control. P.L. 96-272 added a Part E to Title IV of the Social Security Act under which states may claim reimbursement for foster care payments, administrative costs, and training costs in exchange for providing a number of specific and rigorous protections for foster children. States may also claim federal matching funds for adoption assistance. It also made amendments to Part B of Title IV under which states receive funds for services to children and families. Hawaii currently is collecting funds available under Part B but, as discussed in Chapters 6 and 7, could be receiving far more funds under Title E if a system were established to document the eligibility of individual children and increase the number of adoptions. Among the protections required under P.L. 96-272 are the following:

Reasonable efforts to preserve families and avoid unnecessary and unnecessarily prolonged foster care: Such “reasonable efforts” are to be provided in each case by the Department of Human Services, documented by a court finding, and linked to a comprehensive program of services to families.

Case plans and periodic case review for children in foster care: Each child in foster care is to have a detailed and specific case plan, tailored to the child and family’s individual needs. In addition, there is to be a thorough review of each child’s case at least once every six months and a hearing within 18 months of foster placement to determine the long-term plan for the child.

Preparation of foster children sixteen years or older to be self-sufficient after reaching the age of majority: Case plans, case review, and services are to be provided for each foster child age sixteen or older to prepare the young person to live independently.

Adoption assistance for children with special needs who otherwise would not be adopted: Each child who meets federal eligibility criteria and who, because of age, handicap, or other special condition, cannot be adopted without financial assistance to the adoptive parent is entitled to federal adoption assistance. Hawaii is required to make available federally matched adoption assistance for such children.

A consistent system of payments to foster homes, including those operated by relatives of the foster child: There must be the same payment for children of the same age and characteristics, regardless of whether the children are placed with related or unrelated foster parents.

State Legal Provisions

The key sources of Hawaii state law which govern the provision of foster care services are:

Hawaii Revised Statutes:

Chapter 587: governs court proceedings concerning the protection of maltreated children.

This law sets criteria and timetables and establishes the process for each of the following: placing

a child into foster care; determining whether the child has been maltreated; creating a case plan (“service plan” or “permanent plan”) for the child; periodically reviewing the foster child’s case; and securing a new family for the child if the child is unable to return home. In addition, the law places a one-year limit on foster placements arranged by Department of Human Services without initiating a court proceeding. H.R.S. Section 587-21(b)(2).

Chapter 571: governs court proceedings concerning unruly and delinquent children, also referred to as status offenders and law violators. It establishes the criteria and process for detention, trial, and disposition of such children, including the authorization of foster care. Chapter 571 also sets forth the general powers of the Family Court, such as the power to award guardianships in cases involving children previously placed into foster care pursuant to Chapter 587. It sets forth criteria and procedures to terminate parental rights in long pending cases filed pursuant to Chapter 587 prior to June, 1986. Termination of parental rights legally frees children for adoption without parental consent.

Chapter 578: governs adoption proceedings. While adoption proceedings for foster children who have been placed in the Department of Human Services permanent custody pursuant to Chapter 587 are handled by the Family Court, the Family Court applies some Chapter 578 requirements in conducting these. H.R.S. Section 587-74(a)(1).

Chapter 350: governs the reporting and investigation of child abuse and neglect, which sometimes leads to the placement of children in foster care and the initiation of proceedings under Chapter 587.

Chapter 560:5, Part II: governs proceedings for the appointment of a “guardian of the person” of a minor. Such guardianships are heard by the Family Court and sometimes relatives or other individuals are appointed as guardians of a child who have been maltreated. In some cases a guardian is appointed instead of placing the child into foster care; in others, a guardian may be appointed after a child has already been in foster care, as a permanent legal placement. Guardianship is a legal alternative to adoption, whereby the child is placed with the individual or married couple serving as guardians but parental rights are not entirely extinguished.

Chapter 346: sets forth the powers and responsibilities of the Department of Human Services, the agency directly responsible for the care and supervision of the great majority of Hawaii foster children as well as requirements regarding the investigation and licensing of child placing organizations, child caring institutions, and foster boarding homes. These requirements apply to children placed by other agencies, as well as the Department of Human Services.

A recent amendment to Chapter 346 provides for the continuation of foster care for children pursuing a higher education (through age twenty-one). Act 394, Session Laws of Hawaii 1989.

Chapter 352D: this new chapter creates an Office of Youth Services that is to assume comprehensive responsibility for placement and services on behalf of status offenders and delinquents. For the first two years, the Office of Youth Services is to perform a planning and program development function, defining its precise responsibilities once the agency becomes operational.

Agency Rules and Procedures

Department of Human Services Rules: interpret and apply federal statutes and regulations, state statutes, and court decisions regarding issues for which the department is responsible.

Child Protective Services Handbook: sets forth procedures to be followed and forms to be used in implementing Department of Human Services rules.

Hawaii Family Court Rules of Procedure: sets forth the procedures to be followed in the various family court proceedings. The rules, which were adopted by the Supreme Court of the State of Hawaii, are binding on all Family Courts throughout the state. The rules governing juvenile proceedings were last amended in 1982, prior to the major revision of Chapter 587 in 1986.

Family Court Foster Care Review Officers Handbook: the Family Court, in cooperation with the Department of Human Services, has appointed a Family Court Foster Care Review Officer (FCRO) to review Department of Human Services voluntary placements and cases in which the Department of Human Services has custody pursuant to Chapter 571. The Handbook sets forth the procedure to be followed by the FCRO and includes forms.

Organization and Administration of Foster Care in Hawaii

The principal organizational characteristic of the Hawaii “foster care system” is its division into several distinct programs. Although most observers identify foster care as a responsibility of the Department of Human Services, other agencies, both public and private, manage their own essentially free-standing operations: Department of Health, Children’s Division; Department of Health, Developmental Disabilities Division; the Judiciary, Family Courts; Department of Corrections; and private agencies.

Nevertheless, the widespread perception that the Department of Human Services is *the* foster care agency is not without strong foundation. The basic authority to provide foster care services, regardless of the operating agency, is derived from the department’s statutory mandate either to license individual homes or to approve child placing agencies to do so. In addition, the Department of Human Services provides direct care to more than three times as many children as the rest of the agencies combined and provides monthly maintenance payments for more than ninety percent of the children in placement. For this reason, it is important to recognize, even though it is not

apparent from the structure and operation of the collective programs, that the Department of Human Services does constitute the core of the foster care system.

The Department of Human Services

The Department of Human Services is Hawaii's child welfare agency. It is responsible for intervening actively on behalf of children when families, for whatever reason, are unable to provide proper care. Its daily activities include a variety of investigative, social work, and direct child care services which fall within two broadly defined functions: *protective services* and *substitute care*.

Most Department of Human Services clients are served through protective services with emphasis on the immediate investigation of alleged abuse or neglect and the provision of in-home support services to families. The department's protective and substitute care activities are intimately related. As a result, its field staff often carry out duties in both areas. In many respects, this simplifies the process of developing plans either to support and reunite families or to terminate a child's relationship with his or her parents. In other ways, it has created internal conflicts as the needs of both children and adults must be balanced by a single caseworker. Where greater specialization has evolved, the department has been able to develop an effective level of teamwork.

The structure illustrated by Figure 1.1 only partially defines the complexity of the Department of Human Services. A number of other divisions, bureaus, and offices fall within the purview of the Director. Several of these, particularly administrative support service functions and medical services administration, are important to the success of the Department of Human Services' foster care program. For the purposes of this report, however, only the following organizational characteristics need to be reviewed.

Management Structure

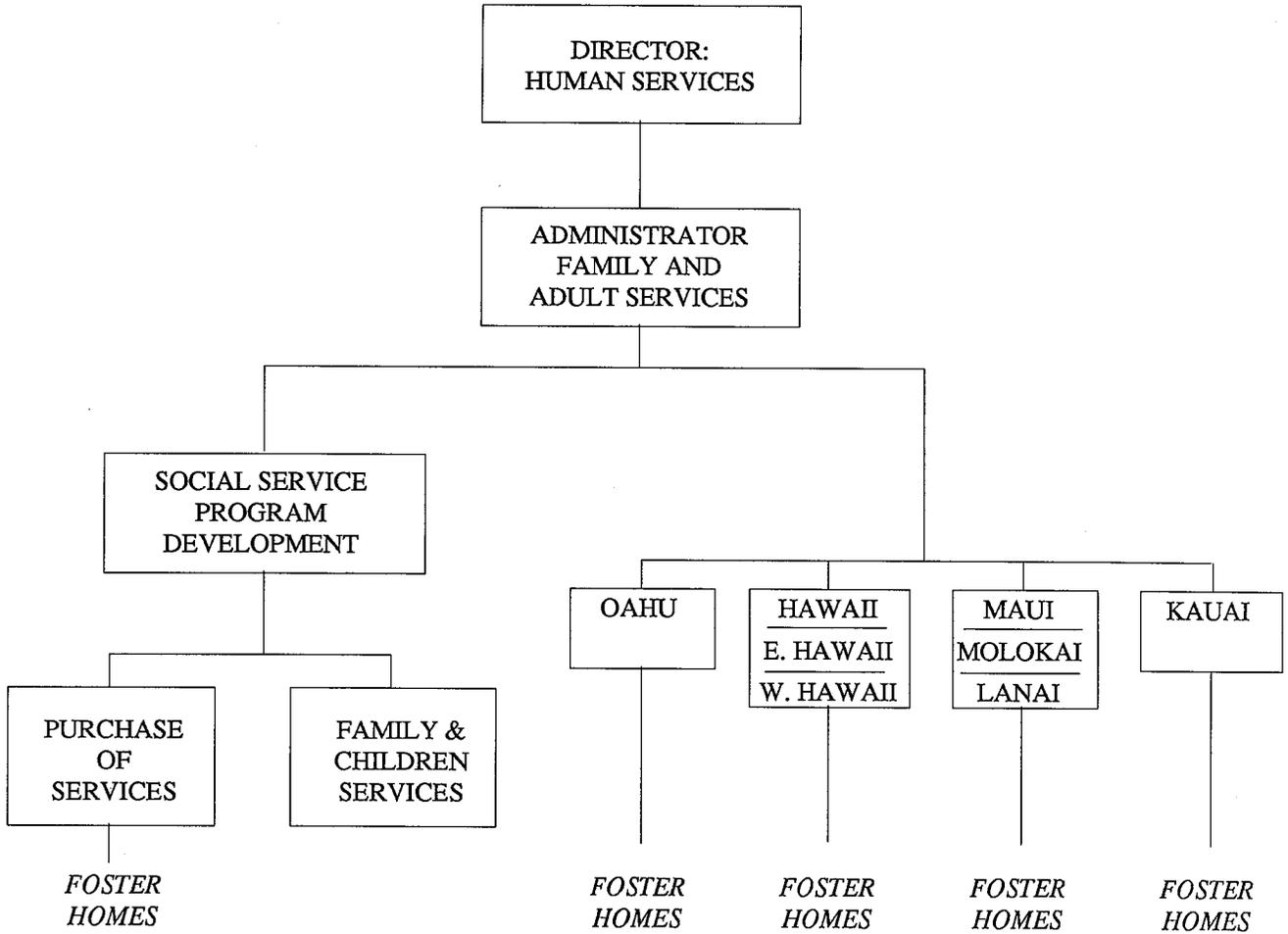
Daily responsibility for the Department's foster care services rests with the Administrator of Family and Adult Services. She directs the program through delegation to people in two principal organizational locations:

Director of Social Service Program Development--This position is responsible for the provision of all staff support functions including planning, policy development, program monitoring, and technical assistance. Management of all purchased services also falls within his scope of responsibility.

Social Service Branch Managers--Four senior administrators are each responsible for the ongoing direct delivery of all social services, including foster care, in a branch office with responsibility for one of Hawaii's four counties.

FIGURE 1.1

Organization of the Department of Human Services



Each branch office is responsible for providing a full range of services to the people in its area. Close cooperation with the Social Service Development Office and the department's administrative support staff is required.

Direct Services

The department maintains a large direct services staff in each branch office which is responsible for all aspects of receiving children into foster care and for developing and maintaining appropriate living arrangements. In addition, they must develop case service plans which address the issues necessitating foster care and attempt to move children quickly to secure, long term family care.

Workers are generally organized into units which have the following specialized functions: *intake* receives reports of abuse and neglect and decides whether they should be screened out (about 60 percent), referred to another agency for help (about 20 percent), or assigned for investigation (about 20 percent); *investigation* determines, through field work, whether the reports are valid and further state intervention is required; *case management* plans and delivers services to children and families including foster care services when required after the investigatory period; *dependent children* handles the cases of children who are in the permanent custody of the Department of Human Services.

Purchased Services

The department maintains an extensive network of community based services which serve people of all ages. It serves as a principal source of support for much of Hawaii's network of private social service agencies while also providing its own staff with the capacity to purchase specific services needed to support its own clients. (Please see Chapter 6 for a more complete discussion of purchased services.)

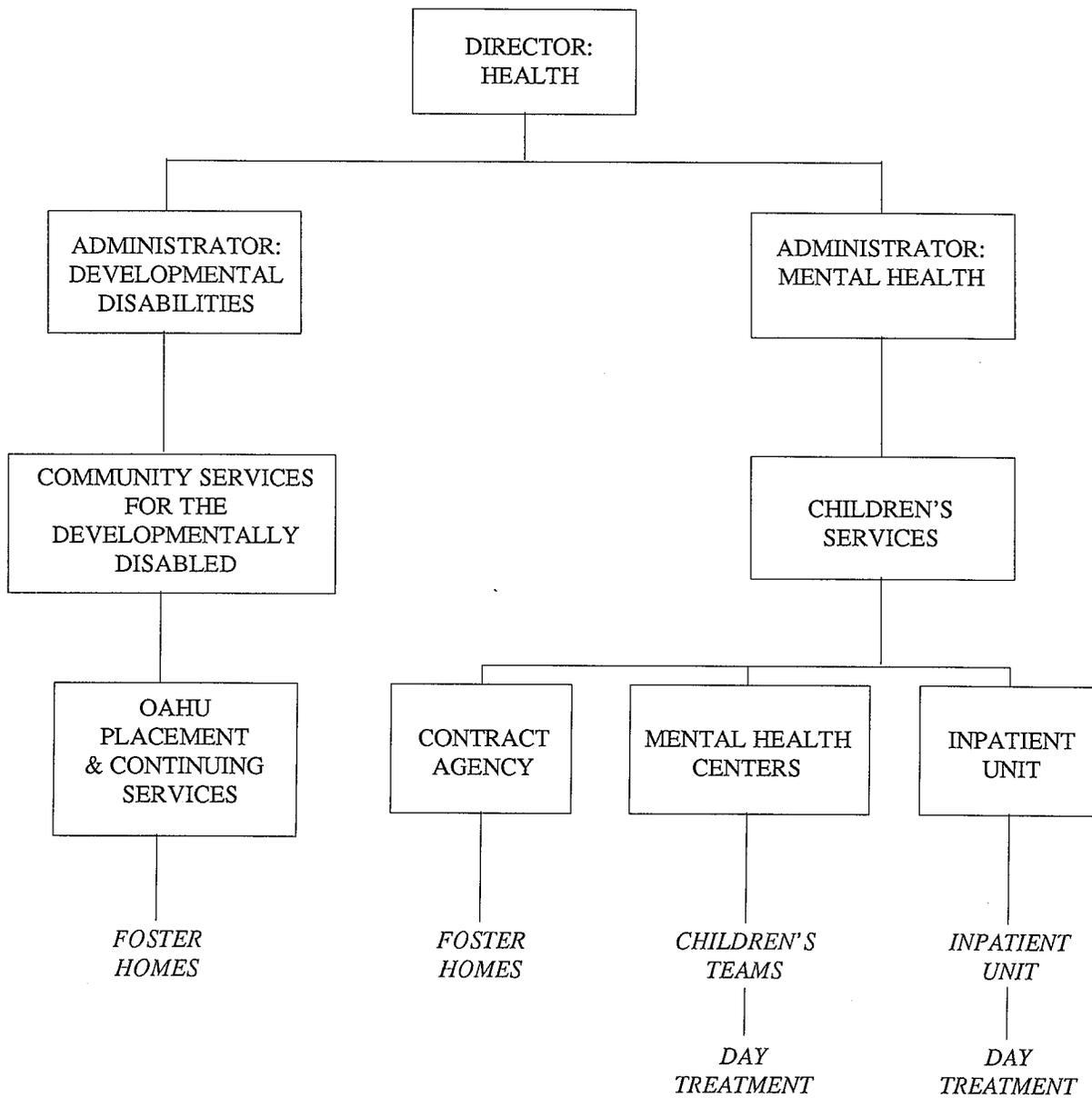
The Department of Health

The Department of Health contains two major units with responsibilities for children in foster care as shown in Figure 1.2.

- . Child and Adolescent Mental Health, currently a sub-unit of the Division of Mental Health; and
- . Developmental Disabilities, a separate division of the department.

FIGURE 1.2

Organization of the Department of Health



Each unit carries out a portion of a larger health care mission of the department which is responsible for a full range of public health, sanitation, and environmental issues as well as mental health.

As is the case nationally, adults form the traditional focus of the department's mental health services. Therefore, the development of a children's system has been somewhat slow. It has also resulted in services designed to serve all age groups within certain mental health diagnosis classifications. The experience in such programs generally has been that children receive a relatively small portion of the available resources. The department has been responding to this problem by developing an integrated unit which controls a discrete share of resources for children.

In the meantime, certain children in foster care derive both direct and indirect benefits from a variety of mental health, substance abuse, and developmental disability services.

Management Structure of Children's Services

Children's mental health services are coordinated by the Children's Services Unit and delivered through a variety of community-based providers, principally community mental health centers, and through an inpatient adolescent unit at the State Hospital. At present, the principal responsibility of the Children's Services Unit is to oversee the activities of local children's teams and to manage contractual relationships, including 16 therapeutic foster homes. The Developmental Disabilities Division is authorized by DHS to recruit and license foster homes and currently has 34 homes under its jurisdiction.

The Judiciary

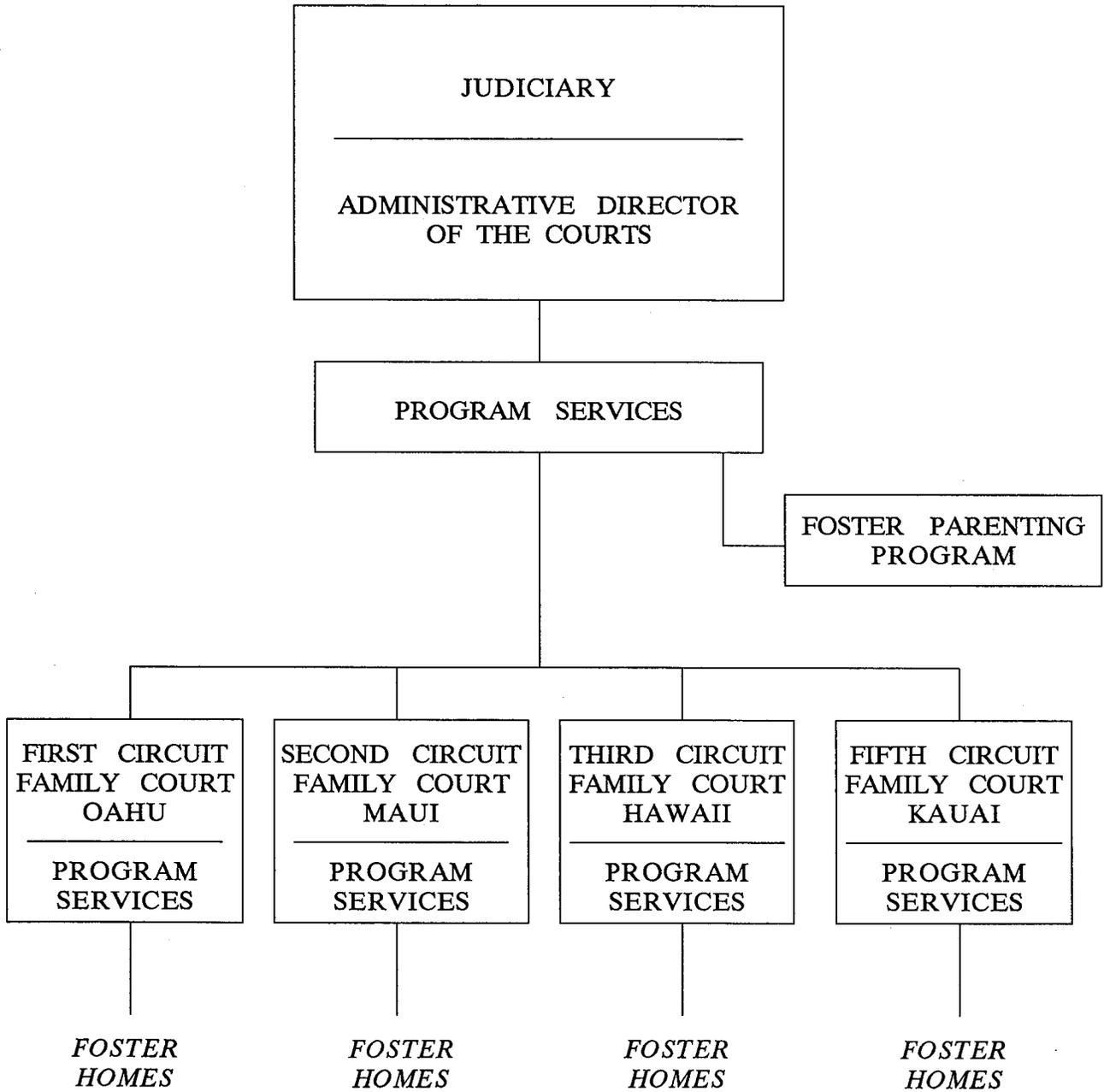
The Family Courts of Hawaii's Judiciary are responsible for adjudicating a variety of domestic relations and juvenile issues. There is a Family Court for each of the four circuit court systems into which the state is divided. Each maintains a separate capacity to provide support services, principally through volunteers, to people who have been seen by the courts. A principal method of diverting juveniles from the correctional system has been through the development of a foster care program within the Program Services Branch of the Office of the Administrative Director of the courts, as shown in Figure 1.3. The Foster Parenting Program is administratively separate from the Family Courts.

Management Structure

Each circuit court maintains a volunteer services program, a major component of which is foster care. Two types of homes are recruited: "volunteer" homes to serve the typical child requiring placement; and "specialist" homes to serve children with unusual needs.

FIGURE 1.3

**Organization of the Family Court:
Foster Care Services**



Referrals are made by probation officers or directly by the judge to volunteer services field staff who locate homes, make placements, and arrange for ongoing services to children.

The Department of Corrections

In initiating this study it was originally assumed that the Department of Corrections played a direct role in providing foster care services. This is not true. While the department does have a considerable interest in access to the system and its overall effectiveness, it generally has not provided any foster care services of its own.

The Department of Corrections operates the Hawaii Youth Correctional Facility (HYCF), a physically secure program for youth who have been formally adjudicated under the State's juvenile statutes. In recent years, the facility has maintained a population of about seventy juvenile offenders. However, a review of the status of the youth being committed to the facility has convinced departmental officials that the majority do not require supervision in a secure facility and that they would be better served in community-based placements.

As a result of this review, the department has contracted with the National Center for Institutionalization Alternatives and has begun a process of dramatically reducing the population of the HYCF. It is anticipated that the remaining population will be stabilized at less than thirty by early 1990. In the meantime, the department is looking to the existing programs of the Department of Human Services and the Judiciary to provide appropriate resources for those youths who will not return to their own homes.

This significant policy change by the Department of Corrections has obvious implications for the other state agencies. They will be faced with the immediate challenge of developing appropriate placements and support programs not only for those youths who are currently being discharged from the HYCF, but for the many more in the future who will be diverted into their programs. Less obvious are the dynamics of change which will accompany the July 1, 1991, transfer of juvenile corrections programs from the Department of Corrections to the new Office of Youth Services. The logical result of the effort to reduce the institutional population will be one of two alternatives: 1) state agencies serving children will develop a substantially greater level of inter-dependency as the community-based programs increase their level of service to previously institutionalized juvenile offenders; or 2) the corrections agency will develop its own capacity to develop and operate community-based foster home and group placements.

In either instance, the broad mandate of the Office of Youth Services to coordinate services to children will create a number of compelling reasons to use the potential of program consolidation

and re-structuring either to support the process of program coordination or to avoid further duplication of efforts.

It, of course, would be ill-advised to wait until 1991 to address these issues. Therefore, the Department of Corrections' current lack of investment in foster care should be accepted as a positive factor within the overall scope of a state system. It represents *one less set of duplicative functions and capacities* which needs to be addressed. However, in order to benefit from this situation in the future, the other state agencies will need to act now to meet the alternative treatment and placement needs of the youth being discharged and diverted from the HYCF. This set of tasks should become an immediate focus of a formal inter-departmental planning and management team recommended in Chapter 5 which should work closely with the Office of Youth Services.

Private Agencies

A number of private agencies, operating under the authority of a license from the Department of Human Services, also provide foster care services. The funds to support these programs are derived from both public and private sources and are used principally to pay professional staff to work with children toward the same general goals as the public agencies. Children are served on both a voluntary and legal custody basis and may receive both short- or long-term care. Many of the agencies also provide adoption services when appropriate.

As a general rule, the agency programs fall within three broad categories:

- . Those which provide *full service and monthly board and care payments* on behalf of their foster children.
- . Those which provide *full service support and a limited financial supplement* to monthly board and care payments by the Department of Human Services.
- . Those which provide *full service support while depending entirely on the Department of Human Services for monthly board and care payments.*

Most of these private agencies work cooperatively with the state agencies. Yet they maintain a degree of independence which creates a clear separation from the public programs. The principal result is to have created a sizeable group of children who, although largely supported with public funds, lie beyond the scope of any ongoing routine review by the state foster care programs.

Organization of Report

In addition to describing the scope and method of the comprehensive study of foster care in Hawaii, this chapter has defined the term foster care and its objectives, discussed the legal framework of the program, and showed how each agency is organized. It has been descriptive, rather than analytical, to provide background to the chapters that follow.

Chapter 2 describes the children served by Hawaii's foster care program and compares critical variables to national data. It discusses major issues confronting the foster care system both in Hawaii and the nation.

Chapter 3 discusses the critical shortage of foster parents in Hawaii and steps that can be taken to improve the recruitment and retention of foster homes.

Chapter 4 describes the way services are delivered to children and families at the field level and discusses both problems and remedies.

Chapter 5 reviews the overall management and direction of the foster care system and focuses on the need for interagency cooperation.

Chapter 6 reviews the way human, financial, and purchased resources are managed and suggests methods for alleviating the staff turnover problem and greatly increasing federal funding for the state.

Chapter 7 discusses legal and procedural issues with a focus on increasing the likelihood that children in foster care will be moved to permanent homes.

Chapter 8 highlights the priority recommendations and provides a blueprint for action.

Chapter 2

Children and Families in Crisis: in Hawaii and the Nation

*“Foster caring has helped me feel good
about being on the solving end of a problem
in our society . . .”*

Noted experts in the field of social services, Sheila Kamerman and Alfred Kahn of Columbia University, recently completed a two-year study of social services, including foster care, in the United States. They conclude that “new and complex problems experienced by the children needing help, as well as the demographic and labor force shortage which affects the supply of foster parents, join to confront foster care with its largest challenge in a century.” (Casey Foundation, June 1989, p. xv) The State of Hawaii should be both comforted and disturbed by this conclusion--comforted in that Hawaii is not alone in experiencing many of its current problems (high staff turnover, shortage of foster homes, multi-problem children and families, and shortage of community services), yet disturbed in that many indicators of program effectiveness either cannot even be measured given the current information system problems or are adversely divergent from national averages.

This chapter provides data on children in foster care in Hawaii and compares them to national figures where such are available. It also highlights some of the major issues confronting foster care nationally and relates these issues to the situation in Hawaii. Unlike subsequent chapters, this one does not contain particular recommendations but sets the stage for many which follow.

Summary of Findings

1. After years of increases, the numbers of confirmed cases of abuse and neglect and of children in foster care appear to be levelling off in Hawaii.
2. The geographic and demographic distribution of cases throughout the State is consistent with the population distribution.
3. Only slightly more than half the children in foster care in Hawaii actually live in foster family homes with non-related adults. The rest live with relatives, in emergency shelters, or in other settings.

4. Over 40 percent of the children in foster care in Hawaii have lived in one placement for more than 18 months signifying that the State has not moved quickly to find them permanent homes. Conversely, over a quarter of the children have had four or more placements, demonstrating significant instability in their foster care experience.
5. Rather than maintaining children safely in their own homes, Hawaii uses foster care services nearly two times more than national averages.
6. Hawaii has four times more children living in emergency shelters than national averages.

Description of Children in Foster Care in Hawaii

This section portrays the scope of Hawaii's program by defining the number of children served; the history of case openings and closings; the distribution of the cases by Department of Human Services (DHS) branch offices; the living arrangements of children; their history of placement; and the service goals established.

Numbers served

It is not possible, with existing sources of information, to determine exactly how many children actually reside in foster care in Hawaii. Children are counted separately by different programs and often appear as duplicates on records maintained by DHS. In addition, DHS itself has come up with different figures for the same date (June 1989) depending upon when the figures are calculated (1481 active cases based on records on file as of July 5, 1989 compared to 1517 active cases based on records on file as of October 31, 1989).

While the discrepancy may be caused by a delay in recording case actions, it is not entirely clear why delays in both opening and closing cases do not offset each other. However, it appears more likely that the later date produces a more accurate count. Therefore, for the purposes of this study, we have concluded that the DHS foster care caseload for itself and related agencies as of June 1989 was 1663. Of these, the Department of Human Services assumed full case management responsibility for 1367 children while the balance, 296, were managed by other agencies including the Department of Health (DOH) but not the Judiciary. Combined with the unduplicated caseloads of other programs, as outlined in Table 2.1, this resulted in a total of 1788 children.

The dominant role of DHS in both the delivery of case management services and the payment of foster care room and board is illustrated in Figure 2.1 and Figure 2.2. *DHS plays a direct and immediate role in funding more than nine out of ten cases in the system and managing more than three out of four cases.*

TABLE 2.1

**ACTIVE CASES BY AGENCY
(ESTIMATED)
JUNE 1989**

	Department of Human Services, Related			Judiciary	Casey Foundation	Total
	Human Services	Health TFH	Other Agencies			
Number of Cases	1367*	16**	296***	72	53	1788

* Includes only cases for which DHS maintains full case management responsibility.

** Children in DOH-funded therapeutic foster homes (TFH) are also included in the DHS total.

*** DOH developmentally disabled and private agency cases paid for by DHS.

FIGURE 2.1

MANAGEMENT OF CASES BY AGENCY

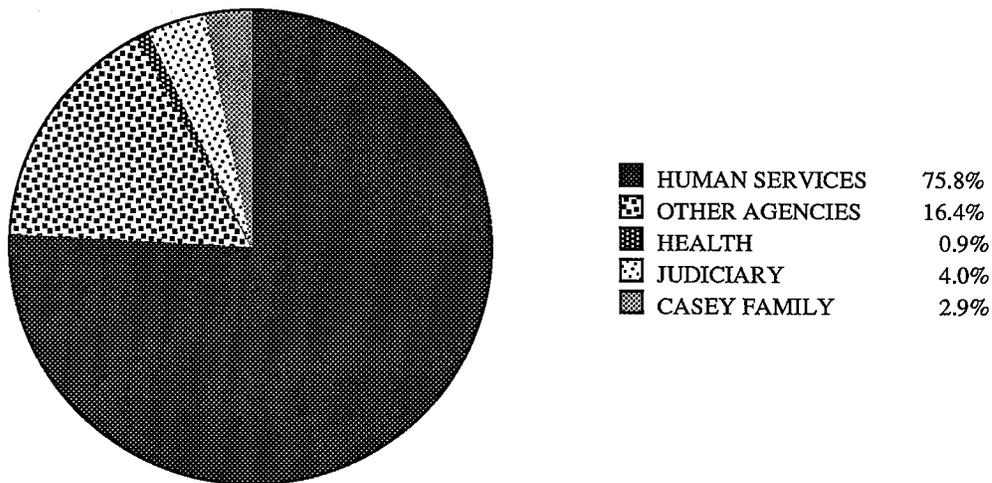
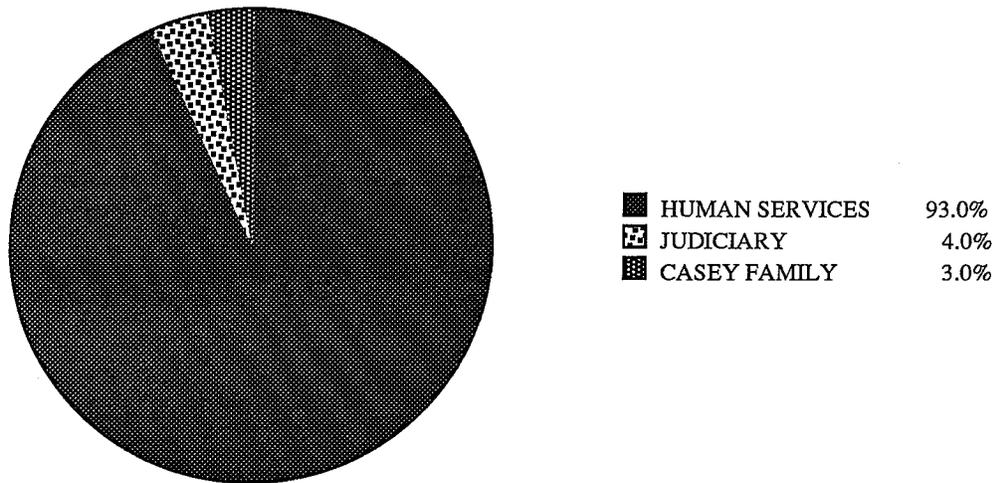


FIGURE 2.2

FOSTER HOME PAYMENTS BY AGENCY



Case openings and closings

After rising caseloads throughout the early part of the decade, a review of case openings and case closings between 1987 and 1989 shows that there has been a modest decrease in the DHS caseload both in the numbers of child abuse and neglect cases reported and confirmed and in the numbers of children served in foster care. As Table 2.2 shows, the absolute numbers of reports and of confirmed cases of abuse and neglect have decreased since 1987.

Similarly, DHS ended up with 73 fewer foster care cases at the end of fiscal year 1989 (1663) than fiscal year 1988 (1736). A review of case opening and case closing activities reveal that there is a significant amount of turnover within the caseload. However, given the current information system we cannot tell what portion of this activity is due to temporary changes in a child's status (i.e., a child coming in and out of the system) rather than permanent closing of cases.

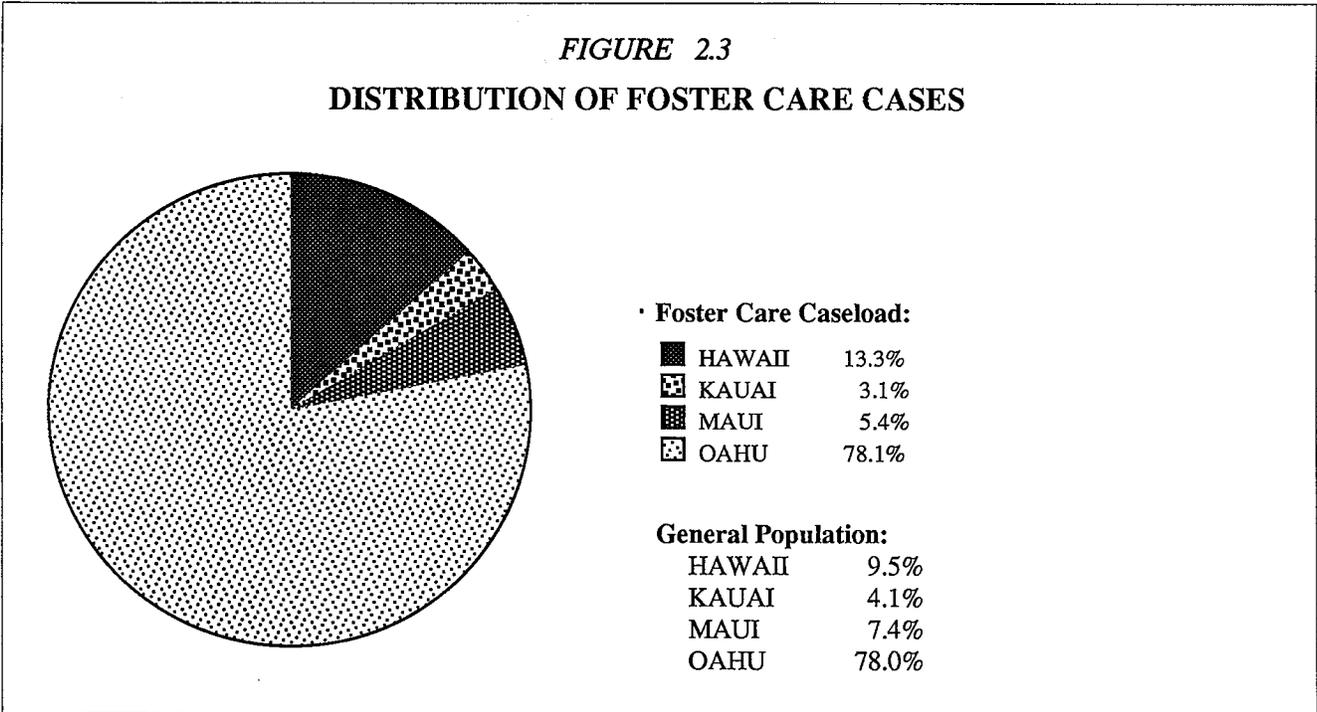
Geographic distribution of cases

The geographic distribution of foster care cases for all agencies corresponds generally to the distribution of the population. Figure 2.3 reveals that there are modest deviations among the neighbor islands, with Hawaii County having a slightly higher share of cases and with Maui County and Kauai County having somewhat smaller proportions. This is most likely due to the more

TABLE 2.2

**CONFIRMED REPORTS
CHILD ABUSE AND NEGLECT CASES
1987 - 1989**

	<u>1987</u>	<u>1988</u>	<u>1989</u>
No. REPORTS	4797	4593	3174
No. CONFIRMED	2534	2596	1974
% CONFIRMED	52.82%	56.52%	62.19%



urbanized nature of parts of Hawaii. Table 2.3 shows the distribution for each individual agency and county. Note that the Department of Health and the Casey Family Program have children placed only on Oahu at this time.

TABLE 2.3
GEOGRAPHIC DISTRIBUTION OF CASES:
BY AGENCY

AGENCY	STATEWIDE		HAWAII	KAUAI	MAUI	OAHU
	TOTAL	%				
HUMAN SERVICES	1367	76.45%	188	52	76	1051
OTHER AGENCIES: PAID BY DHS	296	16.55%	28	4	15	249
HEALTH*	16	0.89%	0	0	0	16
JUDICIARY**	72	4.03%	22	0	6	44
CASEY FAMILY PROGRAM	53	2.96%	0	0	0	53
TOTAL	1788		238	56	97	1397
PERCENT			13.3%	3.1%	5.4%	78.1%

* DOH total included in DHS.

** Estimates based on caseload figures for 1987 and 1988.

Characteristics of the children

With few exceptions the basic characteristics of the children in foster care correspond to those of the general population of Hawaii. The numbers of females and males are almost equal and the ethnic distribution parallels the broad range of cultures present in Hawaii although we could not perform a detailed ethnic analysis given the available data. The most surprising aspect of the individual characteristics is that the ages of children in the DHS caseload mirror the relatively even distribution of ages in the general population. Given the nature of foster care and the experience of other states, one might expect to find somewhat higher concentrations of adolescents as well as very young children. However, the current DHS caseload population is most remarkable simply for its relatively uniform representation of children in Hawaii from birth to age 18.

The ages of the children in the small number of cases managed by the DOH's Children's Services Division and by the Family Courts conform to what one would expect to find in more specialized programs of this sort: the populations of both are older, with the courts' clients, in particular, being older teenagers. It is interesting that DOH's therapeutic foster care program currently serves twice as many girls as boys while the Family Courts' experience is almost the opposite.

Living arrangements

As would be expected, most foster children, about 55 percent, live in foster family homes. However, that leaves almost half who do not, as illustrated in Figure 2.4. Of these, nearly one-quarter live with relatives and the next largest group, 8.5 percent, live in emergency shelters. Foster care living arrangements by agency and DHS branch are shown in Table 2.4. The Department of Human Services makes less use of foster homes on Oahu and has a correspondingly higher dependence on emergency shelters. As discussed in Chapters 3 and 7, the high degree of dependence on relatives can have both positive and negative effects depending upon how well these homes are monitored and the protection they afford to children.

FIGURE 2.4

LIVING ARRANGEMENTS OF CHILDREN IN FOSTER CARE

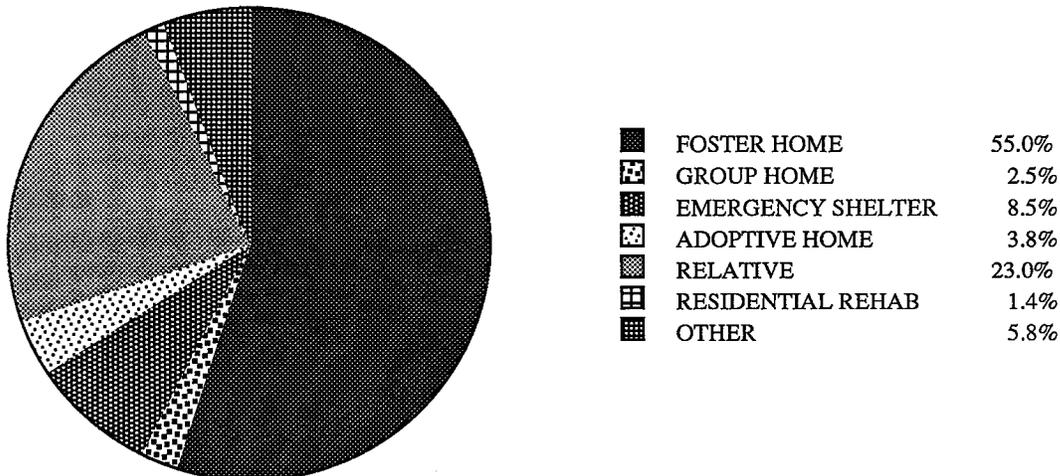


TABLE 2.4

FOSTER CARE LIVING ARRANGEMENTS:
BY AGENCY AND BRANCH

JUNE 1989

CHILDREN BY AGENCY & TYPE OF PLACEMENT	TOTAL	OAHU	MAUI	HAWAII	KAUAI
HUMAN SERVICES: TOTAL	1367	1051	76	188	52
FOSTER HOME	680	486	58	100	36
GROUP HOME	27	19	0	7	1
EMERGENCY SHELTER	149	127	7	13	2
ADOPTIVE HOME	59	57	0	2	0
RELATIVE	374	299	8	57	10
RESIDENTIAL REHAB	22	20	1	1	0
OTHER	56	43	2	8	3
HEALTH* (FOSTER HOMES ONLY)	16	16	0	0	0
JUDICIARY** (FOSTER HOMES ONLY)	72	44	6	22	0
CASEY FAMILY PROGRAM (FOSTER HOMES ONLY)	53	53	0	0	0
OTHER AGENCIES***	296	249	15	28	4
FOSTER HOME	178	148	10	173	
GROUP HOME	17	16	1	0	
EMERGENCY SHELTER	3	2	0	10	
ADOPTIVE HOME	9	9	0	0	
RELATIVE	38	34	1	3	0
RESIDENTIAL REHAB	3	2		1	
OTHER	48	38	3	7	0

* Children in DOH funded therapeutic foster homes (TFH) are also included in the DHS total.

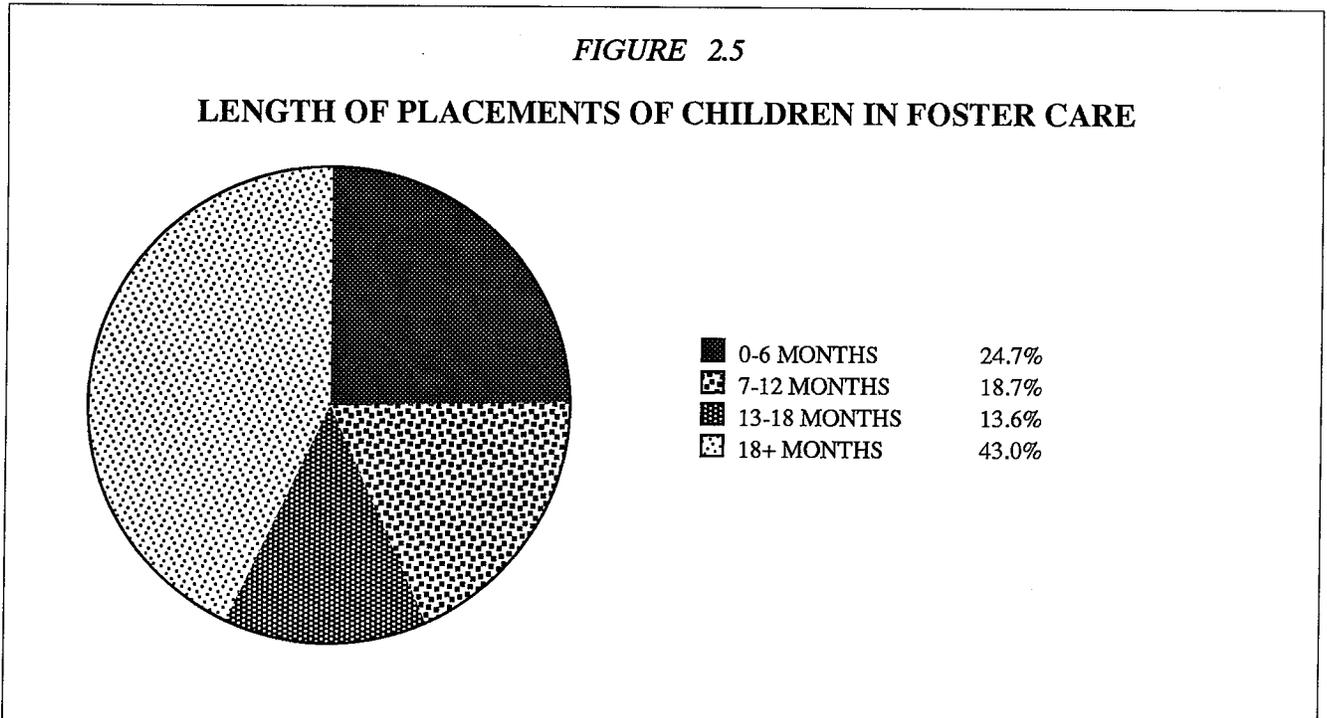
** Projections based on 1987 & 1988.

*** DOH DD and private agency cases paid for by DHS.

Placement history

The goal of any foster care agency which works towards finding children permanent homes while providing them with stable environments while in foster care should be to keep low the length of time in care, as well as the total number of placements experienced. It has not been possible to calculate the average length of individual placements in Hawaii. However, for both the June 1989 DHS caseload and the FY 1989 Judiciary caseload, it is possible to group children by the average number of months they have been in their current placements.

More than half of all children have been in their current placements for more than a year (see Figure 2.5). While the agencies are to be commended for the relative stability this figure represents, the data also support public perceptions that a large group of children, in this case 43 percent who have lived in one place 18 months or more, are not finding permanent homes in a reasonable length of time. National studies have shown the longer children are in care the less likely they will ever return home.



There is a degree of variance among the programs for which duration of placement can be measured. However, these differences appear to be consistent with the special characteristics of each, as illustrated in Table 2.5. Children for whom DHS maintains responsibility for only board and care payments while other agencies provide case management tend to be in the longest term placements. This group also has the lowest percentage of placements of under 6 months. Most of these children are placed on a voluntary basis with private agencies or the Department of Health's Developmental Disabilities Division. It appears that a generally more intense level of family support helps to maintain each placement.

By contrast, the Judiciary's Family Court foster care program is designed for short term care and, as a result, has relatively few long term placements. Over 80 percent of the children in its caseload have been in placement for less than a year.

The Department of Human Services experiences similar, though less pronounced, differences between the two major categories of children it serves: those placed through legal order and those placed voluntarily. The majority of voluntary placements have lasted less than 6 months while about 40 percent of the children in legal custody have been in the same placement for more than 18 months. Again, both categories follow a somewhat similar pattern which seems to indicate that once children have been in placements for 6 months it is more likely that they will continue into the 18-month plus range.

TABLE 2.5
LENGTH OF PLACEMENT
BY NUMBER AND PERCENTAGE OF CASES

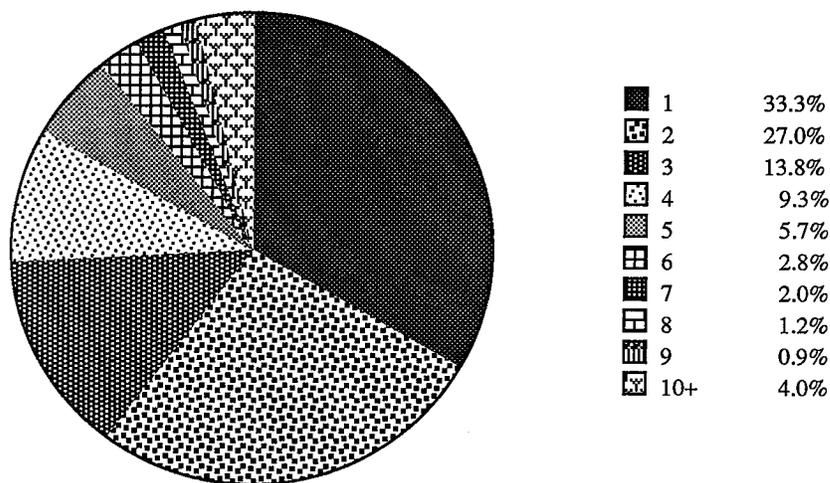
# OF MONTHS	DHS LEGAL CUSTODY		DHS VOLUNTARY		OTHER AGENCIES		JUDICIARY	
	#	%	#	%	#	%	#	%
0-6	300	25.30%	27	48.21%	25	10.46%	25	53.19%
7-12	225	18.97%	5	8.93%	41	17.15%	15	31.91%
13-18	171	14.42%	9	16.07%	27	11.30%	1	2.13%
18+	490	41.32%	15	26.79%	146	61.09%	6	12.77%
TOTAL	1186	100.00%	56	100.00%	239	100.00%	47	100.00%

*Data available only for placements terminated during the current year.

Figure 2.6 provides information about the actual number of placements per child. While a third of the children have had only one placement, over a quarter have had four or more. When analyzing the number of placements by the age of the child it becomes clear that the older children have had many more placements as seen in Table 2.6. Some of these may be attributable to the fact that they have been in the system longer. But experience tells us that older children are far less stable in foster care and simply move more frequently. Over 10 percent of the teenage group has experienced more than 10 placements. Almost half of these have actually had more than 15 homes or shelters (25 appears to be the most). While this group represents only about 4 percent of the entire caseload, it has taken more than 8 percent of the placements.

FIGURE 2.6

NUMBER OF PLACEMENTS: ALL CHILDREN



Service goals

More than 50 percent of the children in foster care have a formal goal of family reunification. This figure may be consistent with a population that maintains close ties with family or it may reflect the lack of a meaningful alternative. Assuming that the indications of a high level of caseload turnover are accurate, family reunification would clearly be the most frequent appropriate service goal. It is interesting to note that the other agencies providing foster care services assume long-term foster care to be the goal 10 percent more frequently than does DHS (see Figures 2.7 and 2.8).

TABLE 2.6

Number of Placements by Age

NUMBER OF PLACEMENTS	TOTAL		CHILDREN BY AGE					
			0-6		7-12		13-19	
	#	%	#	%	#	%	#	%
1	493	33.29%	239	41.28%	147	35.08%	107	22.15%
2	400	27.01%	172	29.71%	105	25.06%	123	25.47%
3	205	13.84%	67	11.57%	63	15.04%	75	15.53%
4	138	9.32%	45	7.77%	42	10.02%	51	10.56%
5	84	5.67%	33	5.70%	25	5.97%	26	5.38%
6	41	2.77%	11	1.90%	12	2.86%	18	3.73%
7	30	2.03%	7	1.21%	8	1.91%	15	3.11%
8	18	1.22%	3	0.52%	3	0.72%	12	2.48%
9	13	0.88%	1	0.17%	5	1.19%	7	1.45%
10	13	0.88%	1	0.17%	5	1.19%	7	1.45%
11	8	0.54%	0	0.00%	1	0.24%	7	1.45%
12	2	0.14%	0	0.00%	0	0.00%	2	0.41%
13	9	0.61%	0	0.00%	0	0.00%	9	1.86%
14	1	0.07%	0	0.00%	0	0.00%	1	0.21%
15+	26	1.76%	0	0.00%	3	0.72%	23	4.76%
TOTAL	1481	100.00%	579	100.00%	419	100.00%	483	100.00%

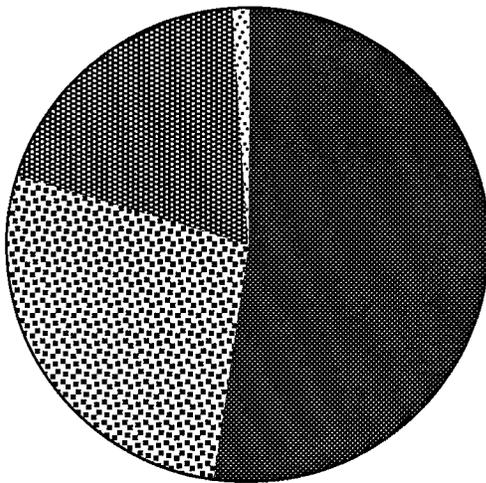
The figures for self-sufficiency, constituting only 1.1 percent of the DHS caseload, are more surprising. This stands in sharp contrast to the 27.4 percent with long term care goals. Given the equal distribution by age of children in foster care, a higher percentage of the long term care cases should be receiving active support in the development of independent living (self-sufficiency) skills.

Interesting contrasts, as well as similarities, exist among the DHS branch offices in the frequency of the services goals (see Figure 2.9). All seem to afford the same low level attention to self-sufficiency while there is a roughly comparable concentration on long term care. While each office has identified the family reunification goal for the largest share of cases, there are some significant differences. Oahu has established this goal for slightly less than half while Kauai, with a level of 75 percent, uses it most frequently. By contrast, Oahu has established adoption as a goal at a rate (22.14 percent of its cases) three times as great as the next closest office.

These distinctions may be the products of varying caseworker reporting practices or may reflect demographic and cultural differences among the islands.

FIGURE 2.7

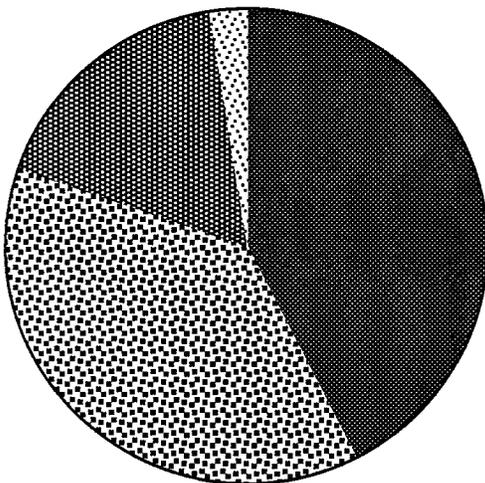
SERVICE GOALS: DHS MANAGED CASES



■ REUNIFICATION	52.3%
▤ LONGTERM CARE	27.4%
▥ ADOPTION	19.2%
▧ SELF-SUFFICIENCY	1.1%

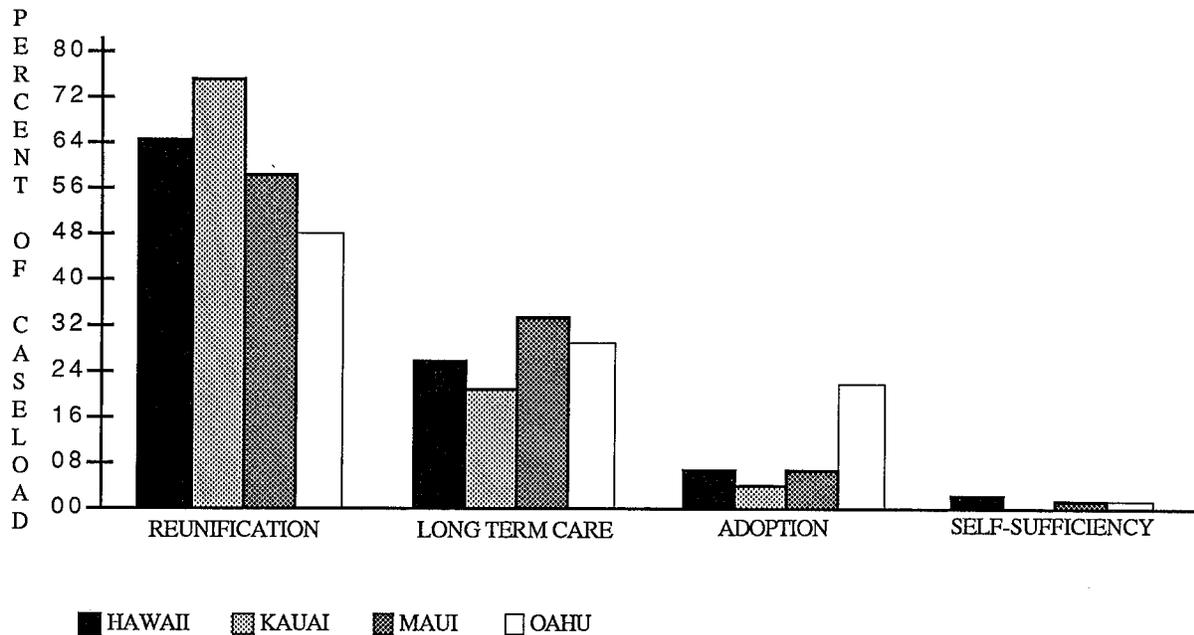
FIGURE 2.8

SERVICE GOALS: MANAGED BY OTHER AGENCIES



■ REUNIFICATION	42.5%
▤ LONGTERM CARE	37.9%
▥ ADOPTION	17.0%
▧ SELF-SUFFICIENCY	2.6%

FIGURE 2.9
SERVICE GOALS: BRANCH OFFICES



Comparisons Between Hawaii and the Nation

It is possible to compare Hawaii's experience both in terms of the data just reviewed and of the broader issues and trends confronting child welfare and foster care programs nationally.

Children Served

Use of foster care--Based on comparisons with national data, Hawaii uses foster care nearly two to three times more than other states. For example, the national use of foster care for all children is 37 children per ten thousand in the population, based on 1985 data (State Child Welfare Chart Book, 1985). Hawaii's current use is 62 children per ten thousand. In relation to use for abused and neglected children, Hawaii's rate is nearly 30 percent whereas the national average is only 10 percent (American Humane Association). These data suggest that Hawaii should be placing greater programmatic emphasis and resources on maintaining children safely in their own homes rather than using foster care.

Living arrangements--Hawaii has four times more children living in emergency shelters than the national average but four times fewer living in group homes. It may be difficult to make valid

comparisons due to definitional problems. However, with 8.5 percent living in emergency shelter in Hawaii and only 2 percent nationally, it appears that Hawaii does place greater emphasis on these short-term placements. Emergency shelters traditionally cannot provide the support and treatment available in other settings and, as discussed in Chapter 4, should be de-emphasized as a placement alternative.

Number of placements--Children in Hawaii experience more placements than the national average. While 53 percent of the children nationally were in their original placement at the time of review, only 33 percent of Hawaii children were in their first placement (State Child Welfare Chart Book, 1985). While 21 percent nationally were in their second placement, 27 percent of Hawaii children were in their second home or facility. The difference may be attributable to Hawaii's practice of placing children in an emergency home before moving them to a more permanent home. However, even when adding the first and second placements, children nationally have experienced fewer moves than children in Hawaii.

Service goals--Fewer children in DHS-managed cases in Hawaii have a return home goal than nationally (52 percent versus 55 percent) while more have a long-term care goal (27 percent compared to 19 percent). While more children in Hawaii have an adoption goal than nationally (19 percent versus 14 percent) fewer have a goal of independence or self-sufficiency (1 percent versus 6 percent) (State Child Welfare Chart Book, 1985). Hawaii should reduce the number of children in long-term foster care and increase those in the other categories.

Programmatic Trends

Hawaii's foster care system can also be viewed in the larger context of trends and issues in foster care nationally. The U.S. General Accounting Office (1989), the National Association of Social Workers (1989) and Kamerman and Kahn (June, 1989) recently completed studies of foster parent recruitment and retention, child welfare staffing issues, and social services for children, youth and families in the U.S. which identified several national issues applicable to Hawaii:

The shift from family support to child protection--After conducting an exhaustive national study, Kamerman and Kahn report that "the social service system has become so constricted that children can gain access to help only if they have been abused or severely neglected, are found delinquent, or run away. Doorways for 'less serious' or differently defined cases are closed." (p.iv.) In effect, child protective services (including the investigation of abuse reports and the resulting placement of children into foster care) "has emerged as the dominant public child and family service, 'driving' the public agency and taking over child welfare entirely." (ibid.) In Hawaii, not only abused and neglected but also severely disabled children are being helped through public foster care programs. However, here as elsewhere, much frustration is expressed

about the inability of the system to serve those who are not the worst off. Once children actually enter foster care they are often emotionally and physically scarred due to years of maltreatment.

With the rise in abuse reports throughout the 1980's without the concomitant increase in resources to handle them, several national organizations (Child Welfare League of America, NAPCWA) have endeavored to limit the role of child protective and foster care services to help only children whose parents' acts or failure to act have resulted in death, serious physical, sexual, or emotional abuse or imminent risk of serious harm. While these organizations acknowledge other children and families require help, they do not see this assistance as the responsibility of the protective agency. The problem with this position is that few services and limited funding are available to serve the families who are not yet in crisis.

In Hawaii, the Department of Health funds both preventive and treatment services in the areas of child abuse and neglect, mental health, and substance abuse. The Department of Human Services also supports outreach and treatment services for child abusers and sexual abusers. However, the intense use of foster care services discussed above illustrates the problem that Hawaii shares with the nation: too much reliance on investigation and placement services with insufficient support for families in their own homes.

The unanticipated consequences of P.L. 96-272--The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) has had both positive and negative effects on foster care programs. On the positive side, the Act has helped to focus attention on foster care as a short-term solution whose ultimate goal is a permanent home for the child. The negative side, such requirements as a tracking system, compliance monitoring, and six-month reviews of children in care have created "an enormous increase in paper work...creating additional burdens for administrators and staff." (ibid.) In our statewide survey, social workers noted that paperwork consumes a full quarter of their time, more than any other single activity including direct contact with clients. In Hawaii, as in the nation, P.L. 96-272 requirements appear to have contributed to the paperwork burden.

Growth of hard-to-serve populations--Kamerman and Kahn point out that the incentive and compliance requirements of P.L. 96-272 including adoption subsidies helped states to trim their foster care populations. From 1980 to 1985, there was a significant decline in the number of children in foster care nationwide leaving "foster homes and institutional care with more disturbed and complex populations, certainly reflective of increased pathology in the society at large." (ibid., p. 57) Hawaii is not immune to this trend. Its foster care population includes a large number of adolescents, drug addicted babies, and multi-problem children, all of whom place a great strain on resources.

Many of the adolescents have been raised in the system, while others have entered as runaways, drug users, alcoholics, sexual offenders, and physically violent youth. These children

pose some of the greatest challenges because few families or facilities are equipped to treat them. We heard numerous complaints from workers that even agencies under contract with the State to provide residential services to adolescents set their own standards about who they will serve and who they will not, excluding many of the most difficult children. In the statewide survey, social workers cited residential treatment services as among the most urgently needed.

Other hard-to-serve children are the new breed of drug-addicted babies, said to number about two hundred in Hawaii although the figure could not be confirmed. They are particularly difficult to foster because the damage to their neurological systems often prevents them from receiving and showing affection. They can also be very fussy and demand great patience on the part of their caretakers.

Hawaii is also faced with many so-called “multi-problem” children. They may enter the system due to abuse, neglect or dependency, but may also be physically disabled or emotionally disturbed. Adolescents may enter through the court system as juvenile offenders, but have a history of abuse buried in their recent or distant pasts. As Kamerman and Kahn point out, “there is documentation of the fact that it may be chance, time or stage which determines where the child is noticed or dealt with” in the foster care system. (ibid., p. 60) In Hawaii, the state interdepartmental cluster is a mechanism designed to serve multi-problem, multi-agency children. During its brief existence, the cluster has met with some success in developing and funding creative plans for very difficult children while at the same time identifying broader based changes and services needed in the system.

Shortage of foster homes--The U.S. General Accounting Office, in August 1989, issued a report to Congress on the causes of the nationwide shortage of foster parents and the best ways to recruit and provide initial training to foster parents. Its findings parallel the situation in Hawaii. The reasons recruiting and retaining foster parents are increasingly difficult are “(1) a lack of support for foster parents in dealing with the more complex emotional, behavioral and physical problems of today’s foster children; (2) the poor public image of foster care; and (3) changes in society, such as more working women” which has decreased the pool from which to recruit. (U.S. General Accounting Office, HRD-89-86 August, 1989, p. 2). Examples of lack of support and recognition include “failure to treat foster parents with respect and to establish working partnerships among foster parents, birth parents, potential adoptive parents, children, and the agencies; low foster parent reimbursement rates; little respite for foster families; difficulty obtaining liability protection; inaccessible social service agency caseworkers; and insufficient foster parent training.” (ibid., p. 3).

The report suggested some directions for effective recruiting such as educating the community about foster care and obtaining community participation in recruiting, supporting and recognizing

foster parents; presenting a realistic picture of the difficulties of caring for today's foster children; emphasizing the temporary nature of foster care and the need for a working partnership with social service agencies; communicating a positive message about the role of foster parents; and using foster parents as recruiters because they convey realistic expectations about foster care and can answer potential foster parents' questions. (ibid., p. 4) Many of these concepts need to be employed in Hawaii to combat the foster home shortage.

Shortage of staff--The National Association of Social Workers recently released a report which recapitulates the staffing problems experienced by public child welfare programs nationally. Among the critical concerns are shortage of qualified staff, high turnover, low morale, and insufficient in-service training, problems familiar to Hawaii as well.

The purpose of this section has been to illustrate that many of the problems plaguing Hawaii are not unique to Hawaii and are in fact quite typical of problems facing the foster care system nationally as we enter a new decade. Kamerman and Kahn say that "new and complex problems experienced by the children needing help, as well as the demographic and labor force shortage which affects the supply of foster parents, join to confront foster care with its largest challenge in a century." (op. cit., p. xv)

Unfortunately, there are no model systems which address all these problems. States and counties have experimented with innovations which broadly take three tacts: (1) facilitating a more integrated approach to service delivery through case management, flexible or pooled funding, and structural reorganization; (2) working toward a more holistic view of families through intensive, homebased services, family support services, and prevention activities aimed at strengthening families; and (3) facilitating the processing of cases through frequent case reviews, risk assessment tools, and the use of automation and personal computer technology. (ibid., p. xi) No one model or approach is sufficiently comprehensive to address the multitude of issues referenced above. The final chapter of this study suggests a course of action for Hawaii which emphasizes the second and third tacts, strengthening families through more intensive services, while also improving the way cases are managed and reviewed. Following this course could place Hawaii as much in the forefront as any other jurisdiction since there are, as yet, no panaceas nationally.

Chapter 3

Hawaii's Foster Parents: A Key But Underdeveloped Resource

“Our family has been blessed with two foster children and they have become happier since we have made contact with their birth mother. She also contacts them on the phone with the permission of our social worker and we have seen good positive growth.”

One of the greatest barriers to an effective foster care program in Hawaii identified in state and local interviews, foster parent meetings, and the survey of social workers is the inability of agencies, particularly the Department of Human Services (DHS), to recruit and retain foster parents. Though there is widespread acknowledgment of the shortage of homes, there has been only limited action to address the problem. The most visible of these has been a recent substantial increase in the board rate. Though this action will make the foster parenting role more economically feasible, other problems will continue to serve as barriers and must be addressed.

Summary of Major Findings

1. Efforts made by agencies to recruit foster parents are largely disorganized, underfunded, understaffed, and poorly targeted.
2. Foster parents are inadequately prepared and trained to support permanency planning efforts.
3. Foster parents do not receive consistent information about their roles in the foster care process as well as their rights as service providers.
4. Foster parents do not receive tangible support from social workers or intangible support through recognition and positive feedback.
5. Many agency staff hold the capability of foster parents in low regard. Foster parents are given little or no opportunity for meaningful participation in case planning and implementation.
6. Licensing criteria for foster parents are vague in the area of personal characteristics and expectations.
7. Foster parent adoption is not actively or uniformly accepted as a desirable approach to finding permanent homes for children.

Recruitment and Retention Efforts

Hawaii faces a serious shortage of foster homes. During the site visits, persons on Oahu responsible for recruitment noted that only 10 vacancies existed on that day. Statewide there were 29 free beds. In June 1989, state records show that there were 680 DHS children living in foster family homes but only 327 approved homes in use. There were 20 fewer approved homes than the same time the previous year. Several foster parents who were interviewed indicated that they were originally licensed for fewer children, but had been pressured to take more. Evidence widely suggests that while regulatory maximums may not be exceeded, many foster homes are being overcrowded relative to their perceived capacity.

Good practice suggests that children should be matched with the strengths, experience, and capacities of foster parents. With few alternatives to choose from, many caseworkers stated that placement of choice was unrealistic. The norm was any available home.

Such practice places children at significant risk. Overcrowding has been observed in the literature as a factor that increases the likelihood of abuse while in care. Placing children in homes with parents not matched to their needs increases the likelihood of placement disruption and instability.

Though the shortage of appropriate foster families is widely felt, there is little evidence that the agencies have actively responded to this problem. The Judiciary appeared to be the best organized to support ongoing recruitment, although it also reported difficulty in finding and retaining enough foster parents. The Department of Health's program, with only 16 children in care, is relatively small and targeted. Families tend to be recruited as needed. Voluntary agencies' programs were similar, many maintaining less than a dozen homes.

The Department of Human Services maintains the largest pool of foster homes. Though each island has at least a part of a staff position allocated to recruitment, the affected personnel usually have many other responsibilities and receive only minimal support and encouragement from DHS management. Staff on Oahu noted that keeping up with children moving into placement demanded much of the time that might be spent in recruitment.

There exists no local or statewide annual identification of need or definition of recruitment goals, and, except for Oahu, no allocation within the budget to support recruitment efforts through the media. Monthly recruitment and retention statistics are compiled by the program specialist in the state office, but these data are deficient in that one office reports inconsistently and the efforts do not relate to targeted goals. The data do not appear to be used either by the DHS central administration or by the regional office managements as a means of monitoring program effectiveness.

Examination of available recruitment information suggests that the recruitment message is targeted toward motivating prospective foster parents to rescue children from a bad environment. While this strategy generates calls, it also tends to attract prospective foster parents who see the child's best interests in conflict with the birth family. This perception can undermine efforts toward reunification.

Recruitment activities were found to be severely limited relative to the severe shortage of available homes. Though a variety of methods were used, they were mostly infrequent and not particularly targeted. Although research has shown the effectiveness of using active foster parents as resources in recruitment and preparation of new foster parents, there was little evidence of this practice being used in Hawaii.

Foster Parent Training and Preparation

The Judiciary requires training for prospective foster parents, but the program focuses almost exclusively on program policies and requirements. The Department of Health maintains the most active in-service training for foster parents. Over 92 percent of DOH foster parents responding to the survey indicated they had participated in training compared to approximately 68 percent of private agency foster parents, 62 percent of Judiciary foster parents and 50 percent of DHS foster parents. (Please see Appendix A for narrative excerpts on a variety of topics from the Foster Parent Survey.)

Foster parents responding to our survey reported receiving an average of six hours of training in the past year, most of it after licensure. One-third of the training was provided by DHS and two-thirds by other sources. The Department of Human Services recently purchased a four-session training package from the University of South Carolina and trained its foster parent recruitment staff to use it locally in training foster parents. However, there seems to be no agency management plan or requirement for delivering the training locally and little or no administrative support provided to insure its uniform implementation in the field. Consequently, use appears sporadic.

While the South Carolina material offers appropriate content, it is a significantly narrower model than is currently being adopted by many other states (Massachusetts, Texas, Florida, Georgia, for example). These states are using a 30-hour, 10-session model that incorporates the home study selection process into the group preparation format. That is, the model helps to prepare parents before they receive their first child and uses other foster parents to assist in the training.

Though 79 percent of responding foster parents indicated that their preparation during the home study process was adequate for the experiences they encountered, the observed absence

of any significant focus on training or in-depth preparation prior to licensure gives reason to question whether or not foster parents really understand what is expected of them. One foster parent on Oahu stated that his only preparation was filling out the application. He had only one contact with a licensing worker and that was to inspect the home.

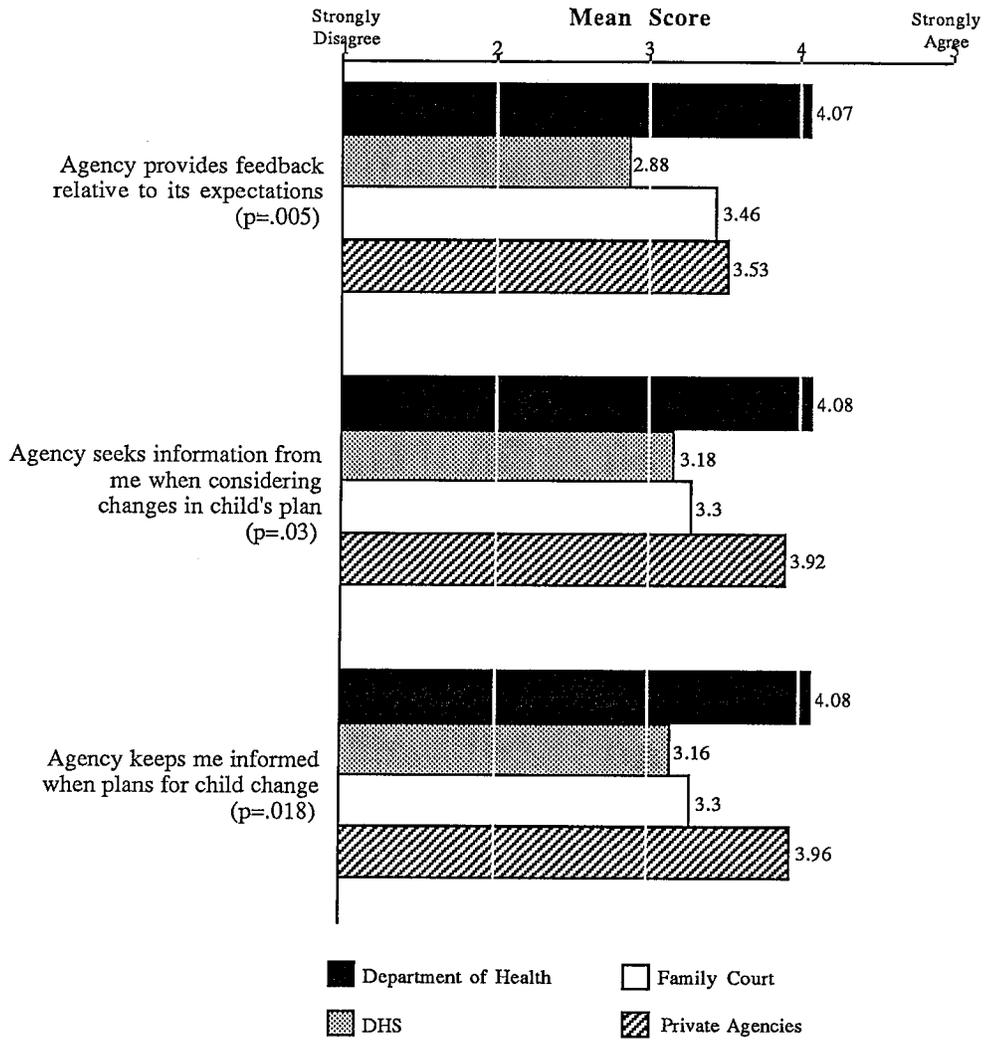
Though it is common for foster parents who have parented their own children to view training as unnecessary, this view is often associated with parents who also do not actively support efforts to reunify children. Most parents have not raised children who have been abused and neglected, or who have the special needs of children currently in foster care. To approach these tasks without adequate preparation is to invite poor practice. And, in fact, in an open-ended question to foster parents about the services or support they needed which the agency did not provide, training ranked first. Similarly, in an open-ended question to social workers about their recommendations to improve the foster care system in Hawaii foster parent training ranked first (and recruitment second).

Information on Roles and Rights

Throughout the country perceptions and gradually practices relative to the roles of foster parents are changing. The trend is to recognize the value of foster parents both in actively working with the children in their care to fulfill case plans and in working with the birth parents to smooth the way for children's successful return home.

Yet, foster parents participating in interviews frequently expressed confusion about their role in permanency planning and expectations of them in areas such as contacts with birth parents, preparation of children for adoption and independent living, and providing the agency with information about the progress of the child. As illustrated in Figure 3.1, foster parents working with DHS have the least substantive involvement with social work staff. Forty-six percent of responding foster parents indicated that they did not know they had a right to participate in six-month court reviews; 45 percent stated they never received notice concerning these hearings. Members of the attorney general's staff expressed an unwillingness to explain legal proceedings to them since they are unrepresented parties. These and other factors suggest that, for many foster parents, their role has been defined as external to the system and predominantly as 24-hour child caretakers. In this context, most foster parent needs for support may become defined as dealing with behavior problems of the child rather than the equally complex tasks of helping children work through their losses in having been removed from home or helping to prepare them for the next move in their life.

FIGURE 3.1
Agency Involvement with Foster Parents



While most foster parents surveyed were familiar with the general goal in a case (e.g., return home), few knew specifically what efforts were being made to serve the parent's needs and how they as foster parents should fit into the fulfillment of the case plan.

Thirty-one percent of responding foster parents stated that the agency did not regularly contact them when plans for the child changed. In contrast, over 70 percent of foster parents believed that a child's ability to achieve permanence depended on their work with the agency and the child, and on their support of the birth family.

While foster parents view themselves as an integral part of the success of the case plan, it does not appear that caseworkers hold this view to the same extent. Foster parents appear rarely to be involved in internal case planning and review meetings and depend predominantly on case aides for any ongoing communication and information.

Similarly, many foster parents expressed confusion about specific agency policies and their own rights to information. One example is the new reimbursement rates and whether they were still entitled to clothing allowances as a result. Some foster parents are routinely informed that they are entitled to receive formula for infants through the WIC program while others are not. Other problems centered around their access to information about children in their care. Foster parents usually receive a form when children are placed in their homes which provides only brief information about the child even if fully filled out. Social workers are sometimes confused about the impact of confidentiality requirements on their ability to share information with foster parents.

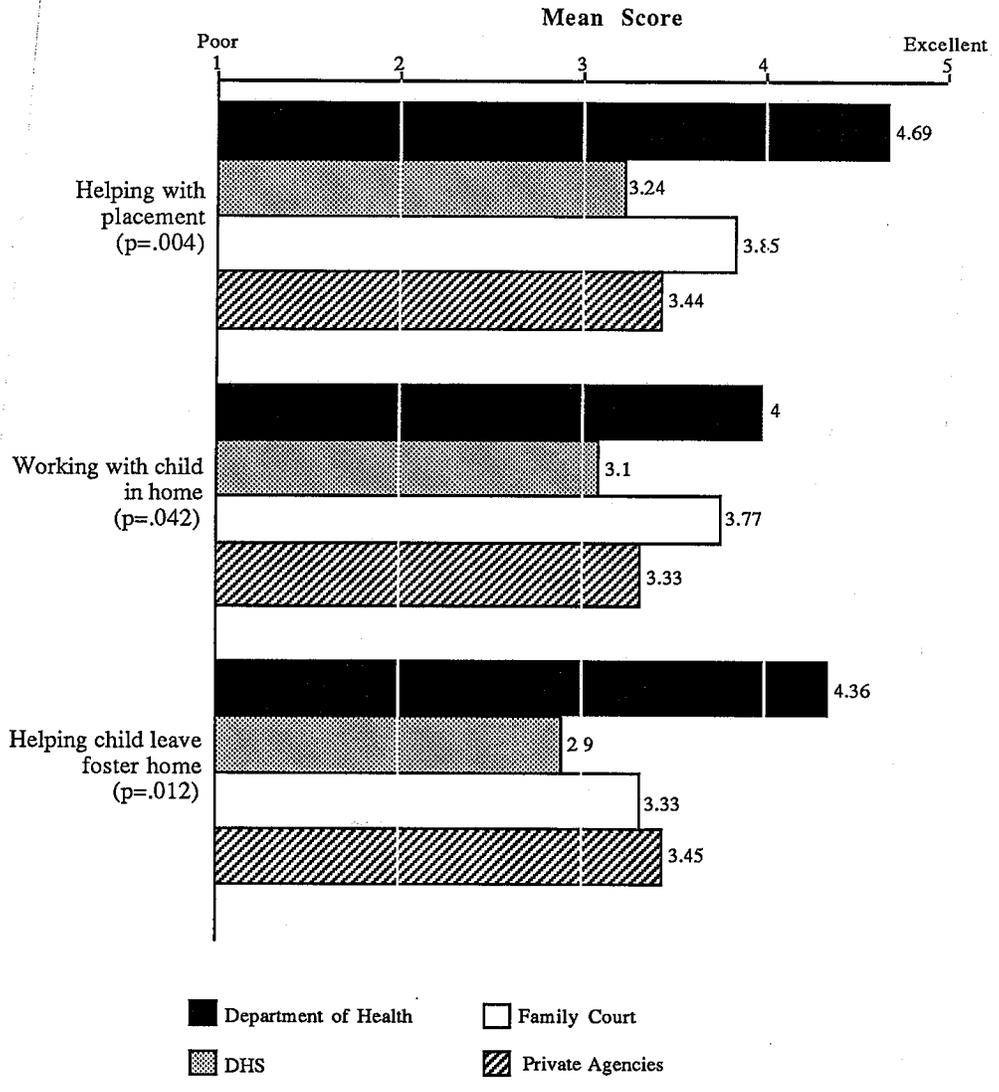
In addition, foster parents are unclear about their ability to meet and organize. The Department of Human Services has felt restricted by confidentiality requirements from sharing lists of foster parents who wish to organize. It has even felt unable to provide names of foster parents to the Office of Children and Youth due to confidentiality restrictions.

Supports to Foster Parents

When one examines reasons why foster parents withdraw from service, agency support looms as a major factor throughout the nation as reported by the U.S. General Accounting Office. The Hawaii Legislature has acted to remove one barrier by raising the reimbursement rate. However, research on foster parent retention has shown money to be a secondary factor to agency responsiveness both in affording recognition to foster parents and in providing them tangible assistance in dealing with the complex emotional problems of the children. Although foster parents responding to the Hawaii survey rated agency support as good, approximately 25 percent found agency's actions in key areas with the child to be less than adequate. As Figure 3.2 shows, foster parents licensed by DHS are consistently less satisfied with agency performance than the others. Interviews with

FIGURE 3.2

Agency Performance Involving Children in Foster Care



staff and foster parents repeatedly identified lack of caseworker contact and support as a critical problem.

Twenty-four hour care responsibilities for children in foster care today are exhaustive. Foster parents must be able to deal with the impact of prior abuse and neglect on the child's behavior and development; to understand the child's feelings of separation and loss; to work with medical, emotional and physical handicapping conditions; and to participate actively in the agency's efforts to fulfill the case plan. In prior times, reimbursement was often seen as enough. Today, training, respite care, day care, reimbursement for travel expenses to training, court reviews, and foster parent association meetings, and an accessible caseworker are just a few of the things needed to assure the foster parent that there is support both in crises and on a day-to-day basis.

The majority of foster parents reported either not having liability insurance or not knowing if they did relative to their role as foster parents. Caseworkers reported that respite care was rarely available and that day care was difficult to find. Foster parents interviewed stated that these factors presented significant barriers to their more active participation in case reviews and training.

The principal means of support from social workers appears to be telephone contacts. Even these occur with an average frequency of about once a month. Face-to-face contacts are far less frequent. Eighty percent of the foster parents with children who responded to our survey had not had face-to-face contact with the workers during the past month. Sixty-six percent had not had such contact in three months. One quickly gets the picture of children placed with under-prepared families and left to their own devices by caseworkers who are content to believe that things are going well if no one calls.

Two critical means of support that agencies can provide are feedback and recognition. Thirty-seven percent of foster parents indicated that feedback about their performance was less than regular. Only 44 percent of responding foster parents agreed or strongly agreed that they received recognition from the agency for being a foster parent. The kinds of support foster parents want most are more training, respite care, better communication with the agency, and recreation activities for the children.

Staff Perceptions of Foster Parents

Only 47 percent of responding foster parents agreed that the agency demonstrates a positive regard for foster parents. Caseworkers responding to the statewide survey gave foster homes an average quality rating of 2.89 on a five point scale (five equals high, one equals low). This represents less than a strongly positive view of foster parents' capabilities, although it must be

noted that emergency shelters, group homes, and residential treatment facilities were rated even lower.

Whether these assessments are accurate or not, one cannot deny that caseworkers and administrators do not generally see these resources as of high quality. On the other hand, foster parents rated the effectiveness of caseworkers at 3.70 on the same scale. Caseworkers clearly view foster parents as less capable and well trained than foster parents view caseworkers. This negative image of foster parents hinders teamwork and lessens the motivation of agency staff actively to support foster parents as real team contributors.

Licensing Criteria

Foster home licensing criteria include a reference to personal characteristics, but concentrate most specifically on an assessment of the physical environment of the home. Personal criteria for foster parents are stated as “being well-adjusted, capable of accepting and caring for children and working with the agency.” No information is provided within DHS policy as to how these qualities should be assessed.

Other criteria for licensure include validation of marital status (single parents are considered for selected children although policy does not define selected children), references as to the character, ability to care for children, health, income, and evidence that the employment of the mother will not interfere with the care of the children. In fact, a profile of the licensed foster parents who responded to the survey indicated that 20 percent were single, their annual gross incomes excluding foster care payments averaged between \$20 and \$30 thousand per year, and the most frequent education level included some college or vocational training as illustrated in Figures 3.3 and 3.4.

It is difficult to assess the extent to which there is adherence to these licensing criteria in the selection of foster parents. Completed home studies were not reviewed as part of this study. There was a widely held perception among agency staff, however, that many DHS foster families were limited in their ability to support the agency’s permanency planning efforts or provide assistance beyond the level of basic child care. Since licensing criteria address fostering ability in a very limited way only, it is reasonable to assume that many families are licensed based only on their ability to provide for the minimal care needed by children.

Foster Parent Adoption

National studies have indicated that foster parents provide the most viable single resource for adopting children with special needs. In 1985, nationally, 41 percent of adopted foster children

FIGURE 3.3

Total Annual Gross Income of Foster Family Households

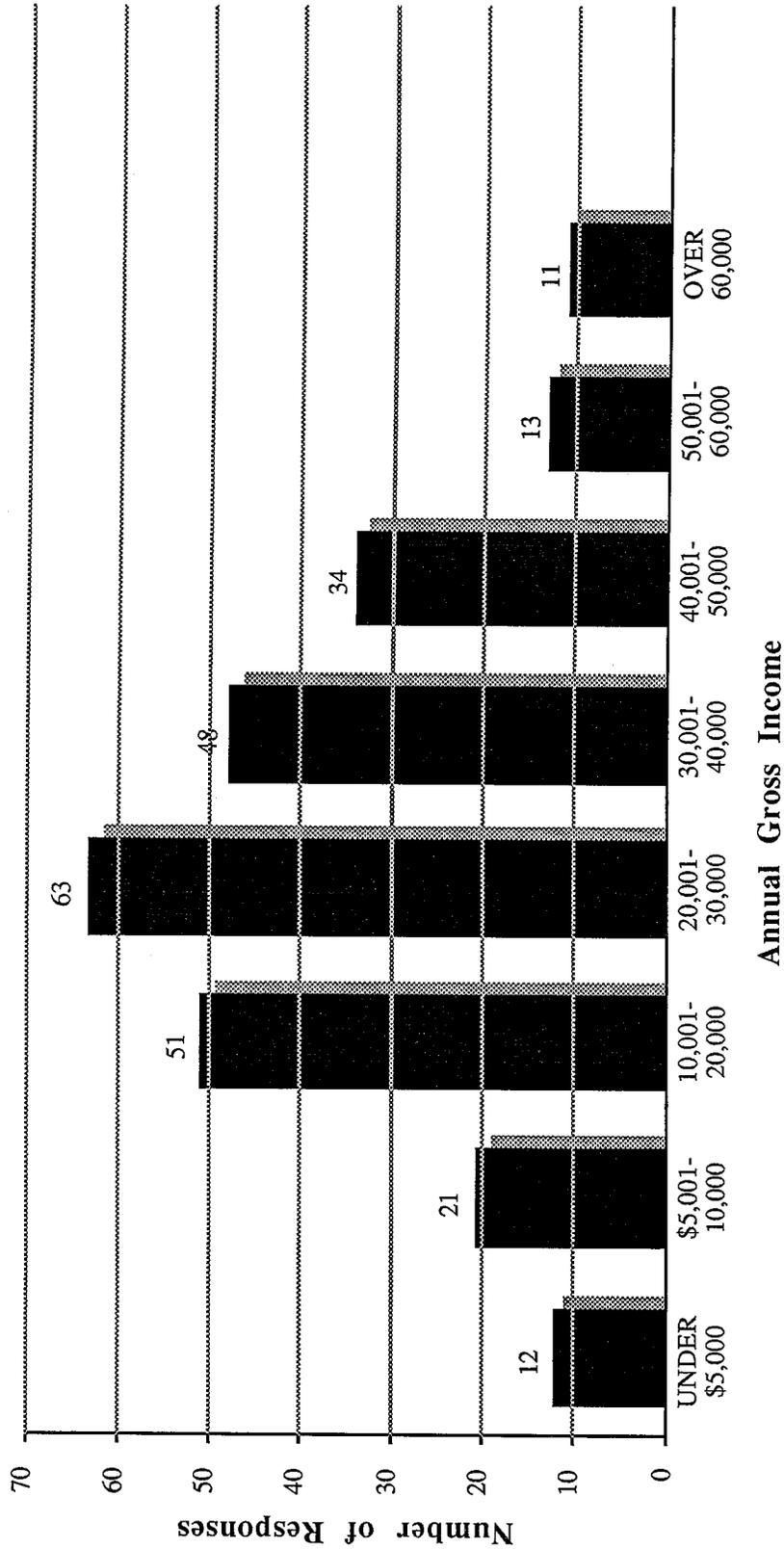
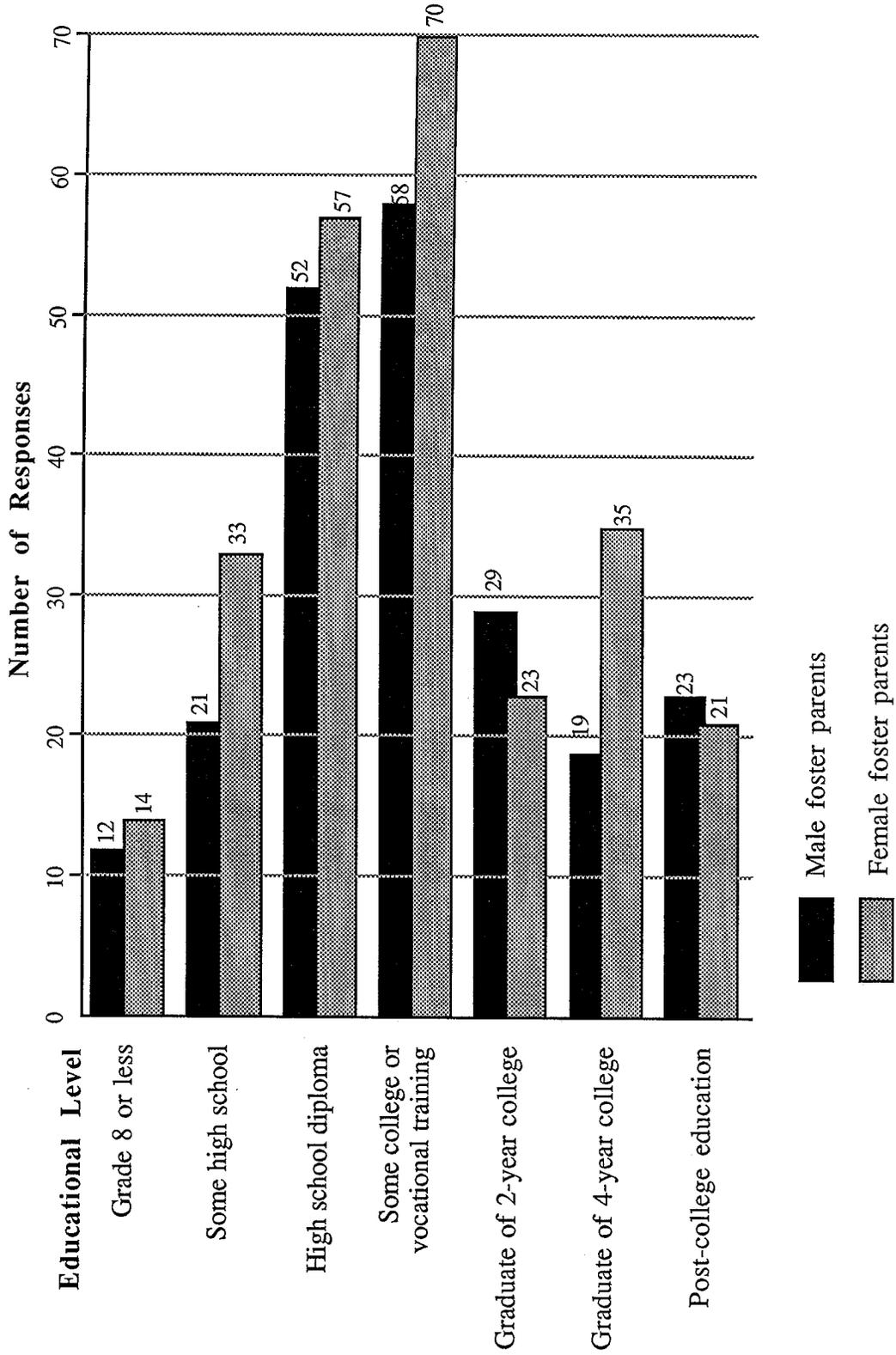


FIGURE 3.4

Highest Level of Education Completed



were adopted by their unrelated foster parents. These foster parents are the most prevalent recipients of federal adoption subsidies for this reason.

In Hawaii, the low use of adoption subsidies, the interviews with foster parents and social work staff, and the responses to the foster parent survey all indicate several instances of ambivalence or active resistance to foster parent adoption. Several positive situations were also recounted.

If foster parents adopt, staff fear losing the home as a future foster home. They also express concern that foster parents won't help with a return home plan if their motivation is adoption. The first concern is largely unfounded. Many adoptive parents take additional foster or adoptive children. Also, developing an adoptive home is just as important as developing a foster home. The second concern may prove warranted in certain instances but is not a sufficiently large problem to screen out or ignore the wishes of these families to adopt. Hawaii is losing an opportunity that has proved invaluable in other states by not actively promoting in policy and practice the concept of foster parent adoption.

Recommendations

1. Increase recruitment activities

The Department of Human Services should establish a centrally staffed program capacity to support and coordinate recruitment and retention efforts among the various agencies using foster parents. This capacity should:

- a. Develop an annual plan based on expected rates of entry into care, expected attrition of foster parents, and projected need for vacancies sufficient to assure appropriate placement options for children.
- b. Receive an annual budgetary allocation to support the development of ongoing and up-to-date recruitment materials and campaigns.
- c. Develop and support active community task forces on each island focused on recruitment and retention of foster parents (a model for this has been developed and tested in Region 11 of the Texas Department of Human Services).
- d. Collect and review on a monthly basis data on recruitment and retention including reason for inquiry, source of inquiry, participation in pre-service training, participation in in-service training, and upon closure of a home, reason for leaving.

2. Improve training and preparation

- a. The Department of Human Services should establish in policy minimal pre- and in-service training requirements for foster parents and develop or purchase appropriate resources to support these requirements.
- b. The Departments of Human Services and Health and the Judiciary, in coordination with private agencies, should develop a joint training calendar and send it to all licensed foster parents. These agencies should explore joint preparation and training of foster parents to reduce the current duplication in effort.

3. Clearly define roles and responsibilities

- a. The Department of Human Services should prepare an easy to read foster parent handbook which defines the foster parents roles, rights, and responsibilities. This handbook should be given to all foster parents prior to licensure, and each point should be explained during visits and training sessions.
- b. The Department of Human Services should be authorized and directed routinely to provide foster parents with any information concerning the child and the child's family background that will assist the foster parent to provide the best possible care for the child. However, foster parents should be placed under the same obligations and penalties as Department of Human Services employees not to share information with third parties.
- c. The Department of Human Services should undertake efforts to reduce barriers to foster parent participation in case planning. Specifically, the case plan for the child should be shared with the foster parents. The foster parents' specific responsibilities in the plan should be made part of a placement agreement. Foster parents should be included in the internal agency case supervision process for any child in their home for more than three months.
- d. The Department of Human Services should establish a means to reimburse foster parents for travel and related expenses when attending training, court proceedings, team meetings, foster parent association meetings, and other activities designed to find permanent homes for children.
- e. The Department of Human Services should be authorized and directed to provide lists of names and addresses of foster parents upon the request of the Office of Children and Youth or upon the request of any bona fide foster parent organization. However, individual foster parents should be permitted not to be included in such lists and the Department of Human Services should be directed to advise them of this right.

4. Initiate foster parent supports

- a. The Department of Human Services and Department of Health should establish a program of respite care for foster parents to include specially designated respite parents and the clustering of foster homes to assist one another.
- b. The Department of Human Services should actively encourage and support further development of foster parent associations; central office and field staff should work with the associations in developing recruitment and retention activities such as recognition dinners and newsletters.

5. Enhance view of foster parents

The State should encourage joint training between foster parents and caseworkers and take other actions necessary to improve teamwork with foster parents.

6. Specify licensing requirements

State policy should define more specifically criteria for fostering in terms of specific parenting abilities and role responsibilities in permanency planning. These criteria should be reflected in the required pre-service preparation and home study process.

7. Encourage foster parent adoption

The Department of Human Services should encourage foster parent adoption as a matter of policy and practice for children in permanent custody. (See also legal recommendations, Chapter 7.)

Chapter 4

Delivery of Services in Hawaii: A Gap Between Promise and Performance

“DHS does not acclimate the foster child to the new home, no pre-placement visits, ‘poof’ the white car delivers them to our home, ‘poof’ the white car takes them away!”

Foster care services include those methods, procedures, and services provided to children in foster care and their families which remove barriers to their ability to return home, prepare them for adoptive placement, and prepare older youth for the transition to independent living. Best practice exists when policies reinforce and support efforts to meet the needs of children and families, when the most up-to-date procedures are used consistently, and services are available and responsive to the needs of children and families. In spite of the emotional commitment of staff, there is significant evidence that practice in Hawaii lacks the continuity, support, and application adequately to address the real needs of children and families served by the foster care system.

Summary of Major Findings

1. Though the watch words of permanency planning are found throughout the system, foster care practice in Hawaii still reflects the historical concepts of substitute care rather than modern concepts of supporting families in their ability to provide safe and nurturing homes for their children.
2. Children entering foster care generally are not treated with sensitivity; insufficient attention is paid to the trauma of being removed from home.
3. Children frequently leave their foster care placements for reasons other than the achievement of their own service plans.
4. The level of support and services provided to children in foster care and to their parents is grossly below that needed to assure either long-term safety after return home or the timely achievement of a permanent home.
5. For the majority of staff and foster parents, neither training provided prior to employment or certification nor training provided in service is adequate to match the service needs of children and families in foster care.

6. Though agencies often describe relationships with each other as good, at the practice level people act more like individual entrepreneurs of human need than components of a team committed to common goals for children and families.
7. Hawaii lacks a sufficient number of placement resources (group homes, foster family homes) to permit appropriate use of the range of alternatives. Consequently, children are being placed where there is room rather than where their needs will be met.
8. The State has not fully defined a range of services and program responses to youth exiting foster care to independent living. Consequently, both case planning and services in this area need strengthening.

Fulfilling the Promise of Permanency Planning

Successful permanency planning is determined by the rate at which children are returned safely and permanently to their birth families, the duration of the separation, the number of placements, and the psychological stability of the relationship when the permanency goal is attained. There are a number of concerns about practice in Hawaii regarding efforts to achieve permanency for children. Specifically:

- a. Hawaii's rate of use of placement in response to determinations of child abuse and neglect is alarmingly high compared with national averages and suggests that efforts to protect the original and best source of permanence, the child's birth family, by preventing placement are either weak or poorly directed.
- b. Children under the legal status of permanent custody are often viewed as permanently placed, even though the family has expressed no permanent commitment to the child (see also Chapter 7).
- c. As discussed in the previous chapter, foster parents are not trained to support the goal of permanence as opposed to the role of protecting children from undesirable parents. Indeed, it is not even clear that there is a belief that this is the role of foster parents.
- d. The use of the court review process as the major occasion for convening the parties in the case reinforces the legal authority of the court, but does not promote the professional authority of the social work team working to provide permanent homes for children.
- e. Hawaii's record in adoption, its low use of subsidy to support adoption, and the fact that the program is without specific staff leadership at the state level currently suggest that adoption is viewed as delightful when it occurs, but something less than a goal to which staff efforts are directed.

Data from DHS in 1988 suggest that nearly 30 percent of confirmed cases of child abuse and neglect result in foster care placement. Data from the American Humane Association indicate

that, based on 1986 information, the national average was only 10 percent. The latter data are the latest available national information and the comparability of the two years could be factor. However, when considering rates of child abuse reporting over the years from 1986 to 1988 nationally and rates of foster care placement, there has not been a threefold increase in placements nationally. Given this, there is reason to believe that the rate of placement for confirmed abuse and neglect cases in Hawaii is approximately three times the national average.

This in itself accounts for a significant part of the foster care resource shortage in Hawaii. Though a review of the safe home guidelines found the criteria to be reasonable in relation to current practice and research, concern must be expressed over how the guidelines are being interpreted and used in the field.

The State has contracted for intensive home-based services on a small scale. While administrators acknowledged the need to expand these services, the commitment to keeping more children at home is not clear. Given the low level of reported contacts between workers and parents, services do not appear intensive enough to provide the level of support families may need to avoid placement. The gap between needed levels of community services and client problems may be another factor. Services may not be available to permit maintaining the child safely in the home. (A discussion of specific service needs appears in Chapter 6.)

Though the permanent custody statute offers support in the agency's efforts to deal with prior problems in terminating of parental rights, permanent custody is viewed by some staff as a permanency goal. In fact, permanent custody is more permanent in the mind of the agency than in that of the child or guardian. Permanent custody should be used only as a means to fulfill other permanent plans as specified in Chapter 7.

Though foster parents reported in their survey a generally positive view of birth parents, there appeared little effort by the agencies to define the role of foster parents in working with birth parents or in supporting the child's relationship with them. As discussed in Chapter 3, the consequence can be foster parents who work, not on behalf of the goal of reunification, but against it.

There was little evidence in foster care practice of any use of multi-disciplinary teams comparable to that found in in-home child protection services practice. Since the court review process is limited by docket considerations, there appear to be few mechanisms where caseworkers, foster parents, and other service providers meet jointly as a team to plan and review progress. This can lead to independent, uncoordinated action in cases. The evidence of this came from interviews with foster parents and with caseworkers for provider agencies who reported working largely independently of the public social workers.

Perhaps the weakest area of practice in relation to finding children permanent homes is in adoption. For children who can never return home adoption is often the next best option. Yet DHS appears to place little organizational emphasis on this goal. The program specialist position in adoption at the central office has not been filled in months. While there is federal money available to subsidize parents who adopt eligible children with special needs, the parents of only 24 children statewide received such assistance during the quarter ending September 1989. There are said to be 275 children in placement with adoption as a goal, including 120 under the age of four.

While other states have specially-designated adoption units with workers familiar with the special tasks involved in moving adoption cases through the court system, finding appropriate adoptive homes, and preparing the child psychologically for adoption, Hawaii has a generalized dependent children unit where all children in permanent custody, regardless of their goal, are lumped.

Without active judicial and administrative support for adoption, casework efforts are bound to continue to fail in this important area of practice.

Initial Placement Practices

Initial placement into foster care represents a very traumatic time in the life of a child. The sense of security the child has felt at home, even in an abusive situation, is voided by the powerlessness of the child and the involuntary nature of the placement. Best practice in these cases suggests the importance of continuity--objects, people, and places that are familiar to the child. Following placement there must be a careful initial assessment of the child's immediate placement needs. The foster parents must be helped with any information that can make the transition a smooth one. In examining these practices in Hawaii (specifically focusing on child abuse and neglect removals) a number of concerns were raised. Specifically:

- a. The extensive use of case aides to transport the child to the new home or shelter may be efficient from a resource perspective, but it is also harmful to leave the child with an unknown adult who possesses little information about the child with which to help the child's transition or to inform the foster parents.
- b. Though overall case plans are developed within expected time frames, there appears to be little emphasis on determining the immediate needs of the child in relationship to separation from the birth family and immediate adjustment to the foster home.
- c. There is confusion in the field about policies surrounding clothing allowances and medical examinations as evidenced by reports of inconsistent practices in these areas.

When it is determined that a child will need placement into foster care, the investigating worker generally calls a case aide to transport the child to a medical facility for examination. It appears that in many cases the child is first transported to the police station, except on Oahu in cases of sexual abuse. While the child is being examined, the investigating worker notifies the foster care recruitment staff of the need for a home. In many instances the child is placed in an emergency shelter, due to the lack of foster family homes available on short notice. Previously, there was a 30-day limit on the time a child could remain in an emergency shelter. However, this limit has now been increased.

Frequently, the case aide has little information about the child other than the basic information sheet prepared by the investigating worker. It appears that the investigating worker will retain the case until the court hearing. The next contact with the home or shelter is likely to be the foster care worker. Current policy requires that a case plan be developed within sixty days. No intermediate plan is required to address the immediate placement needs of the child or birth family. Although policy requires that regular visitation schedules be established, there is no specified time in which the initial visit should occur.

Policy also does not specify any regular basis of contact with the child, the foster family, or the birth parent. Although there is variability in practice, data from interviews, the foster parent survey, and the social worker survey suggest that many children and foster parents lack face-to-face contacts with social workers.

Policy requires a medical examination of the child prior to placement, or at least within forty-eight hours of placement. Evidence from the field suggests that this requirement is met in almost all cases.

A one-time allowance for clothes and other necessities is permitted to a care giver when a child enters into care. As children move from shelter care to a regular foster home, the supplies purchased with these funds may not follow the child, necessitating the foster parent to purchase new supplies without reimbursement. The result is an unfair and unreasonable burden on the affected foster parents.

Changing Placements

Children in foster care should be placed in the most family-like setting, should be located close to the birth family to facilitate visitation, should experience the shortest period of placement feasible, and should undergo the fewest number of moves. Too often these conditions are not the case in Hawaii:

- a. Children are frequently placed initially in shelter care before moving to a foster family, assuring at least a minimum of two placement experiences.
- b. The acute shortage of foster families has caused children to remain in temporary shelter care longer than desirable and for children to be removed from foster homes before the goal has been achieved, just to vacate a space for another child.
- c. When foster parents are experiencing difficulty, little effort is directed toward supporting the family to prevent disruption, or to stabilize the placement until a suitable alternative can be found. Frequently a child is moved into another “temporary” home while a more “permanent” (presumably stable) placement can be arranged.

One of the core intents of federal permanency planning efforts was to reduce the number of placements experienced by children. Each additional placement erodes the identity of a child and his or her ability to form healthy trusting relationships. While all efforts should be made to assure that children exit care in the shortest feasible time, the decision to change a placement should be based on the needs of the child, not the needs of the agency.

During interviews, many instances were cited of children being moved with short notice, in some cases less than two hours. These precipitous changes often prevent all members of the foster family from saying good-bye and reinforce the child’s sense of powerlessness. Frequent moves appear to be most serious among the adolescents in foster care, 10 percent of whom have had 10 or more moves.

The child’s most important bond, that with the birth family, is often fractured by the emergency nature of removal and placement. There is no reason why agencies have to repeat this trauma when making placement changes. Indeed, they should work to do just the opposite.

Levels of Support and Services

Perhaps one of the greatest problems in the Hawaii foster care system is represented by the mismatch between the protective needs of children and families and the intensity of the services provided to address those needs. While reasonable efforts appear to be made during the initial investigatory phase in child protective services, what follows, on average, is a probationary period of monitoring. Specifically:

- a. Though a review of case records found high compliance with requirements for a case plan, data from interviews, case records, and surveys of caseworkers and foster parents suggest that monitoring telephone calls and visits are the most frequent form of interaction between social workers and families.

- b. The frequency and duration of worker contacts are insufficient to assure the child's safety or to suggest active efforts to achieve the goals of the case plan.
- c. The availability of community services to address the specialized needs of children falls considerably below the observed need.
- d. The availability of all out-of-home placement resources, but especially of foster family homes, falls perilously below the level needed to assure the appropriate placement of children with resources adequate to their care and treatment needs.

Of the 102 case records reviewed during the study, court review was the most frequently mentioned "service" to the clients. Post-crisis protective casework was the next most frequently mentioned, followed by supervision and placement. Since the exact nature of post-crisis protective casework was not defined, it is difficult to determine the intensity of this service or its exact components. What emerges is a view of services to families and children precipitated by crisis and followed primarily by supervision and monitoring. There are few efforts to solve the problems necessitating state involvement in the first place. As discussed in the previous chapter, worker contact with parents and children following foster care is limited. One 16 year old child, who had had two changes of placements in the past 6 months, reported talking to her caseworker by phone but never seeing the worker during this time.

Aside from the issue of active casework, there are great liability risks to the agency. Many widely reported out-of-state instances of children being severely injured or dying while under the care of the agency have also revealed patterns of agency failure to contact the child, birth parent, or foster parent on a regular face-to-face basis.

This infrequency of contacts might be balanced if many services were available from agencies in the community. However, in our statewide survey, social workers ranked both the availability and quality of services as low to average in relation to high need. (A further analysis of service needs appears in Chapter 6.)

The relatively low average frequency of contacts by the agency worker combined with concerns over low availability and quality of community support services present a concern of great importance. Both conditions need attention. Specialized services must be available for children and families. Caseworkers must also be responsive to these service needs by providing regular and frequent support through direct client contact.

Inadequate Training

The most compassionate response any human service agency can give is to assure that those assigned the responsibility for helping have the skills needed to respond. High turnover and the

frequent use of temporary positions have added to instability in the service response to clients. However, even if these factors changed, the level of training evidenced for both staff and foster parents falls far below that needed for successful practice. Specifically:

- a. Although the Master of Social Work is preferred for most case work positions, it is widely acknowledged that the content of academic programs for this degree do not contain the specialized knowledge and skills needed for current child welfare practice.
- b. In-service training efforts for caseworkers are not uniformly available at the very beginning of employment, and the overall approach to training does not reinforce the need for workers to develop skills needed to perform the job.
- c. Though caseworkers are largely viewed as “case managers,” limited availability of services in the community to manage means that caseworkers will become the helper of choice, if only by default.

Successful practice depends on the competence of staff. Though Hawaii has a higher percentage of masters level caseworkers, many staff suggested that there appears to be a poor match between the specific requirements of child welfare positions and the academic content of the programs supplying the work force.

When staff do not have the specific skills required to perform the job effectively upon entry, it is the agency’s responsibility to develop these through in-service training and supervision. A review of training content provided to new staff during the first 90 days of employment suggests a strong focus on agency policy and procedures with little attention to practice skills. This means that largely inexperienced and under-trained staff (over one third of the social workers responding to the survey had been in their positions for one year or less) are actively serving clients.

Many child welfare agencies have moved to a case management approach, suggesting the clinical needs will be met through community agencies. However, the limited availability of such services in Hawaii suggests that most clients will be forced to rely on their caseworker for help. The gap between worker training and these service needs suggests that many clients will be underserved.

Achieving Agency Teamwork

Many staff interviewed cited good relationships with other agencies. On the other hand, they also recounted numerous instances of poor case coordination and collaboration at the service delivery level. Specifically:

- a. Internal to DHS, there appears to be inadequate coordination between investigation and case management units during the placement of children.
- b. External to DHS, numerous instances were identified of agencies and foster parents not receiving information in a timely manner.

Though effective transfer of cases from the investigation to case management units is achieved in some instances, it was observed as problematic in others. In some instances, it was suggested that foster care workers returned children to families after investigators had done extensive work to justify the placement, suggesting poor cooperation between child protective investigators and foster care case managers concerning the communication of information, assessment of risk, and coordination of case planning.

Foster parents complained most frequently about not receiving information from the court process. Some instances were observed in which the foster parent had to inform a provider service agency caseworker that the DHS caseworker had moved the child. Though anecdotal and perhaps of limited frequency, these types of incidents undermine the trust essential for teamwork.

Inadequate Placement Alternatives

Although foster family care is the most common alternative used when children must be removed, a range of options are available throughout the islands: relatives, emergency shelter care, group homes, and residential child care. Concerns raised during the study were:

- a. Shelter care has come to be used for inappropriate lengths of time due to shortages of foster homes.
- b. Though a range of alternatives are available, there are not sufficient numbers of openings to permit matching the children's needs with the placement.
- c. There are inadequate treatment options for adolescents with more difficult emotional and behavioral problems.
- d. The emerging problem of drug-addicted babies demands special attention, particularly on Oahu.

Caseworkers responding to a survey were asked to rate need for, availability of, and quality of each placement alternative. On a scale of 1 to 5, 1 equaling low and 5 equaling high, the average *need* for each of these resources throughout the state was rated at 4.23 or higher. The greatest difference between need and availability was noted for first, residential treatment, second, foster

homes, and third, group homes. Emergency shelters were rated as the most available, an average rating of 2.49, but even this rating suggests below average availability. For residential treatment the lowest rated availability was observed on Maui (1.2) and the highest on Oahu (2.15). None of these ratings suggest adequate availability. The lowest rated availability of foster homes was observed on Maui (2.0) and the highest on Molokai (4.0). The lowest availability of group homes was observed on Maui (1.8) and the highest on Molokai (3.33). (Please see Chapter 6 for a further breakdown and discussion.)

The overall quality of these services ranged from 2.54 for residential treatment to 2.89 for foster homes. These ratings must be considered as below average, suggesting limited confidence in the ability of these resources to meet the needs of children.

It is difficult to assess the appropriateness of placement use in Hawaii without a more detailed study of individual case decisions. The use of relative placements has begun to be questioned increasingly at the national level. On the one hand, such placements keep children tied to their families. On the other, workers rarely consider the potential for intergenerational child abuse and neglect (when the grandparents are the relatives of choice) or the unsupervised access parents may continue to have. Generally, relative placements become placements of convenience for the agency and often receive less services than other placement forms (see also discussion in Chapter 7). With proper supervision and monitoring, however, they can provide good options.

Many persons spoke of an increasing use of emergency shelters due to the limited number of available foster homes. Indeed, Hawaii is investing larger sums in contracts for these shelters. This trend needs to be monitored closely. Shelter care almost inevitably results in a higher number of placements for the child and less individual attention.

The greatest need exists for a wider availability of placement resources on both Oahu and the neighbor islands. While the range of alternatives appears appropriate, the limited availability of specific alternatives such as residential treatment and group homes is a barrier to effective practice.

Inevitably, the misuse of alternatives contributes to a higher average number of placements for children, particularly among adolescents. Children interviewed indicated numerous moves in short periods of time. One 15-year-old girl had experienced 5 placements in less than 18 months. Ten percent of all adolescents in foster care have had 10 or more placements.

Undeveloped Independent Living Services

Though federal legislation supporting independent living services has been in effect for two years, Hawaii's implementation of this program appears to have been slow to non-existent (see Chapter 7 for a discussion of legal issues related to independent living). Consequently:

- a. Program procedures and expectations are not clear in the field.
- b. Monitoring of practice is virtually non-existent.
- c. Few concrete services have been developed on a uniform basis throughout the State.

In the statewide survey of social workers, independent living services appeared in great need in five out of six jurisdictions. Staff interviewed generally said that the State has not fully implemented a program of services for youth exiting care to independent living. While some services have been funded, staff are not clear about specific case planning requirements, availability of services, or procedures for initiating such service planning. Discussions with program and administrative staff in the state offices of the Judiciary and the Department of Human Services failed to reveal any systematic process for identifying the needs of this population or monitoring agency effectiveness.

Except on Oahu, few direct service staff could identify specific services available to support the needs of adolescents. Five youth over the age of 15 who were interviewed, though a relatively small sample, could not identify any specific work in progress by their caseworkers to help them prepare for independent living. Three others cited their current part-time employment and aspirations to continue school after graduation.

Recommendations

1. Fulfill the promise of permanency planning

The Department of Human Services and Department of Health should target more resources toward the prevention of foster care. Specifically they should:

- a. Increase support afforded to families who are at risk of placing their children in foster care by reducing caseload size to permit active service relationships between social work staff and clients.
- b. Increase the use of intensive home-based family services and increase the availability of other needed community services (e.g., homemaker/home health aides and alcohol/drug treatment services). (See also Chapter 6.)
- c. Review the staff's use of the safe home guidelines to assure that ratings of risk are accurate and justify placement.

For children in permanent state custody, the Department of Human Services should expand its efforts to achieve adoption and other permanency solutions specified in Chapter 7. Specifically it should:

- a. Fill the position of a full-time adoption specialist at the central office level.
- b. Designate at least one person in the dependent care unit in each office (more on Oahu) with full- or part-time responsibility for achieving adoptions.
- c. Make the first activity of the designated adoption workers a review of every child in permanent custody to determine the viability of adoption or other permanency options; then proceed to carry out the permanency plans under the supervision of the statewide adoption specialist.

2. Enhance placement practices/reduce changes in placements

- a. The Department of Human Services should develop specific policies and procedures for placements that assure that the impact of separation and loss on the child will be handled effectively and that foster parents will receive information adequate to helping with initial adjustment needs of the child. In addition:
 1. If agencies are going to use case aides to facilitate placements, the aides should be trained specifically to handle the child's initial trauma and to support foster parents with initial placement needs.
 2. Case management staff should assess the child's immediate placement needs within two weeks specifying visitation arrangements, adjustment needs, and actions required to address the child's immediate educational, physical and emotional needs.
 3. A brief written plan should be developed specifying the roles of the agency and foster parents in addressing the child's immediate placement needs.
- b. The Department of Human Services should reinstate the limit on duration of shelter care placement to 30 days.
- c. The Department of Human Services should review the number of children entering care for short periods who are returning to care within 12 months to determine if children are being returned home inappropriately.

3. Avoid frequent and inappropriate placement changes

The Department of Human Services should establish firm policies and procedures regarding placement changes. Emphasis in these policies and procedures should be upon protecting the interests of the child and not upon serving administrative convenience. Means for monitoring performance in this area should be included in the policies and procedures.

4. Increase levels of support and services

The Department of Human Services should establish minimum monthly contact requirements between social workers and children, foster parents, and birth families and should monitor compliance with these requirements. In addition:

- a. Policy and guidelines should be developed to define the purpose and content of these contacts, along with requirements for recording them in the case record.
- b. The central office should check compliance with these standards.

5. Enhance basic training

Recommendations concerning training are contained in Chapter 6.

6. Increase teamwork

The Department of Human Services should take steps to enhance agency teamwork by increasing communication and structuring supervisory practices. Specifically:

- a. Each office should be instructed to conduct monthly staff meetings in which issues arising between and among the units are addressed with an emphasis on case coordination.
- b. The department should establish and monitor an internal case supervision process adequate to assure that the goals in the plans and the services being provided are appropriate to the needs of the families. It should consist of an internal monthly review of each case by worker and supervisor which is overseen by the unit supervisor. While not duplicating court review, this review should be adequate to supplement current supervisory practices.

7. Expand placement options

The Department of Human Services should expand the availability of all placement alternatives except emergency shelters to provide for adequate decisionmaking and selection of alternatives. Priority should be placed on developing a residential treatment facility for

statewide use, increasing foster family homes by 20 percent on all islands while the comprehensive recruitment plan discussed in the previous chapter is being developed, and developing group homes on Oahu and Maui.

8. Implement independent living services

The Department of Human Services should fully implement an independent living program which provides both the tangible (e.g., education, job training, and banking) and intangible (e.g., social and decision-making) skills needed by adolescents upon exit from foster care. (Please also see Chapter 7 for legal modifications.) Specifically, it should:

- a. Designate a full-time statewide independent living coordinator.
- b. Develop policies, define services, and provide or arrange for community services.
- c. Solicit the support of employers, bankers, and other community members to help fulfill the plan.

Chapter 5

Program Management and Direction: Lack of Coordination and Follow-Through

"I think departments within the agency should have more contact with one another. Sometimes the 'left hand' didn't know what the 'right hand' was doing."

Foster care in Hawaii is composed of a series of quasi-independent sub-systems, each operating as essentially separate, self-contained programs in various state and private agencies. This creates a system which is, paradoxically, both flexible and inflexible. It derives its flexibility from the diversity of the various programs. Yet, at the same time, the independence has resulted in a relatively modest ability to coordinate policy and actions in areas of mutual concern. This, in turn, has created inflexibility where it is most urgently needed, in the capacity to promote change and share resources within the larger children's services system. On balance, the duplication of effort in various areas--particularly the recruitment and training of foster parents--has negative consequences for Hawaii. This chapter addresses issues related to interagency coordination as well as management practices within the Department of Human Services.

Summary of Major Findings

1. With the exception of the Interdepartmental Cluster which has a specific, limited mandate, the State of Hawaii lacks a formal interdepartmental mechanism for coordinating the planning, funding and management of all out-of-home care programs.
2. The Office of Youth Services holds potential for being an effective umbrella agency for various and possibly all foster care programs.
3. The Department of Human Services has considerable difficulty implementing new plans and programmatic changes it has developed.
4. The Department of Human Services' information system does not provide clear information on the outcomes it wishes to achieve for children; nor does it maintain accurate accounts of program status or actions.
5. The Department of Human Services allows licensed child placing agencies to decide who can receive foster care services thus assuring an open-ended obligation to provide board and care payments without maintaining control or oversight over the process.

6. The Department of Human Services' central office management is largely isolated from field office administrators, making it difficult to enforce policy, share information, and foster a sense of trust.

Mechanism for Coordinating All Foster Care Programs

The three agencies operating foster care programs do have varying short-term objectives. This is best evidenced by the contrast between the mandate of the Department of Human Services to protect children *from* abuse and that of the Judiciary to protect the community *from abuse by* juvenile offenders. Yet, both systems often choose the identical method of intervention because they have the identical long-range goal: to enable children to mature with the appropriate social skills to be able to assume responsible, self-sufficient roles as adults. Thus, programs which are perceived to be fulfilling substantially different purposes are often actually very much alike. Apart from historical accident or the human tendency to want to "run one's own show," there is not any compelling reason for these programs to be operated independently.

If children were being well served by the collection of programs, then some duplication of effort would not be serious. Unfortunately, this is not the case. There *is* a genuine need for truly specialized care for some children. However, because of the relative isolation of each program, there has been a tendency for them all to develop generalist capabilities.

Ironically, the best way for these independent agencies to develop their own unique roles and capacities is through the closest possible cooperation, overt division of labor, and outright joint operation of some programs. They need to combine their planning resources, to take advantage of each other's knowledge and skills, and, most importantly, to assure that they are not wasting time and energy trying to do work which can be done by someone else. Among the things which should be addressed on a multi-agency basis are:

1. Developing comprehensive information about the children they serve. The needs of children entering foster care are changing constantly. Yet, the basic information available to most programs is so incomplete that they often must guess about the most important uses of their resources.
2. Assuring appropriate levels of coordination and support for preventive service programs.
3. Maintaining effective systems for recruiting foster parents and other volunteer resources. This is an area where competition is both wasteful and harmful to children.
4. Assuring that specialized services are not needlessly duplicated or mutually starved for resources. The development of specialized treatment foster homes by the three state agencies should be closely monitored to avoid such outcomes.

5. Developing integrated mechanisms for mutually supportive, rather than competitive, budget requests.
6. Streamlining purchase of service systems and developing mechanisms for identifying priority needs for community services.

This list could be considerably longer. However, the biggest issue is the lack of a comprehensive mechanism to raise these types of questions and to translate mutual agency concerns into a joint management capacity which can address them.

Hawaii has taken an important step by creating the Interdepartmental Cluster. This group functions as a “super multi-disciplinary team” with the power and authority to commit specific resources for the purpose of supporting comprehensive individual treatment programs for the State’s most difficult to serve children. However, the resources at its disposal are barely adequate even to carry out this role fully while its limited mandate places a number of important policy issues beyond its scope of responsibility.

Responsibilities of the cluster could be expanded to deal with a broader range of issues. However, its current functions are vital and may well be compromised by an expanded agenda. Therefore, the state agencies should establish a high level interdepartmental planning and management team within which the cluster and other appropriate joint activities could be planned and managed in a coordinated manner.

In addition to managing internal problems, this interdepartmental body should possess the capacity to receive input from community groups on their needs and concerns relative to the operation of the foster care program. Advocacy groups, consumer groups, provider agencies, foster parents, and other community-based interest groups need sanctioned channels for having their interests and needs heard.

Coordinating Potential of the Office of Youth Services

The creation of the Office of Youth Services has added an important new element to the foster care and children’s services agencies. The statutory language establishing the office provides it with broad powers to influence, or even to manage, most of the programs which are currently part of the foster care system. A literal interpretation of its legal mandate would lead one to conclude that it is the intent of the Legislature to lay the foundation for a consolidation of a wide variety of programs within the office.

Given the separate nature of the existing foster care programs such a consolidation may well have a positive effect on the overall system. However, it is essential that the development of alternatives for this approach occur with the full knowledge and participation of the affected

agencies. It would be extremely detrimental to the interests of the children being served by the State for a "power struggle" to emerge from what should be a forward-looking consideration of the potential for fundamental system change. For this reason, steps should be taken immediately to add the Office of Youth Services as a full member of the Interdepartmental Cluster and any other interagency management and policy bodies which emerge.

The law stipulates that the office will become responsible for juvenile correctional programs on July 1, 1991. In the meantime, it appears that the State will continue its efforts to reduce the institutional population of juvenile offenders and to use community-based alternatives for their care and treatment. This will increase the importance of the Family Court foster care program as the principal non-institutional resource. In planning for the initiation of its direct operational responsibilities, the Office of Youth Services must take into account the capacity and role of the Family Court program. At the very least, a reliable mechanism for coordination should be fully developed. However, it would be most appropriate to consolidate the administration of the 4 Family Court programs and to make them a major component of the community-based system of services for juvenile offenders.

Planning for such a change should also take into account the potential for further consolidation of *all* public foster care within a single organizational structure. The somewhat different missions of the various agencies have led to the creation of separate programs, but have not created appreciably different resources for children. Nevertheless, each has developed parallel systems of foster home recruiting, training, and supervision. At the same, the significantly different overall capacities of the agencies have created different levels of staff support and access to purchased support services for children. The Office of Youth Services, as a "bureaucratic blank-slate", presents a unique opportunity for innovation, reform, and achievement of a higher level of integrated services.

Implementing Department of Human Services Plans

Hawaii's foster care agencies, particularly the Department of Human Services (DHS), have active planning capacities. There is evidence of creative thinking and positive planning for program development and enhancement. However, it is also evident that administrators have had difficulty in translating these plans into action on a timely basis.

Despite the clear recognition that concrete change is needed and that appropriate solutions may be available, the same problems often persist over long periods of time. Even with specific plans available, implementation may be delayed. For example, DHS has recognized the seriousness of its general inability to recruit and retain qualified social work staff and has made several attempts to address the issue. A study was conducted in 1988 in cooperation with an outside

consultant to develop alternative approaches to the management of cases. A primary recommendation was to create "service teams" which would make greater use of personnel without social work training in support of trained social worker team leaders. This recommendation has apparently been accepted as a high priority for alleviating some of the pressure on field staff. Yet, while much discussion and planning has occurred, little or no concrete steps toward implementation have been taken.

It is not entirely clear why such plans are not more quickly made operational. People within critical leadership positions in the state office are working at a frenetic pace and even have had to cope with temporary reassignments to help with direct service work in the field. Nevertheless, the slowness to implement change also seems to be the product of an institutional reluctance to take actions which may be challenging or upsetting to others. This may reflect a level of concern for the feelings of others that obscures the fundamental fact that change, particularly rapid and dramatic change, will virtually always produce a degree of discomfort. Planning needs to be accompanied by overt statements from the highest levels of management that the changes are expected to occur together with a description of concrete steps, timetables, and assignments which will be monitored.

Department of Human Services Information System

As is the case in other management areas, the dominant role of DHS causes it to bear the essential burden of maintaining a functionally adequate information system for foster care. Unfortunately, the present Social Services Information System is generally acknowledged to be unreliable and of only marginal usefulness to the majority of people who require information. Staffing shortages are responsible for delays or omissions of critical data entry functions. At the same time, direct service staff perceive the system essentially as causing more paperwork without producing any concrete assistance. At other levels, administrators and managers are dubious about the actual program data and are reluctant to make decisions based on them without some form of independent verification. The Department of Human Services acknowledges these problems and should proceed with its plans to phase out the current system and replace it with a new one.

The fundamental purpose of an information system is to provide people with the basic data about whether their actions have resulted in the concrete outcomes they intended, for example, the safe return home of a child or expansion in the number of adoptions achieved. This is equally important for social workers who make decisions about individual cases and for administrators who define policies or formulate budgets.

Administrators need to know how many children are in foster care, what types of placements they are in, what problems necessitated their removal from home, how long they have been in care, how many placements they have had, their current legal status, and the number of times they have re-entered care. From such information they can compare the experiences of different branch offices and set target goals such as reducing the aggregate length of time in care without increasing re-entries. They can determine where additional resources need to be developed or allocated.

Information systems used by the state foster care agencies vary in sophistication. Nevertheless, they are consistent in their lack of capacity to provide clear outcome information or to maintain accurate accounts of program status or actions.

Based on the current needs of the foster care system, the emphasis in developing the new information system should be placed on making it:

1. **Reliable.** Information which no one trusts or believes is worthless. It is better to capture and use relatively little information, if it can be trusted, than to develop a more ambitious system which will provide inconsistent and, ultimately, unreliable results.

An effective system will be based on data elements which can be equally well-defined by field staff as by top administrators. It will also be dependent only on data input or other actions which can reasonably occur within the framework of the normal work environment.

2. **Simple.** Regardless of the complexity which may lie beneath the surface of an information system, the user should find it to be straightforward and relatively easy to access and understand. This is particularly true in two areas: on-line access; and output reports.

Field staff should find it easy to make system inquiries and to obtain current case information without having to develop much more than simple "keyboarding" skills. They should have ready access to the appropriate hardware and should be able to gain direct access to their program specific files and to relevant cross-reference files.

Reports generated by the system, whether for front-line staff or administrators, should focus on the most basic information actually used for decision-making and program monitoring.

3. **Manageable.** For an information system to be useful it must be integrated into the daily activities of an organization and be managed as a routine part of the work flow. The tasks essential to maintenance of the system must be within the technical abilities of staff people and require no more time than they realistically have available.

Field staff must have adequate time, clerical support, and equipment to update their files, to review caseload reports, and to take appropriate action on the cases themselves.

Administrators must provide the resources to maintain the system and to act on the information it generates. In addition they, themselves, must have the knowledge, will, and

time to review the data, to develop common interpretations of it throughout the organization, and to direct appropriate actions in response.

4. **Flexible and Expandable.** The needs of the department will change, as may the organization. The new information system should be designed so that it will be possible to accommodate the information needs of the other foster care programs.
5. **Focused on management of people and money.** The primary purpose of an information system is to enable people to achieve individual client goals through effective management of their time and the department's money. Major data outputs of the system should be accurate representations of the amount of service time and money expended in individual cases within the context of calendar time, case actions, and case outcomes.
6. **Responsive to field staff.** An effective information system should provide direct assistance to individual field workers as well as to administrators. It should include: 1) an integrated, single client record; 2) a "case events" tracking and scheduling capacity; 3) caseload status lists; 4) case outcome summaries; 5) service summaries; and 6) client characteristic summaries.

Foster Care as a Matter of "Entitlement"

It has been the practice of DHS to define foster care as an "entitlement," i.e., an open-ended obligation to make room and board payments on behalf of any children accepted into foster care programs by the public and private agencies which it licenses as "child-placing agencies." As a philosophical and moral commitment to "equal access" for all children, the policy is unassailable. It has made out-of-home care available in a way that avoids the jurisdictional squabbles and legal manipulations that characterize the systems of many other states. However, with the funding authority afforded to DHS comes responsibility for greater oversight in the way monies are used. As a practical application of decision-making within a largely uncoordinated system, this practice raises the following concerns:

1. Making payments in this manner results in a fluctuating but permanent "caseload" of over 200 children for whom DHS accepts financial responsibility while having little knowledge and no direct care responsibilities.
2. The department's ability to manage its own foster care budget is severely limited when it has no control over eligibility standards, intake decisions, or return home policies once children are in care. People in DHS appear to have only the most sketchy information about the individual children for whom it is committed, and will continue to be committed, to make board and care payments.

Isolation of Field Staff

As described in Chapter 1, directors of the 4 DHS branch offices are in separate organizational locations from the planning, policy development, program monitoring, and contracting functions. Although both field staff and policy developers report to a common administrator, the branch managers and their staffs expressed frustration and concern in the interviews that their needs are not adequately reflected in decisions about allocating resources (purchased services), developing new policy, or clarifying existing policy. For example, there are particular policy areas that are currently unclear to workers as expressed in the statewide survey: how to measure outcomes for children in foster care; when to recommend permanent custody, effectively terminating parental rights; when to make other long-range plans for children in foster care; and how to assess the future risk of abuse for children still in their own homes.

While meetings between state office and branch administrators do occur, DHS needs to do more to foster a sense of “team” among the staff, to open communication lines to the branch managers, and to devise structured methods for obtaining field input on various policy and programmatic subjects.

On its part, the Department of Health has recognized problems associated with dividing services to children among various organizational units. It should proceed with its plans to consolidate services to children and adolescents under a single division.

Recommendations

1. Establish formal coordinating body

- a. The State should establish a formal interdepartmental mechanism for coordinating the planning, funding, and management of all out-of-home care.
- b. The State should use the interdepartmental mechanism to develop: 1) an integrated children’s services management information system; 2) comprehensive children’s services budget; 3) uniform and consolidated purchase of service plans and contracts.
- c. The Department of Human Services, the Department of Health, and the Family Courts jointly should convene a permanent public policy advisory group to provide a direct, mutual channel of communication for advocacy agencies, consumer groups, and other community based interest groups.
- d. The three state agencies should jointly convene local advisory groups on the neighbor islands to relate directly to the statewide public policy advisory process and to provide common channels of communication between their local staff and local interests.

2. Integrate the Office of Youth Services into foster care planning

- a. The State should incorporate the Office of Youth Services as a full participant in all interdepartmental management committees including the Interdepartmental Cluster.
- b. The Office of Youth Services should assume responsibility for the management of the current Family Court foster care programs simultaneously to assuming responsibility for youth correctional programs on July 1, 1991.
- c. The Office of Youth Services, in cooperation with existing children's services agencies, should develop plans to assume responsibility for other foster care services by July 1, 1993.

3. Assure plans are translated into action

When developing plans for improving the foster care system, the Department of Human Services should identify explicit timetables for actions to be taken; make explicit assignments to people; regularly monitor tasks; and provide rigorous follow-up to hold people accountable. Administrators at the highest level should make their priorities and expectations for change clear.

4. Revamp the Department of Human Services information system

- a. The Department of Human Services proceed with the elimination of its current Social Services Information System.
- b. The Department of Human Services should attach the highest priority to the immediate development and implementation of a new information system which has the capacity to:
 1. track individual case actions;
 2. identify dates when key case actions are required by policy;
 3. provide field staff with pertinent individual case history and current case status;
 4. provide regular reports on case outcome and status;
 5. provide pertinent information about budget status;
 6. be integrated with the out-of-home care information systems of other agencies.
- c. In developing the system, the Department of Human Services should:
 1. establish a permanent joint information management team under the leadership of the Department of Human Services' Office of Information Systems;
 2. form a "users' advisory group" to consult with the management team. This group should include field staff, central office staff, and, when appropriate, provider agencies;
 3. focus on the production of simple, regular management reports based on the current content of the existing system;
 4. eliminate or suspend any activities which do not produce information or reports which are used regularly as a basis for policy or management decisions.

5. Monitor use of foster care as an entitlement

- a. The Department of Human Services should modify its current practice of defining the use of foster care resources by other agencies as an individual entitlement program.
- b. The Department of Human Services should develop explicit individual eligibility criteria, budget controls, and utilization review for the use of foster care resources by the child placing agencies which it licenses.

6. Combat isolation of field staff

- a. The Department of Human Services should establish a permanent management team of state office policy staff and field staff to consider and formulate all program policy.
- b. The Department of Health should proceed with its plans to organize a consolidated division of children and adolescent mental health.

Chapter 6

Human and Financial Resources: Need for Stronger Management

"I believe DHS tries to meet the needs of state and community but is grossly understaffed . . . She's a dedicated and intelligent woman who will probably be burned out by an overloaded system."

For an agency to achieve maximum effectiveness, it must do well at managing three critical resources: its people, its finances, and its services. Managers in Hawaii are acutely aware of the problems associated with the first area, finding and retaining social work staff, although the solutions to date have been short-term and piecemeal. Of all the aspects of resource management, this is the most problematic. Following closely on its heels is failure of the State diligently to pursue and claim the federal reimbursements to which it is entitled. In addition, Hawaii falls short in its ability to provide a full range of community-based services to the people who are clients of the foster care program.

Summary of Major Findings

1. High caseloads and an unstable workforce severely limit the ability of the Department of Human Services to provide consistent, high quality services to children and families.
2. Qualifications established for social worker positions exacerbate the problem of finding and keeping staff.
3. While the Department of Human Services is effectively handling the processing of payments to foster parents and contractors, it has not diligently claimed federal funds to which it could be entitled, resulting in the loss of millions of dollars throughout the 1980s.
4. Services purchased by the Department of Human Services and the Department of Health are not uniformly available or effective in maintaining children in their own homes or treating the problems which would allow children to return home. State agencies do not effectively coordinate the planning, contracting, and monitoring of purchased community services.

Caseloads and Workforce

Social workers throughout the State make earnest efforts to do their jobs. In surveys and interviews many received praise for their caring attitudes. However, they often find themselves hampered by the instability of their work units due to rapid turnover and high caseloads.

Since 1986 the number of permanent positions in the Department of Human Services (DHS) has risen to 458, a 26 percent increase over 3 years; the number of temporary positions has risen to 54, a 135 percent increase. The increase in temporary positions, the use of emergency hires, as well as the provision of "shortage pay" to child protective workers represent the bulk of the State's effort to address its worker shortage problem. (The DHS personnel office has also developed a "Fast Track" program which has reduced significantly the amount of time it takes to hire people. It also has placed ads in the paper of the National Association of Social Workers to recruit on the mainland.)

While establishing temporary positions and filling jobs with people who did not meet the state qualifications (emergency hires) made sense at the time, in the long run these practices have contributed to the dissatisfaction of the large numbers of people holding these jobs. One-half of all respondents to the social work survey were on temporary, provisional, or emergency status. It is indeed difficult to achieve a sense of cohesion of purpose or consistency in service in an agency where half the people are not permanent employees. Emergency workers are denied the benefits and privileges afforded to permanent workers including vacation, sick leave, retirement, and medical coverage. Many workers in temporary or emergency positions, particularly on the neighbor islands, have held these jobs for long periods of time and have achieved a level of mastery on the job as well as tremendous knowledge of the communities they serve. There is little justification in continuing to relegate them to second class status.

Thirty-nine percent of the surveyed workers were receiving shortage pay. Child protective workers at the DHS were first given shortage differentials in 1984. The Departments of Corrections and Health followed suit in 1989. Shortage pay causes tensions among staff and inevitable pressures to cover more types of workers. As more workers and agencies are included, its effectiveness diminishes. If child welfare work is more demanding and requires greater skills than other forms of social work, then these distinctions should be recognized in the pay structure at all levels (Social Workers I - VII).

Among survey respondents, 36 percent had held their current positions for less than one year, a quarter less than 6 months, again reinforcing the numbers of new people on the job. The largest proportion (39 percent) were recruited by the Department of Personnel; other state agencies constitute the greatest single source of workers (28 percent) while about 17 percent are recruited directly from school.

While caseload size can be difficult to determine with accuracy the average size for workers responding to the survey was 35. This number includes an average of 26 children and 15 families or over 46 individuals. When asked if their caseload was affected by the shortage of workers, three-quarters said yes. In addition, when asked the major reasons caseworkers leave their jobs, high caseloads was the response most frequently cited (see Figure 6.1). According to survey responses most units appear to be operating at 80 percent capacity. If full capacity were achieved--that is, all authorized positions were filled--the caseloads would be reduced to about 28 per person. While not yet meeting good practice standards, filling existing positions would move the State a long way towards improving its caseload crisis.

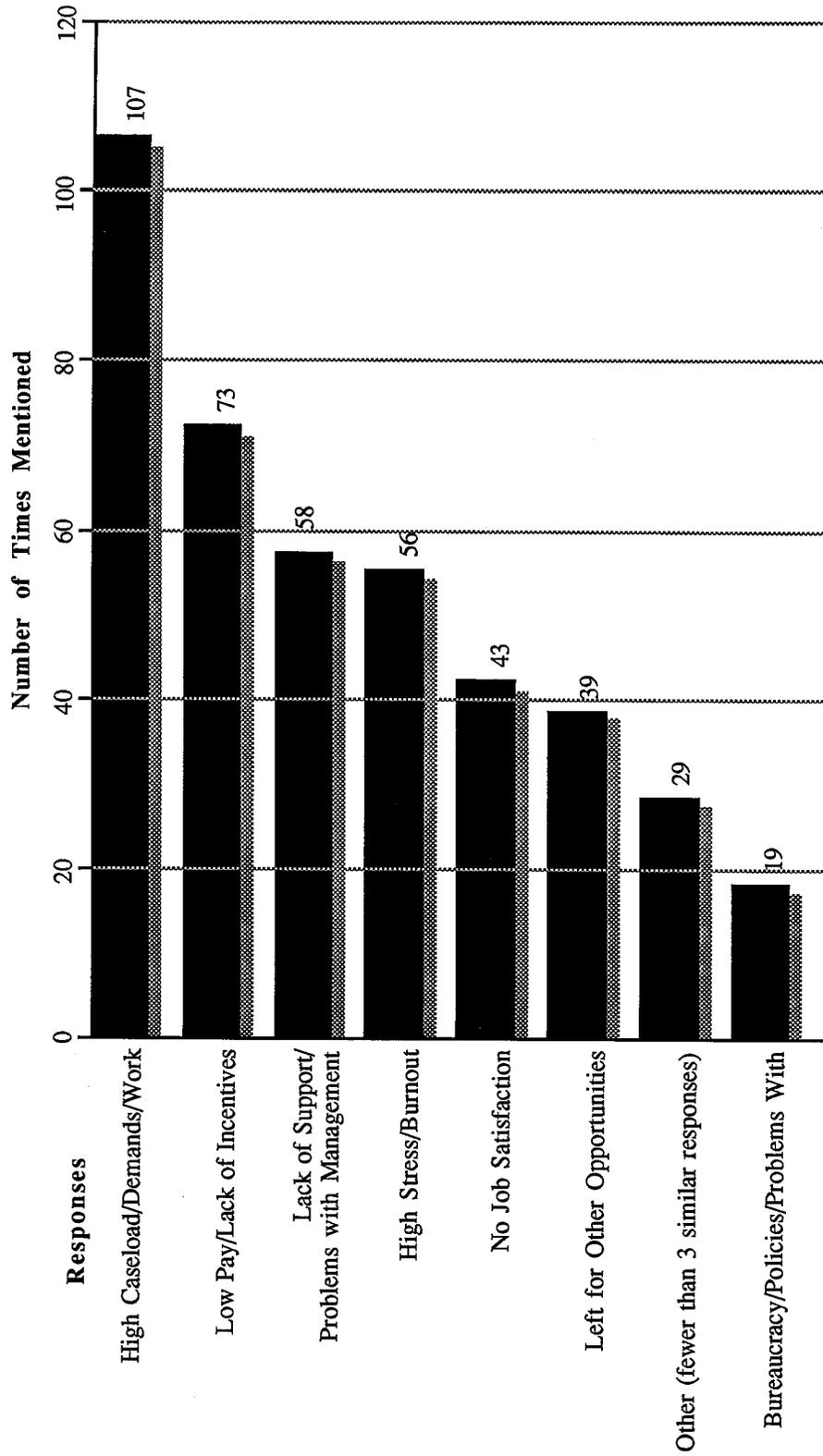
National organizations such as the Child Welfare League of America recommend caseloads no higher than 12 cases per month for abuse investigators and 17 families per month for on-going social work. (*CWLA Standards for Service for Abuse or Neglected Children and Their Families, 1989*) Thus, social workers in Hawaii are indeed overburdened by high caseloads relative to nationally-recommended standards.

Social Work Qualifications

In principle, the Departments of Human Services and Health are to be commended for preferring the MSW degree as a condition for employment. In fact, according to the statewide survey over half of all the workers do possess training in social work at the bachelor's or master's level. This is twice the national average where approximately one-fourth of the public child welfare workers have BSWs or MSWs. (National Survey of Child Welfare Workers, National Child Welfare Resource Center for Management and Administration, University of Southern Maine.) The problem is that the supply of MSW-trained people in Hawaii simply is not great enough to meet the demand for workers. In 1988, there were 71 School of Social Work Graduates at the University of Hawaii (14 BSWs, 57 MSWs); yet, there were 140 social worker vacancies in the DHS alone, 65 of which were filled with emergency hires. In addition, there were 218 social work vacancies in other state agencies, the greatest in the Department of Health (DOH). While the number of social work graduates is projected to increase in 1990, the gap could not be closed even if all were to go to work in state agencies. The discrepancy between supply and demand is so great that the shortage could not be overcome without massive out-of-state recruitment. Persons without social work degrees or relevant experience can currently be employed by starting as a Social Worker I (providing they have 12 credits in social sciences) or as an emergency hire. However, there are only 27 Social Work I positions statewide. To qualify for a Social Work III position, non-social workers must work for 18 months without benefits as emergency hires.

FIGURE 6.1

Major Reasons Social Workers Leave Jobs



Recognizing the problems faced by public agencies in finding and keeping suitably educated staff, at least 10 states have dropped the MSW requirement over the past decade, allowing for the substitution of education and experience. Many of these have put in its place a more intensive program of pre-service and in-service training for workers. The most elaborate of these programs, in states like Florida and Tennessee, last for several weeks and include intensive follow-up by supervisors once people are working on the job.

Given the long-term pattern of staff shortages, the knowledge and dedication of many people currently on the job who do not meet the educational requirements, and the morale problems caused by the use of emergency hires, it would be in Hawaii's best interest to follow the lead of other states in reducing the current educational and experience requirements for front-line workers while substituting a program of pre-service and in-service training which conveys the particular knowledge and skills required to do the job. All new workers would benefit from such training. In addition, as discussed in Chapter 4, DHS should tighten supervisory practices to maintain quality control. To preserve the degree's integrity, people with MSWs should be recognized through pay differentials and should be given preference in advancing to supervisory positions.

At the same time, the University of Hawaii should be encouraged to continue its efforts of increasing access to educational programs. For example, it has already expanded the number of classes offered in the late afternoon and evening at the Manoa campus. It has also offered MSW classes on Maui and soon will do so on Hawaii. It should also assist the State by developing and providing relevant training programs to workers and in placing students for internships in public foster care programs.

Efforts to Claim Federal Funds

Financial management in DHS is typified by two major characteristics:

1. The ongoing management of program accounts, including processing of payments to foster parents and contractors, is conducted in a simple, efficient manner which produces a high level of overall effectiveness in meeting normal standards of accuracy and timeliness.
2. The potential to claim federal funding for foster care is substantially underutilized.

Figure 6.2 portrays the funds used to support the entire children's services system for the three state foster care agencies. Together they are well in excess of \$54 million: \$40.2 million for DHS; \$13.7 million for DOH; and \$.48 million for the Judiciary. Note in Figure 6.3 that a substantial

FIGURE 6.2
BUDGETS BY DEPARTMENT

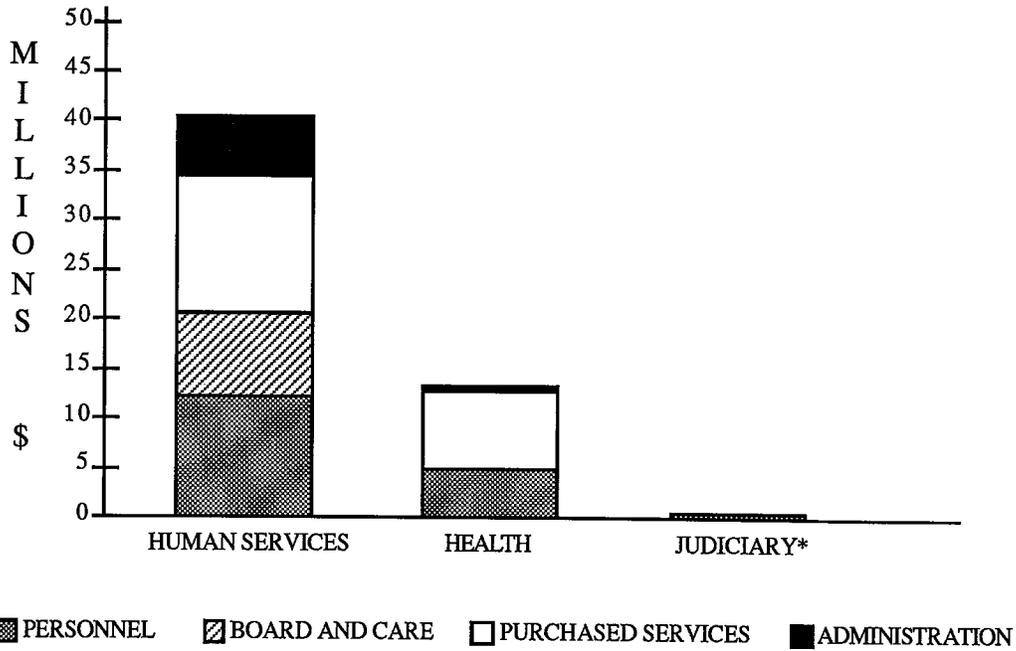
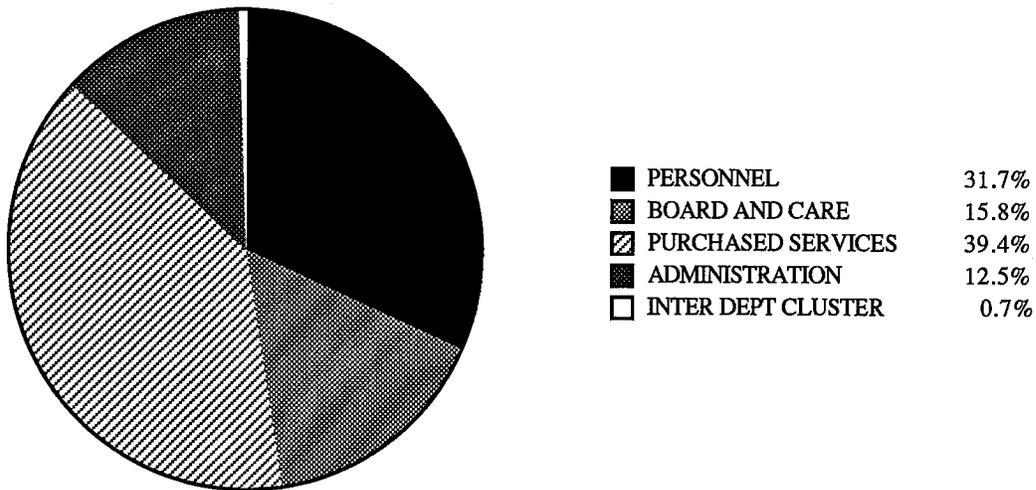


FIGURE 6.3
HAWAII FOSTER CARE BUDGET



portion of funds, over 39 percent, are expended on purchased services. This is a greater percent than funds expended on in-house staff. A large proportion of the funds to purchase services emanates from DOH. Indeed, with a budget of almost \$14 million, its role extends far beyond the scope of its relatively modest therapeutic foster care program. Since DOH pays for many of the services that the DHS clients need, joint planning of and ready access to these services by DHS is critical.

The Hawaii Department of Human Services is eligible to receive federal funds for the foster care program under Parts B and E of Title IV of the Social Security Act, among other sources. Part B allows funds for Child Welfare Services and can be obtained by submitting to the federal government an Annual Summary of Child Welfare Services and an Annual Budget Request. Hawaii receives these funds, amounting to over \$662,000 a year. Part B also allows incentive funds for states which certify that they are meeting and continue to meet the requirements of Section 427 of the Act, which call for joint federal-state planning for the use of those funds and for submission to the federal government of an Annual Summary of Child Welfare Services incorporating the additional services. Hawaii is eligible to receive \$456,000 under this program and has, in recent years, taken the steps necessary to obtain these funds.

Part E of Title IV allows federal reimbursement for four kinds of costs: foster care maintenance payments (i.e., a portion of the monthly foster care board and care costs for eligible children at a rate tied to the federal medical assistance programs--in Hawaii it is 54.5 percent for FY 1990); adoption assistance payments to parents who adopt children with special needs; costs to train child welfare staff who are employed or preparing for employment at a rate of 75 percent federal funds, 25 percent state funds; and costs to staff and administer the entire foster care program at a rate of 50 percent federal funds, 50 percent state funds. Examples of allowable administrative costs are referral to services; preparation for and participation in judicial determinations; placement of the child; development of the case plan; case management and supervision; recruitment and licensing of foster homes; and a share of agency overhead. (45 CFR Ch. XIII [10-1-88 Edition] Par. 1356.60.)

Part E is an open-ended source of money. The amount that can be claimed has no limits as long as the State is eligible, costs are allowable, and the state matching funds are available. However, the federal government has established a hypothetical allotment for each state based upon fiscal year 1977-78 rates of AFDC foster care spending. For Hawaii, this amount was \$450,000 for fiscal year 1988-89. If Part E federal funds do not go back directly to the affected Part E programs, the agency can apply to transfer a portion of these funds to Part B.

According to correspondence from the U.S. Department of Health and Human Services, in fiscal year 1988-89 Hawaii made the following claims under Part E:

Foster Care Maintenance	\$60,084
Administrative Costs	12,016
Training	0
Adoption Assistance	<u>30,693</u>
Total	\$102,793

As can be seen, this total is substantially less than Hawaii's federal allotment of \$450,000. Thus, considering only the difference between Hawaii's actual claims and Hawaii's allotment, the State is losing hundreds of thousands of dollars each year in federal matching funds available for maintenance, administrative, and training costs. These funds can be obtained through more aggressive action to document costs and make claims for reimbursement.

In June 1989, 41 children, or 2.8 percent of the State's foster children, were receiving federal foster care maintenance payments. However, more than 700 children are currently being reported as eligible for either Medicaid or AFDC, even though they have not been certified under Part E. It is virtually assured that each of these children would be eligible if the proper administrative procedures were completed. An additional 649 children are recorded on the caseload without any reference to their current eligibility for federal programs.

The national average of eligibles has been around 40 percent of all children in foster care. For the 10 states with populations closest to Hawaii, there was an average of 584 eligibles per month in fiscal year 1986-87. Using these as rough guidelines and assuming that Hawaii's current annual average rate of \$1,684 per eligible child would be maintained, one could draw the following very general conclusions given in Table 6.1.

While the figures are speculative it appears that Hawaii could apply for one-half million dollars more per year on maintenance payments alone than its current federal allotment. In addition, it could claim a substantial proportion of its personnel and administrative costs under a federally-approved cost allocation plan. State funds currently used for foster parent recruiters, case managers and supervisors, licensors, and child placement workers could all receive federal matching monies. In addition, foster care and adoption training--both pre-service and in-service--could receive 75 percent federal reimbursement. Considering that DHS spends over \$12 million in personnel costs, the potential federal cost recovery is enormous.

To determine how best to claim its fair share of federal funds Hawaii should work with the federal regional office in San Francisco. One means would be to re-establish an eligibility

Table 6.1

**POTENTIAL COST RECOVERY UNDER PART E OF TITLE IV:
MAINTENANCE COSTS ONLY**

ASSUMPTION	RATE	\$ POTENTIAL
Same as the national rate	40% of caseload	\$1.12 million
Same average # of eligibles as states of comparable size	584	\$.98 million
Current AFDC and Medicaid eligible children	727	\$1.22 million
Current AFDC and Medicaid eligibles plus 25% of the 100% state funded children	889	\$1.5 million

determination unit which would qualify foster children at the time of removal not only for maintenance payments but also for adoption assistance payments should the case come to that. The cost of such a unit itself would be 50 percent reimburseable. In addition, DHS should develop a cost allocation plan which shows how it will calculate reimburseable administrative and personnel costs. Child welfare training plans for which reimbursement is being sought should be included in the approved Child Welfare Services Plan.

Availability and Targeting of Services

Agencies administering foster care programs have two basic ways of serving clients: directly through their own staffs and through services purchased in the community. Other chapters of this report discuss the need for a full range of community-based preventive and treatment services. This chapter discusses the current status of those services and suggests areas to strengthen.

The State of Hawaii has made a substantial commitment to serving children and families through a community-based system of purchased services. For fiscal year 1989-90, more than 30 percent of the combined children's services budgets of DHS and DOH will be spent on

contracted (as opposed to their own staff's) services. Between 1986 and 1990 the total DHS investment in purchased services increased by nearly 89 percent.

It is significant that most of these services are being funded with state general revenue. In many states, the extent of the community-based service network is limited to that which can be supported with federal Block Grant funds. The relatively large expenditure of state funds (86 percent of the total) and, in particular, the increased commitment for fiscal year 1989-90 (over 21 percent) is indicative of what appears to be a conscious policy decision to strengthen the overall capacity of the system. Furthermore, it implies a recognition that state agencies unilaterally cannot resolve the complex problems facing children and families; development of a strong network of community-based services is a prerequisite. The willingness of the State to invest these funds must be viewed as an extremely positive sign.

Nevertheless, willingness to spend money does not alone make for an effective system. It is also necessary to assure that a flexible, comprehensive set of well-coordinated and accessible services are available to children with the greatest need.

The Departments of Human Services and Health combine to manage almost 150 different contracts representing a wide range of services. Organizations from which services are purchased range from large, well-established multi-purpose agencies to small, specialized ones which have been developed expressly to deliver a new service. They provide services at every level of child care from prevention to 24-hour institutional care.

Table 6.2 reveals interesting differences between the services being funded by DHS and DOH.

- . DHS clearly emphasizes services to children and families. DOH places greater emphasis on services to adults.
- . DHS funds very little which can be categorized as preventive. DOH has significant commitments to preventive services for child abuse and neglect, sexual abuse, mental health, and substance abuse.
- . Other than its therapeutic foster homes, DOH funds little direct child care. By contrast, the largest concentrations of DHS funds support direct care (emergency shelter, day care, family violence shelters).
- . Both departments make significant investments in counseling and other treatment services. However, as would be expected from the mental health agency, DOH spends nearly four times as much in this area.

TABLE 6.2

**BUDGET BY TYPE OF SERVICE
FOR PURCHASED SERVICES**

SERVICE AREA	DHS	DOH	TOTAL	% of Total
ADULTS	1,749,046	10,167,269	11,916,315	40.54%
AT RISK INFANTS	161,152		161,152	0.55%
¹ CAN TREATMENT	1,012,079	1,286,924	2,299,003	7.82%
¹ CAN OUTREACH	208,264		208,264	0.71%
¹ CAN PREVENTION	0	386,978	386,978	1.32%
CHILD CARE TRAINING	81,948		81,948	0.28%
CHILD DAY CARE SERVICES	1,578,871		1,578,871	5.37%
EMERGENCY SHELTER	1,837,184		1,837,184	6.25%
FAMILY VIOLENCE SHELTER	1,303,542		1,303,542	4.43%
FOSTER PARENT TRAINING	28,589		28,589	0.10%
GROUP HOMES	705,533		705,533	2.40%
HOMEBASED SERVICES	541,225	146,470	687,695	2.34%
INTERAGENCY PRESCHOOL PREVENTION	147,708		147,708	0.50%
INDEPENDENT LIVING	247,500		247,500	0.84%
MULTI-DISCIPLINARY TEAMS	847,282		847,282	2.88%
MULTI-DISCIPLINARY TEAM TRAINING	99,000		99,000	0.34%
MENTAL HEALTH PREVENTION		133,813	133,813	0.46%
MENTAL HEALTH TREATMENT	0	2,734,329	2,734,329	9.30%
RESPIRE CARE	0	52,122	52,122	0.18%
SEX ABUSE TREATMENT	658,711	1,226,223	1,884,934	6.41%
SUBSTANCE ABUSE PREVENTION	0	359,891	359,891	1.22%
SUBSTANCE ABUSE TREATMENT	0	1,268,261	1,268,261	4.31%
TROUBLED YOUTH	424,797		424,797	1.45%
OTHER			0	0.00%
TOTAL PURCHASED SERVICES	11,632,431	17,762,280	29,394,711	100.00%
REVENUE:				
STATE	9,685,586	15,635,333	25,320,919	86.14%
FEDERAL	1,946,845	2,126,947	4,073,792	13.86%
TOTAL	\$11,632,431	17,762,280	29,394,711	100.00%

¹ CAN = Child Abuse and Neglect

- . An exception to the pattern of greater DOH investment in treatment is in the area of home-based treatment services. Both departments have begun programs to provide in-home treatment as an alternative to out-of-home care. However, DHS has the substantially larger commitment.

Beyond the level of contrasts between the two departments, other patterns within the purchased services program merit comment.

- . Emergency shelter services consume the single largest block (18.6 percent) of DHS funds for purchased children's services. From one perspective, this seems to be an appropriate response to the perceived need for more readily available placements, especially for teenagers. It certainly has made it possible to place all but the most troublesome children with a minimum of difficulty, at least for the short term.

However, the real need does not appear to be for emergency shelter as much as it is for permanent homes. The fact that emergency shelters are heavily utilized seems to be a product of a lack of alternatives rather than of a high rate of absolute emergencies. In many instances, one or more emergency shelters become the full-time living arrangement for a child. For these children, the shelter plays a role that is more closely aligned with a conventional group home or other longer term living arrangement than with an emergency resource.

This tendency raises the question of whether there is an element of "self-fulfilling prophecy" in funding so many emergency shelter beds. They are available, therefore they are used. The more they are used, the greater the reinforcement of the perception that they are needed.

Emergency shelter is a critically important part of a sound community-based service system. However, there is reason to question the extent to which it is currently being used in Hawaii. Conversion of some of these beds to longer term group care with the associated educational, health, and therapeutic services may reduce the perceived need for shelter and improve overall program quality.

- . In at least three areas--special child abuse and neglect treatment resources, home-based treatment, and sexual abuse treatment--both DHS and DOH have identified similar needs. Nevertheless, they have developed different programs and separate contract mechanisms. It appears that this pattern will be repeated as DHS initiates its own therapeutic foster care resources.

Neither client groups nor the actual services being funded are remarkably different. Therefore, it would make sense to consolidate the contracts and develop a single mechanism for overseeing the relationship with the agencies with which the contracts are written.

An issue of some concern to many people is the degree of fairness in the allocation of purchased service resources to the neighbor islands. A review of allocation patterns does not

reveal any marked inequities. In fact, it appears that, despite popular perceptions, efforts have been made to provide a reasonable range of services on all islands. Nevertheless the total number of services available, the accessibility of these services to people throughout the islands, and the process of allocating these services all pose problems.

Interviews with judges and attorneys as well as the social worker survey all revealed dissatisfaction with the current availability of community services for child protective and foster care clients.

Respondents to the social worker survey were asked to rank the need, availability, and quality of 25 programs and services. Table 6.3 gives an analysis by DHS branch offices showing those services for which there was the greatest discrepancy between need and availability, a minimum of two points average difference on a five-point scale. (Please note that preventive services and home-based services were not listed as distinct categories in the survey.) The services in most consistent need across localities were first, specialized services (presumably services tailored to the individual, unique needs of people); second, residential treatment and independent living services; third, transportation, housing, and foster homes; and fourth, parent aide/homemaker services, alcohol/drug treatment services, and group homes.

Some services such as housing are beyond the purview of foster care agencies although it may be incumbent upon agencies to work with landlords, housing authorities, and others to assure that substandard housing is not a cause for removing children into foster care. The high rank of "specialized services" suggests the need for discretionary funding at the local level to purchase services which may not be available traditionally under contract.

The need for residential treatment services suggests that the current residential programs do not provide the intensive, in-depth psychological services demanded by so many youth in the system. The need for independent living services, also addressed in Chapters 4 and 7, is reflective of the large numbers of adolescents with long-term care as a goal, yet no structured program of services to prepare them for adulthood. The need for transportation, cited frequently by judges as well, reflects the rural character of the neighbor islands and the need for innovative responses, such as paying neighbors or recruiting volunteers to transport people to appointments. The need for alcohol and drug treatment is reflective of the growing problem both parental and teenage substance abuse poses to our communities in general and the foster care system in particular. The need for parent aide and homemaker services is reflective of the recognition that parents need more support in their own homes of people who can model good parenting skills as well as relieve some of the daily burdens of parenting.

As the State develops new resources it should bear those needs in mind. In addition, DHS has set up three small programs providing intensive in-home crisis services, based upon the nationally acclaimed Homebuilders program in western Washington State. However, Hawaii has

TABLE 6.3
PROGRAMS AND SERVICES RANKED BY GREATEST NEED BY OFFICE

Rank	E. Hawaii	W. Hawaii	Oahu	Kauai	Maui	Molokai
1	Specialized Services	Specialized Services	Housing	Housing	Transportation	Multi-disciplinary Teams
2	Residential Treatment	Housing	Specialized Services	Specialized Services	Residential Treatment	Family Violence Shelter
3	Foster Homes	Parent Aide/Homemaker	Foster Homes	Homeless Shelters	Parent Aide/Homemakers	Housing
4	Independent Living	Independent Living	Residential Treatment	Transportation	Specialized Services	Financial Assistance
5	Transportation	Residential Treatment	Homeless Shelters	Independent Living	Independent Living	Specialized Services
6	Psychological Services	Transportation	Alcohol/Drug Treatment	Residential Treatment	Self-help Groups	Parent Aide/Homemaker
7	Alcohol/Drug Treatment	Alcohol/Drug Treatment	Emergency Shelters	Foster Homes	Group Homes	Independent Living
8		Income Maintenance	Group Homes	Group Homes	Foster Homes	Psychological Services

not developed formal policy establishing and describing intensive in-home crisis programs to families nor arranged for the expansion of these programs. A number of states have adopted legislation for this purpose.

Assuming that DHS will improve the collection of federal foster care matching funds, it is important to determine how the additional funds might best be used. One critical area deserving attention is in prevention and treatment services to families as specified here. Making these funds available for this purpose not only would help pay for a more extensive and consistently available set of services but also would help motivate employees to increase their efficiency in documenting claims.

Selection and Monitoring of Services

Regarding the selection of services, as a general rule, people in branch offices feel little control over the scope or configuration of services contracted in their communities despite being principal users of those services. It is generally believed that decisions about the purchase of local services are based more on the political appeal of a particular agency or the relatively ill-informed opinions of central office staff. It is ironic that some of the state office level people who actually manage the purchase of these services do not feel in appreciably greater control than do field staff. This is based, in large, on a perception that purchased services are determined most often through interaction between the funded agencies and the legislative process. Therefore, neither field staff nor central office staff believe that they are currently obtaining the best use of the resources invested in community services.

To improve the selection and monitoring of services, DHS and DOH need to work together to develop a single, integrated format and set of principles for contracting services. They should receive structured input from both agency staff, community providers, and interest groups. In addition, they should work together in developing budget requests for the legislative consideration.

Recommendations

1. Reduce caseloads by filling vacancies

- a. The Department of Human Services and Department of Health should review all workers who have been on emergency status for six months or more. If job performance warrants, they should be placed on permanent status.

- b. The State should convert all temporary social work positions to permanent positions. People who have held these positions six months or more who have good performance evaluations should be instated as permanent employees.

2. Modify social work entry qualifications and increase training

- a. Since the MSW degree is a barrier to maintaining a full complement of staff, the State of Hawaii should make greater use of the non-MSW route by increasing the number of Social Work I positions and consider reducing the experience requirements of Social Worker IIIs.
- b. The Department of Human Services should upgrade current training requirements by establishing a comprehensive mandatory new worker training program which teaches basic policies, theory, and skills needed to do the job. The new worker program should consist of one week of training within the first thirty days of employment with a second week within the first six months. In addition, it should establish a mandatory in-service training program which requires a minimum of 4 days of advanced training per year. The Department of Human Services should claim a portion of the training costs under the Part E, Title IV, federal program.
- c. The State should assume leadership in encouraging the University of Hawaii to initiate a permanent program of manpower development in direct support of the state agencies with responsibility for foster care. The University of Hawaii should continue to find ways to make university programs more accessible to employed workers.

3. Increase use of federal funds

- a. The Department of Human Services should work with the regional office of the U.S. Department of Health and Human Services in San Francisco to establish procedures for claiming part E, Title IV, funds for foster care maintenance, adoption assistance, administration, and training.
- b. The Department of Human Services should implement any and all procedures necessary to claim federal Part E money. These may include re-establishing an eligibility determination unit to remove the burden of documenting eligibility from social workers (50 percent of the costs of such a unit are themselves reimbursable); developing and implementing a cost allocation plan for claiming administrative costs; and including a detailed training plan in the Child Welfare Services Plan.
- c. The Department of Human Services should undertake an immediate review of the potential for matching general funds currently used for medical care with federal Medicaid funds.

4. Target new purchased services to expressed needs

- a. When expanding community services, the State should consider the needs cited by social workers for: specialized (individually tailored) services, residential treatment centers, independent living services, transportation, housing, foster homes, parent aide/homemaker services, alcohol/drug treatment services and group homes.

- b. The Department of Human Services should adopt rules and regulations to define and expand intensive in-home crisis services to families
- c. The State should give careful consideration to using additional funds it collects from the federal government to enhance the foster care program through increased services to preserve and reunite families.

5. Coordinate selection and monitoring of services.

- a. The Departments of Human Services and Health, as well as other state agencies with an interest in children's services, should develop a single, integrated format and set of principles for contracting services.
- b. Local field staff should be asked to specify the types and amounts of purchased services they believe are required to serve their clients.
- c. Community-based service providers and other interest groups should be asked to specify the types and amounts of purchased services they believe are required to serve their clients.
- d. A series of planning conferences should be held to involve community interests, field staff, and central office staff in a process of determining priorities for annual purchased service programs.
- e. An annual integrated purchased services plan should be jointly developed by the state agencies and presented to the Legislature as part of the overall budget request. The plan should be explicit in specifying:
 - . priority client target groups;
 - . types of services required;
 - . service delivery standards; and
 - . budget levels required.

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Chapter 7

Legal and Procedural Issues: Need for Better Permanency Options and Protections

“If the case worker decides it is time for adoption and leads the foster parents to believe they are the best placement for the child, the courts should be sympathetic to both the foster parent and the agency....”

Overall, Hawaii’s legal system concerning foster children is well designed and administered. Hawaii is very fortunate to have a specialized and well run Family Court system and to have full time and specialized legal counsel available to the State in this field. Legislation governing court proceedings for maltreated children and those in foster care for the most part is very well-conceived. Furthermore, staff of the Hawaii Department of Human Services (DHS), while sometimes feeling overburdened with the rigors of court proceedings, generally do provide very good reports and information to the courts.

However, a comprehensive review of laws, rules and judicial practices governing foster care identified several issues which mar the effectiveness of this program.*

Summary of Major Findings

1. Laws and procedures are not adequately structured to achieve adoptions and other legally secure permanent homes for children.
2. The foster care review process does not protect all children in foster care nor uniformly comply with all federal mandates.
3. Children placed voluntarily and children placed with relatives are not afforded adequate legal protections.
4. Hawaii does not effectively use the legal system to help obtain federal reimbursement for children in foster care.

* Additional technical changes concerning legal protections for families and children are provided in Appendix B.

5. The current system of legal representation of parents and children allows for the appointment of counsel inexperienced and untrained in child protective proceedings.
6. Laws and procedures do not do enough to assist adolescents in foster care to live independently when they reach adulthood.

Achievement of Permanent Homes

New legal options for children who cannot return home. Once it has become apparent that a child in foster care cannot safely be returned home within a reasonable time, it becomes necessary to make firm alternative plans, preferably with a family fully committed to the child. Arranging for the permanent placement of a child with a family requires an adjustment in the child's legal status as well as the programmatic interventions discussed in Chapter 4. If foster care is continued, responsibility for the child will continue to be divided among various social workers, foster parents, and biological parents. The risk of changes in placement will remain. A change in legal status is needed to assign legal control to the child's new parents and to insulate them from repeated reexaminations of their willingness and capacity to care for the child.

Many Hawaii judges, attorneys, court staff, and DHS personnel express dissatisfaction with the legal options for foster children who cannot be returned home. This dissatisfaction concerns problems with moving cases forward to adoption and, when adoption is not possible, finding appropriate secure and stable alternatives.

Once an agency decides that a child in foster care pursuant to Chapter 587, HRS, cannot return home, the usual step is to seek permanent custody. Yet, as set forth in Hawaii law, permanent custody is a flawed legal mechanism for achieving a permanent home. In fact, there are at least six distinguishable varieties of permanent custody, none of which necessarily are precursors to adoption, but each of which has different practical consequences. These varieties are ill conceived and a source of considerable confusion to social workers, attorneys, and judges. They are: (1) permanent custody to an agency (such as DHS) with no parental visitation rights; (2) permanent custody to an agency with parental visitation rights; (3) permanent custody to an individual with no parental visits and no continuing involvement of the agency as a party in the proceedings; (4) permanent custody to an individual with no parental visits but with the continuing involvement of the agency as a party; (5) permanent custody to an individual with parental visits but with no continued agency involvement as a party; and (6) permanent custody to an individual with parental visits but with ongoing agency involvement as a party in the case.

Option (1) is unsatisfactory because DHS sometimes delays or drops efforts to place the child for adoption after being awarded permanent custody, leading to indefinite foster care. While the second option does not contemplate adoption, it is unsatisfactory because the agency must remain

involved yet cannot guarantee a legally secure permanent family. Options (3) and (5) are unsatisfactory because, without the agency continuing to be involved, the caretaker is burdened with preparing proper reports to the court and participating in ongoing foster care review. (See Section 587-73(b)(5), HRS.) Options (4) and (6) are unsatisfactory because, when a child has been permanently placed with a new set of parents, the agency should not *need* to stay involved. With regard to options (2), (5), and (6), a further problem is that it is unclear how secure are the parent's visitation rights.

Finally, all options are unsatisfactory because Chapter 587 does not set forth clear criteria for choosing among them nor criteria or a process for shifting from one to another.

The other available legal option for a child not expected to go home is guardianship of the person of the child. Section 571-11(3), HRS, empowers the Family Court to order guardianship and Chapter 560:5, HRS, governs legal proceedings for the establishment of a guardianship. Guardianship is used when permanent placement with a new family is desired without further state involvement, but without eliminating all legal ties between biological parent and child. There is one primary advantage of guardianship over permanent custody pursuant to Chapter 587: guardianship does not require reports to the court and court review every six months. As such, the court can allow DHS to end its involvement in the case and free the family from ongoing state involvement.

Disadvantages of guardianship include a lack of clarity in the criteria for granting a guardianship in a Chapter 587 case and difficulties in procedure. One practical difficulty is that Section 560:5-207(3), HRS, requires efforts to notify grandparents whose whereabouts may be unknown. Furthermore, the procedure for creating a guardianship in Hawaii is somewhat complicated. Unlike adoption, there is no express authorization to order guardianship as part of the Chapter 587 proceeding. A separate guardianship proceeding must be brought and coordinated with the Chapter 587 proceeding so that the guardianship will take effect when the court's involvement in the Chapter 587 proceeding ends. Furthermore, the attorney general has a policy of avoiding guardianship as a permanent placement option for foster children. The result is that guardianship is not often used in Hawaii for children in foster custody pursuant to Chapter 587.

Instead of a vague, variable concept such as permanent custody, Hawaii law should set forth a set of clearly distinguishable legal options for children who cannot be returned home. There should be clear criteria for determining which option should apply and a specified timetable within which the court should decide. Preference should be given to ending state involvement and creating a legally secure family for the child. The following six alternatives would fulfill these criteria:

1. **Adoption and custody pending adoption.** Adoption should continue to be available as an option for foster children unable to return home.

Permanent custody, which now is used both as a precursor to adoption and as a long term alternative, should be available only for a child awaiting adoption. Permanent custody should legally free the child for adoption but not be permitted as a permanent legal option. If permanent custody were only to be a precursor to adoption, it would be more clear to use a different term: "custody pending adoption" would better describe the true nature of the child's legal status.

Criteria for custody pending adoption should be that the child cannot safely be returned home within a reasonable time and that adoption appears feasible and is in the best interest of the child. (See Section 587-73(b)(1), (2), (4), HRS.)

2. Adoption with parental contacts. Under Hawaii law, biological parents do not retain visitation rights after their child is adopted. (Section 578-16, HRS.) However, adoption with continued contacts would be an appropriate option in some cases where continued parent-child contacts were desirable. With a decree of adoption with retained visitation rights, the adoptive parents would be secure in their custody of the child, the adoptive parents could be eligible for federal adoption subsidy, the biological parent(s) would be protected in their right to maintain some contacts, and the State would not need to remain actively involved.

Adoption with continued biological parent-child contacts should be used only when the criteria for adoption have been satisfied and there is a positive and significant relationship between biological parent and older child or adolescent, i.e. where continued contacts have some real value to the child. This can be the case, for example, where a retarded parent and a child love one another but the parent is not capable of raising the child. In addition, adoption with continued contacts should be used only when both adoptive and biological parents genuinely agree. Because the arrangement depends upon cooperation, it should not be used as a forced compromise.

Adoption with continued biological parent-child contacts would place the adoptive parents in a strong, legally secure position with the same legal consequences as any other adoption. The biological parent would still lose standing to seek to regain custody of the child and the adoptive parent would be protected from future custody disputes. Furthermore, the court should be empowered to reduce or eliminate parental contacts if the parent turned out to be disruptive or hostile or if continued contacts otherwise proved harmful to the child.

3. Guardianship of the person of a minor. Guardianship, with a few statutory changes, could become a far more useful legal option for foster children unable to return home. First, the court should be empowered to create a guardianship through a Chapter 587 proceeding. Second, it should not be necessary to provide notice to grandparents in a Chapter 587 guardianship proceeding. Third, the criteria for guardianship should be clarified.

The first criterion for authorizing guardianship should be that the child cannot safely be returned home within a reasonable time. (*See* Section 587-73(b)(1), (2), (4), HRS.) The second criterion should be that adoption is not feasible or appropriate, and that guardianship is feasible and is in the best interest of the child.

4. Permanent foster care with a specific family. Permanent foster care is an established option in many states. It is necessary when a child needs to remain with a foster parent on a permanent basis, but adoption or guardianship are not feasible. This may be the case, for example, because the foster parent is reliant on the assistance of DHS. If the child wants to remain in the foster home and removal would probably be harmful, a permanent foster care arrangement may be best.

When a child should remain with a foster parent on a permanent basis, the arrangement should be recognized explicitly by the court in a ceremony similar to that of adoption. This helps solidify the commitment of the parties and impresses all with the nature of their commitment. At present, a permanent plan may state that a child is to remain indefinitely with a specific foster parent, but there is no specified procedure for approving this arrangement. After permanent foster care is approved by the court, it should not be possible either for the agency or the foster parent to remove the child absent court approval, except in emergencies.

Criteria for permanent foster care should be as follows: the child cannot safely be returned home within a reasonable time (*see* Section 587-73(b)(1), (2), (4), HRS); adoption and guardianship are not feasible or appropriate; and permanent foster care is in the best interest of the child. Since adoption and guardianship are preferred options, there should be detailed proof concerning why they are not possible.

When the court has approved permanent foster care with a specified family, further court review should not be required, except at the request of a party. This is permissible under federal regulations. (45 CFR 1356.21(e)(1).) Of course, if the placement should disrupt, the matter should have to return to court and the legal status of the child modified.

5. Long term foster care with a goal of guardianship or permanent foster care with a specific family. If the criteria for guardianship or permanent foster care with a specific family are met, but no permanent family has yet been arranged, then an interim legal status is appropriate. This should be analogous to preadoptive custody, in the sense that instead of being legally free for adoption, the child is legally free to be placed for guardianship or permanent foster care. Parental rights to have contact with the child and to participate in court proceedings would be retained.

Court review would focus on efforts to secure placement with a permanent family. This temporary option would mean, of course, that family reunification is no longer the goal.

6. **Long term foster care without a specified family.** In some cases, it has become clear that a foster child cannot be returned home and that adoption and guardianship are not feasible and even permanent foster care with a specified family is not possible. One example is a child who is unable to function in a family setting and requires congregate or institutional care. Another example is an adolescent in foster care who will not accept a permanent family but who needs to be prepared to live independently.

Court approved long term foster care without a specified permanent foster family should be permitted only based upon rigorous proof. The first criterion should be that the child cannot safely be returned home within a reasonable time. (*See* Section 587-73(b)(1), (2), (4), HRS.) The second criterion should be that neither adoption, guardianship, nor permanent foster care with a specified family are feasible or appropriate or in the best interest of the child.

Court approved long term foster care should require continued court review as with cases involving foster custody. The difference should be that the agency need not be actively involved in a plan to return the child home or to place the child with a permanent family.

Use of adoption assistance. Adoption assistance means payments to adoptive parents of children with “special needs” i.e., children who otherwise could not be adopted. Examples are children with expensive and serious medical problems, large groups of brothers and sisters, and adolescents. Under the federal program it is the characteristics of the child and his family of origin and not the income of the adoptive family that qualifies children for adoption assistance. If the State has been unsuccessful in placing the child for adoption absent some financial assistance and if the child meets pre-existing federal eligibility requirements relating to the income and circumstances of the child’s family of origin, then the adoptive family can receive the federal assistance as well as medical benefits under the federal Medicaid program.

For many Hawaii children the early eligibility determinations that would ultimately qualify them for federal adoption assistance is not done even though they turn out to be in special need.

All states have their own adoption assistance programs for children who are not federally eligible. Most provide the same benefits as the federal program. Hawaii does not. Its “adoption subsidy” program provides benefits only to adoptive parents below a certain income level.

Because so few children are certified as eligible and state adoption subsidy is limited to the low income families of children with special needs, many families contemplating adoption are not eligible for either federal assistance or state subsidy.

Hawaii should follow the practice of most other states of providing adoption assistance benefits and protections meeting federal standards to all Hawaii children with special needs who

do not qualify for the federal program. Since many children remain in foster care or other non-adoptive arrangements because of limitations in the Hawaii program, the added cost to the State should not be great.

The Foster Care Review System

It is fundamental to any program providing foster care for children that there be a written case plan for each child and that each case be regularly reviewed. Case plans and systematic periodic review help ensure that each child is receiving appropriate care and services and that progress is being made toward achieving a permanent home.

Compliance with federal requirements. Public Law 96-272 sets forth detailed requirements concerning foster care review. It requires a case plan and specifies in detail what it must include. It requires a review of progress under the case plan at least once every six months, either by the court or by a review panel, and specifies a list of issues that must be determined at the review. It requires a hearing within 18 months of the child's placement and periodically thereafter, to determine the child's permanent placement.

Hawaii started late in comparison to other states in attempting to comply with federal review requirements. In recent years, rapid but still incomplete progress has been made in revising Hawaii law and policy on foster care review for DHS cases brought under Chapter 587. Unfortunately, Hawaii has not attempted to meet federal review requirements or to claim federal funds for non-Chapter 587 foster care cases.

Chapter 587 parallels federal law in its requirement of a service plan, which is similar to the federal case plan. (Section 587-26, HRS). The Department of Human Services has adopted policies and forms effectively melding federal and state statutory requirements concerning the case plan's content.

Chapter 587 also parallels federal law in its requirement of review of each case at least once every six months. Hawaii has opted to have the family court conduct the six-month review. (Sections 587-72 and 587-73(c), HRS). The Department of Human Services is required to submit a report to the court prior to each review and the report does set forth some of the issues federal law requires to be considered in the review proceeding. The report can help the court address these issues--such as whether the plan has been complied with--but cannot substitute for court findings.

To comply fully with federal review requirements, improvements are needed in both court *prereview reports and court orders used at six-month reviews*. Forms for court orders need to track each required finding, including the appropriateness of the child's current placement, services provided to the child and foster parents, and the permanent placement goal, with a specific

projected time for its achievement. (42 U.S. Code Sections 675(5)(B), 675(1).) It would be helpful to put all required information on a single form to assist the courts.

Chapter 587 deviates more sharply from federal law with regard to the 18-month hearing requirement. Hawaii law requires that, within two years of out-of-home placement or within one year after court approval of a service plan, whichever occurs earliest, the court set a hearing for parents to offer proof that the child can presently be returned home or can be returned within a reasonable period of time. This is sometimes referred to as a “show cause” hearing. (Sections 587-72(c)(3), 587-73(a), HRS.)

If a child was in voluntary foster care for a year before court proceedings were initiated, as is permitted by Hawaii law, the hearing may not take place within the 18 months. In addition, in the event that the court is not persuaded that the child will be returned home, a second hearing, the “permanent plan hearing” must be held to determine an alternative permanent placement.

The greatest problem in compliance with federal law is that, except for the Second Circuit, courts do not consistently set show cause hearings when they are due. The attorney general and many family court judges treat these hearings as optional, and do not set them when DHS feels that it is still feasible to return the child home. As a result, there is substantial noncompliance with the 18-month hearing requirement.

Furthermore, except for children who are in foster care pursuant to Chapter 587, there are no statutory requirements for foster care review in the State of Hawaii. Yet, federal law requires foster care review “...for each child in foster care under the supervision of the State.” (42 U.S. Code Section 627(a)(2)(B).) Examples are children who have been placed voluntarily or under Chapter 571, HRS.

For these, a DHS case plan is still required as is a six month review by a panel set up by DHS. For cases under Chapter 571, an employee of the Family Court is designated to conduct the 18-month hearing, pursuant to an order of the Family Court. This “Family Court Review Officer” (FCRO) is a trained social worker rather than attorney or judge. This procedure is problematic: there is no statutory basis for it, it is less rigorous than a court hearing, it is not consistently utilized, and DHS does not treat FCRO decisions as legally binding.

With regard to children neither in DHS custody nor brought into care under Chapter 587, Hawaii does not attempt to comply with federal review requirements. Federal auditors do not now review such cases. However, federal matching funds could be claimed if requirements were met. Furthermore, all of Hawaii’s children deserve the protection of rigorous case planning and review.

Limitations of the review process. Generally speaking, court review sharpens the process of decision making but cannot ensure high quality social work practice. The review process aids the

decision making process by requiring social workers carefully to examine the status of each case once every six months and by subjecting the case to the periodic scrutiny of the parent's attorney, the guardian ad litem, and the judge. Agency prereview reports, following the DHS Safe Home Guidelines format, often reflect careful thought. Depending upon the nature of hearing, workers often take further pains to rethink the case in preparation for their appearance before the judge. The attorneys and judge critically examine and help refine the case goals and plan.

However, court review is not always effective at overcoming procedural barriers within DHS or providing detailed scrutiny of the worker's casework. A good illustration is the relative ineffectiveness of court review as a means of ensuring timely adoption. When the court has entered a permanent custody order, the decision not to return the child has been made. At that time the court has also decided whether adoption is to be pursued. (Section 587-73(b), HRS.) Finding and approving an adoptive home and then finalizing the adoption involve complex administrative steps within DHS. Court review has difficulty having a positive and effective impact in facilitating these steps.

In fact, adoption is slow and relatively uncommon in Hawaii, even when a child is to be adopted by their foster parents. Judges interviewed expressed frustration and a feeling of powerlessness in moving cases forward to adoption. This was also expressed by attorneys and court staff. Commonly mentioned barriers to adoption were delays in home studies, defeatism by DHS staff regarding the adoptability of children, and the lack of financial help to adoptive parents.

Foster care review could more effectively encourage adoption by improving the format of review after a child has been legally freed. That is, by improving the focus of the permanent plan--to address in detail such issues as efforts to locate adoptive parents, timely completion of home studies, and arrangements for adoption subsidy--and by requiring the judge to address such issues at the hearing, a more vigorous examination of adoption issues would probably result. Nevertheless, foster care review can never substitute for sound agency administration, supervision, and quality control.

Caseworker time for reviews. In evaluating a state's review of children in foster care, it is necessary to consider not only the quality and effectiveness of the review itself but also the cost of the review in time and effort. Inevitably, periodic review of cases occupies social worker time that might be spent in direct work with families.

Many complaints were expressed in interviews about the amount of time caseworkers spend preparing for or appearing in court. The statewide survey showed that 14 percent of all worker time, on average, is spent on these activities, a significant proportion indeed.

One way to reduce the burden of time on social workers would be to reduce the number of documents they are required to prepare. This involves both adjusting the documents required

and providing assistance to the social workers in their preparation. Sections 587-40, 587-25, 587-26, and 587-27, HRS, describe the documents that must be submitted to the court by social workers: a report which must track the detailed Safe Home Guidelines set forth in the statute and an updated service plan or permanent plan for the child.

No reductions are recommended with regard to case plan requirements. The preparation of a proper service plan and permanent plan is an essential element of casework, and there is no great added burden to social workers to require that it be sent to the court.

One area for paperwork reduction concerns the updated report on the Safe Home Guidelines. The problem is that workers are preparing a needlessly lengthy new Safe Home Guidelines summary for every review. Prior to each review, social workers must report on whether the child can be placed at home, tracking a long list of Safe Home Guidelines issues set forth in Section 587-25, HRS. A detailed Safe Home Guidelines report for the adjudication (original trial) or for a contested permanent custody proceeding (trial concerning whether to legally free the child for adoption) is very appropriate, but not for each review hearing. A better approach would be for social workers simply to report, in a narrative fashion, any significant changes regarding the likely safety of the child were the child returned home. The worker should be instructed to review the prior reports and consider the Safe Home Guidelines questions, but not to repeat the entire format or to address issues where there is no change.

Social workers also need relief with regard to their obligations to prepare court documents. State-of-the-art word processing equipment and adequate clerical support would be very cost effective, given the level of social worker salaries and the inefficiency of using social workers to perform clerical functions.

Also, social workers should not be required to draft petitions, prepare motions or affidavits. These tasks are appropriate to attorneys. Serious understaffing of the Child Protective Services unit of the attorney general's office in Oahu both has helped cause very high turnover among attorneys assigned there and has contributed to unnecessary burdens on social workers. Because of the shortage of attorneys and paralegals, social workers have been forced to prepare such court documents.

It is critically important to provide increased paralegal support as well as additional attorney time for the handling of child protection litigation on Oahu. This both would help relieve social workers from the performance of legal tasks and would improve the efficiency and working conditions for attorneys.

Another way to improve the efficiency of social workers in court proceedings is to provide regular, mandatory training sessions involving both deputy attorneys general and social workers. This could help both function more effectively together in court.

Finally, it should be possible to reduce the amount of worker time in court by adjustments in how review hearings are handled. For example, in the Second Circuit, two weeks prior to each review, the social worker sends out the required reports; one week prior to the review the attorneys and social worker meet to attempt to reach an agreement concerning the terms of the service plan and other issues that will arise. (The due date of the report, the meeting, and the court hearing itself all were set at the previous hearing.) As a result, hearings are streamlined and, if there are issues to be contested, the parties can inform the court concerning the necessary length of the hearing.

The above process represents an economical use of social worker time and also helps insure that the parent's attorney and guardian ad litem will be adequately prepared for an efficient and well focused hearing. By contrast, if a court waits for the disagreements to surface at the hearing, sets a pretrial at which the social worker will be present, and then holds a contested hearing, the case worker will have to come to court three times.

Need for judicial training. Based upon interviews and observation during site visits, Hawaii Family Court judges compare very favorably in expertise and commitment to most other judges handling child protection cases. This reflects well on the administration of the court and the process of selecting and recruiting family court judges. Nevertheless, improvement is possible and needed.

While judges named the lack of ongoing financial help to adoptive parents as a barrier to adoption, federal law in fact guarantees adoption assistance to a large proportion of persons adopting DHS children. Like their counterparts elsewhere, Hawaii judges lack basic knowledge about federal adoption assistance and related federal statutory foster care requirements.

If judges understood the general eligibility conditions and characteristics of adoption assistance, they could greatly reduce the financial barriers to adoption in Hawaii. They could insist on a discussion of adoption assistance as part of the permanent plan described in Section 587-27, HRS, and could instruct potential adoptive parents to make application. Equally important, judges could simply refuse to accept invalid financial arguments for not pursuing an adoption.

Juvenile law has become a very technical area, and the Family Court needs to make more systematic and intensive efforts to assure that judges receive sufficient training and instructional materials. Attorneys do not typically become expert in child protection cases as part of their regular practice and therefore additional instruction is needed when they are appointed as judges.

Lack of continuity of judges. Another issue critical to the effectiveness of judicial review is the familiarity of the judge with the particular parties and circumstances of each case. To have adequate familiarity, of course, judges need time to read the case records prior to the review and to conduct a thorough review hearing.

Also important is that a single case not be assigned to different judges at each stage of the case, including for each six-month review. Repeated reassignment of child protection cases among judges is common practice on Kauai and Oahu. On Kauai, this occurs primarily because no judge is assigned to the Family Court on a full time basis. A regular full time family court judge is very needed there and would likely be of great benefit to Kauai's children. On Oahu, repeated reassignment has been adopted as a means to improve the efficiency and timeliness of child protection proceedings. In fact, timeliness has been substantially improved and is highly commendable. Cases are also handled more efficiently, in that they more often begin and end on time, and judicial down time is reduced. Rotation of cases among judges may have facilitated these results and may even be necessary to maintain the current number of hearings a single judge can handle.

Nevertheless, it is critical for the same judge to preside over the hearing at which the service plan is established and over subsequent six-month review hearings for a given child. When different judges hear the same case they may render inconsistent decisions, making it more difficult for a child to achieve a permanent home. A new judge not familiar with the case will need longer to prepare. More importantly, having a different judge each time inhibits the impact of review. If parents or DHS receive different instructions each time or know the case will not be followed up by the same person in six months, they have less incentive to follow the instructions. If one or two additional judicial positions were needed to allow the same judge to preside over the same child's hearing each time on Oahu, they should be authorized.

The debate over citizen review. Not every state relies on the courts to conduct six-month reviews. Some use internal panels set up by the public agencies while others use independently established panels of citizens. All can comply with federal review requirements and there are many examples of all three types of review throughout the United States. There is no clear evidence that any of the three forms is consistently superior to the other. (*See Hardin, "A Comparison of Administrative, Citizen and Judicial Review," 7 Children and Youth Services Review 161 (1985).*)

Through years of intensive effort, Hawaii has developed a vigorous system of court review for children in foster care. Overall, this review compares favorably to that of most other states. Given the intense efforts and adjustments that have had to take place to establish this essentially sound system of review in Hawaii, it is not advisable to shift to a basically different form .

Establishing citizen panels to review the same cases being reviewed by the courts would be duplicative and would place further burdens upon DHS social workers. For this reason, citizen review is not recommended for cases under Chapter 587.

On the other hand, citizen review could be a very helpful approach toward dealing with children in foster care other than through court proceedings pursuant to Chapter 587. Citizen

review could be provided for foster children under the supervision of DOH, foster children under the supervision of DHS under voluntary placement agreements or pursuant to Chapter 571 (unruliness or delinquency), foster children in Family Court foster homes (if the Family Court retains that responsibility), foster children under the supervision of the Department of Corrections (if the department retains that responsibility), and foster children under the supervision of the new Office of Youth Services.

There are several advantages to using citizen review for these purposes. First, given the small population of children in each group, it would be difficult to set up different and effective forms of independent review for each. Second, for children voluntarily placed, an early review by a citizen panel might help avoid the need for cases to take on an adversary character. Third, if the Family Court retains its own foster care program, a non-court review process would help assure objectivity. Finally, given the serious problems in services and planning for non-DHS foster children in Hawaii, the policy and procedural input of citizens involved in the review process should prove invaluable. This has been an important contribution of citizen review in other states.

If citizen review is established, there should be statewide coordination and review panels should be recruited, selected, trained, and assisted by paid professional staff.

Inadequate Legal Protections

Protections for children in voluntary care. “Voluntary placement” refers to the situation in which a child is placed, without court proceedings, into foster care supervised by a public agency. A voluntary placement requires a written agreement between the public agency and the parents or other individuals legally responsible for the child. A voluntary placement generally occurs in one of two situations. First, a parent approaches the public agency and requests that the child be placed outside the home. Second, an investigation reveals that the child is not receiving sufficient care in the home and a public employee suggests voluntary placement in lieu of court proceedings.

Agencies need to establish strict policies and procedures for the voluntary placement of children into foster care, for the protection of both families and children. Parents can be pressured into agreeing to voluntary placements when agencies do not have a legal basis to place children without parental permission. Children sometimes remain in voluntary foster care for unnecessarily prolonged periods of time. Children in voluntary placement do not receive six-month court reviews. For these reasons, agencies need to establish explicit criteria governing which children are to enter voluntary foster care. They need to establish a thorough process to ensure that a careful decision is made and that alternatives are carefully considered before a child is accepted into care.

Under present law voluntary foster care by DHS is authorized for up to one year. Statistics concerning DHS voluntary placements support the need to tighten voluntary placement criteria and procedures in Hawaii. According to data furnished by DHS, the average time that voluntarily placed children spend in foster care is quite long and even exceeds that of children placed through court proceedings (27.5 months compared to 21.9 months). This statistic is striking because voluntary placements are purportedly used in cases where family problems are *less* severe than in other foster care cases.

In addition, because Hawaii allows voluntary placements to continue for a full year before being taken to court instead of six months, the state potentially loses hundreds of thousands of dollars in federal matching funds. Federal law allows the payment of such matching funds, provided that the agency obtains court approval within 180 days of the original placement. Matching funds are available from the date of the original voluntary placement. (42 U.S. Code Sections 672(a), (e).) Furthermore, ineligibility for federal matching funds for failure to submit the case to court within the required time can eliminate the child's subsequent eligibility for adoption assistance benefits. (42 U.S. Code Section 673(a)(2)(A)(i).)

When parents approach DOH with a request for voluntary placement because they cannot care for their developmentally disabled or mentally disturbed child, the foster placement is made without court involvement or sanction. The Department of Health derives its authority from a written voluntary placement agreement signed by the agency and the child's parents. A standard form is used. When children are thus voluntarily placed with DOH, not only is there no judicial oversight of the initial placement but also there is little effort to ensure a legally secure, permanent home for the child. While DOH does utilize case plans and case review, these focus on the needs of the child for special care rather than a permanent family. Thus, the lack of safeguards concerning the decision to place the child is compounded by the lack of safeguards after placement.

Further, as discussed elsewhere, federal foster care matching funds could be claimed for children voluntarily placed in DOH foster care if the same protections were provided them as to DHS children, such as case plans and case reviews meeting federal requirements. (42 U.S. Code 672(a)(2).)

Guidelines for placing children with relatives. It is not unusual that, pursuant to a child maltreatment investigation, DHS and the parents agree that a child should be placed on a long term basis with relatives. Indeed, it is a particular strength of Hawaii social work practice that, in comparison with many other states, more relatives are utilized as caretakers. However, there are flaws in Hawaii law and policy dealing with placement of abused and neglected children with relatives.

In cases in which DHS is involved, children may be placed with relatives in three legally distinct ways: legal control may be shifted to the relative through court proceedings, DHS may certify the relative as a foster parent, and DHS may permit the parent to arrange for placement of the child with the relative. Each approach can be appropriate in particular circumstances, but DHS needs better guidelines and procedures.

Court proceedings to transfer control of the child to the relative presently can be accomplished through adoption proceedings initiated by the relative, guardianship proceedings initiated by the relative, and/or child protection proceedings initiated by DHS pursuant to Chapter 587, HRS. Adoption or guardianship proceedings may be problematic because the relative may lack the financial means to bring the matter to court. If child protection proceedings are initiated, a complex court process is begun, including ongoing reports and court review, even if the parties have already agreed to a long term placement. As a result, using the courts to sanction a permanent placement of a child with a relative can be unduly slow and burdensome.

In cases where it appears that removal of the child will be temporary, it often is appropriate to arrange for relatives to serve as foster parents. The Department of Human Services is legally required to certify and remunerate relatives as foster parents, as a matter of federal statutory and constitutional law. (*Miller v. Youakim*, 440 U.S. 125 (1975) *Lipscomb v. Simmons*, 89 Daily Journal D.A.R. 11312, __ F.2d __ (9th Cir. No. 87-4079, September 7, 1989).) This is not done in Hawaii unless DHS happens to have certified a child as eligible for federal matching funds. Relatives may receive AFDC welfare benefits when caring for the child; however, AFDC may not be nearly sufficient to cover these costs and, as a result, some children end up needlessly living with strangers.

In some cases, parents who have maltreated a child offer to place a child with a relative themselves. If, after investigation, DHS is satisfied that the relative will protect the child and provide good care, it may agree to drop its case after placement. If this approach is taken, not only is there a lack of judicial oversight but also--because there is no legal transfer of authority over the child--the maltreating parent, not the relative, retains legal control.

On the other hand, it is sometimes appropriate to allow a parent to place a maltreated child with a relative for a very brief period of time without prior court approval and without certification of the relative as a foster parent as when the parent will shortly be able to resume care of the child, or when legal control is soon to be transferred to the relative.

Claiming Federal Reimbursement

“Reasonable efforts” determinations. The courts must take specific actions to assure that Hawaii can claim federal reimbursements for specific children and earn the federal incentive funds

available to the state if all federal protections under P.L. 96-272 are provided. One of these is the “reasonable efforts” determination. Recognizing that children usually are better off living with their families than in foster care, federal law requires agencies to make reasonable efforts to prevent the need to remove children from their homes and to assist their return home. To claim federal matching funds for the child, the court must enter a finding that the agency has in fact made reasonable efforts.

While these requirements are not implemented in Hawaii state statutes, the Child Protective Services policy manual explicitly describes the need to make reasonable efforts in each case, and requires social workers to document reasonable efforts on a specific form. In addition, the attorney general’s office has designed a court form for a finding of reasonable efforts. However, this form does not call upon the court to describe agency efforts in the particular case. The First Circuit Family Court has also articulated a reasonable efforts policy in a July 25, 1988, memorandum to DHS. In the memorandum, it stated its intention to adhere to the reasonable efforts requirement by implementing guidelines from the publication *Making Reasonable Efforts: Steps for Keeping Families Together*.

In reality, the Family Court has not made many determinations concerning whether or not DHS has made reasonable efforts to prevent placement. This adversely affects the quality of judicial decisions and has contributed to the loss to Hawaii of federal matching funds each year (see also Chapter 6). As a consequence, children have also lost their eligibility for federal adoption assistance payments and other federal protections.

There are several clear reasons in law and policy why judicial determinations of reasonable efforts have not frequently occurred. First, DHS has decided to request a determination only in cases where it has specifically decided to request federal matching funds. Since Hawaii has been inefficient in documenting financial eligibility for federal foster care matching funds, and since the request for the reasonable efforts determination is left to the initiative of the individual social worker, the request to the court occurs in relatively few cases. By contrast, most states automatically request and obtain the finding in every case, whether or not federal funds are to be requested.

Second, Hawaii statutes, unlike those of most states, do not require the courts to make a reasonable efforts determination. As a result, courts are not obligated to make the finding in every case.

Third, Hawaii state law does not include, as part of the factors to be considered by the judge in deciding whether to authorize foster placement, what the agency has done to prevent placement and what safe alternatives might be available. Hawaii law requires a determination whether the child has been subjected to “harm” or threatened harm, but not what means might be used to alleviate the harm without removing the child. (Section 587-63, HRS.) In its excellent “Safe

Home Guidelines,” the statute calls upon the agency and the court to consider a comprehensive list of questions in evaluating the extent of harm; not included in this list, however, is what the agency has done and might do to alleviate the harm and threatened harm to the child. (Section 587-25, HRS.)

Fourth, the attorney general’s office requests a reasonable efforts finding only when the individual social worker affirmatively indicates that a case is eligible for federal matching funds.

Fifth, because attorneys and judges do not always have access to consistent and reliable information about available services to preserve families, it is difficult for judges to determine whether reasonable efforts have in fact been made. The Department of Human Services has developed a very helpful list of services that it provides in different parts of the state, but the list is not routinely given to judges and the services named are not necessarily promptly available when needed.

Sixth, family court judges have not taken the initiative consistently to insist on information concerning reasonable efforts, nor do they consistently make determinations of reasonable efforts unless asked to do so.

Use of adoption assistance. As discussed above, ongoing federal subsidies can be paid to families adopting children with special needs if the proper procedures are followed. To be eligible for adoption assistance payments a child must also be eligible for either federal SSI, AFDC, or foster care matching funds. With regard to federal foster care matching funds--by far the most significant for adoption assistance eligibility--DHS’s failure to document this eligibility also has made it impossible to secure these benefits for many of Hawaii’s foster children.

Voluntary placement. As discussed above, Hawaii’s practices lose the potential for federal reimbursement for children who are voluntarily placed.

Legal Representation

Removing a child from parents pursuant to Chapter 587, HRS, is a drastic and profoundly serious step. Few citizens would want to be the subject of an abuse petition without a good attorney. However, the current income and asset requirements for eligibility for court appointed attorneys are, when strictly applied, unduly restrictive. For example, a person is disqualified from receiving appointed counsel if he or she has \$500 cash on hand. (Hawaii Bar Association, *Attorney’s Manual For Handling Child Abuse and Neglect Cases in Hawaii*, 1-16 to 1-19 (F. Kimura Ed. 1989).) Yet, actual attorney’s fees are considerably higher.

Child protection proceedings under Chapter 587 are a specialized area, requiring experience and expertise for attorneys to practice effectively. When a Family Court determines that a parent cannot afford to pay for an attorney, one is selected from a list. In the First Circuit, on Oahu,

any attorney may be placed on the list on request, and attorneys are appointed in the order that they appear. In other circuits, there is greater difficulty maintaining a sufficient list and the process for obtaining and selecting an attorney is often more informal.

Because Hawaii does pay for attorneys for indigent parents, some attorneys have handled a sufficient volume of cases to become expert in the area. On the other hand, many court appointed attorneys lack experience and training concerning child protection litigation.

To provide assistance to attorneys representing parents, the excellent *Attorney's Manual For Handling Child Abuse and Neglect Cases in Hawaii* has recently been prepared and training has been provided by the Child and Parents Advocates Section of the Hawaii State Bar Association. Attorneys were encouraged to participate by the Hawaii Family Court. However, there is no assurance that an appointed attorney has received the manual or has participated in training. The manual is not routinely distributed to parents' attorneys and participation in the training neither is required for an attorney to be placed on the list nor is it taken into account in making appointments.

A number of steps could be taken to improve the quality of legal representation for parents, all of which would have little effect on overall cost to the State for parents' attorneys. A videotaped introductory training session could be produced on Chapter 587 proceedings, and attorneys could be required to view the training before being placed on the list. The manual could be printed in quantity and distributed to all attorneys on the list. Equally important, the attorney's specific experience and participation in other training could be taken into account, so that experienced and well trained attorneys receive more frequent court appointments than others.

Hawaii should also consider experimenting with contracting for the representation of parents rather than exclusively utilizing lists. Parents might be represented by legal aid, public defenders, or other special non-profit entities.

Regarding the representation of children, Section 587-34, HRS, provides an unusually explicit and strong definition of the role and responsibilities of the guardian ad litem and they are given a brief written statement of their responsibilities.

The same system for the appointment and compensation of guardians ad litem for children as attorneys for parents is used with two notable exceptions. First, some courts on neighbor islands use a more selective approach such as a restricted or "preferred" list, based on the perceived quality of the lawyer or his or her ability to relate to children. Second, all circuit courts operate a volunteer guardian ad litem program, involving carefully recruited and trained volunteers. It is based upon the highly regarded Court Appointed Special Advocates (CASA) program developed in Washington and used in many parts of the United States. Except for the Fifth Circuit on Kauai,

only a small minority of children are represented by a volunteer guardian ad litem rather than by an attorney guardian ad litem.

Volunteer guardians ad litem appear to be particularly effective in investigating cases and identifying needed services for children. However, because they have limited legal support in some circuits and none in others, they sometimes run into difficulty when advocating a position different from that of the parents' attorney and the deputy attorney general representing DHS. The Washington program on which the Hawaii program is based has stronger legal representation available for volunteers when it is time to appear in court.

Even with added assistance by attorneys, volunteer guardian ad litem programs are somewhat less expensive than utilizing attorney guardians ad litem. National studies have documented the effectiveness of programs similar to those in Hawaii, and this was confirmed by most persons interviewed. Accordingly, these programs should be expanded.

One noteworthy flaw in statutory language concerning the role of the guardian ad litem appears in Section 587-34(a), HRS: the appointment of a guardian ad litem shall automatically terminate when permanent custody of the child is ordered unless otherwise ordered by the court. After the court has decided that the child shall never be returned home, there is no guardian ad litem to ensure that diligent efforts are being made to arrange and secure an alternative permanent family for the child. This provision mirrors a pervasive philosophy that permanent custody is an end in itself and should be changed.

Helping Adolescents Reach Independence

Because of the large number of adolescents in foster care, many of whom end up poorly educated and homeless after their discharge, it is critical that special efforts be made to prepare them to function as independent, self sufficient adults. Legal requirements for case plans and case reviews for adolescents in foster care should focus on how well they are being prepared for independence. Special programs to help provide the needed instruction and preparation should be mandated and funded. Transitional practice living programs should be legally authorized and available to help avoid an abrupt "dumping" of the child out of foster care.

Federal law requirements for case planning and review focusing on independent living have not yet been implemented in Hawaii. They appear in 42 U.S. Code Sections 671(16), 675(1), 675(5) and require special attention to services provided to foster children 16 years old or older. The only Hawaii statutory reference to case planning and review regarding independent living appears in the description of a permanent plan for a child unable to return home. (Section 587-27(2)(B), HRS.) DHS rules addressing independent living appear in Sections 17-943-5

and 17-945-11. However, in practice, preparation of adolescents for independent living is not consistently reflected in Hawaii court reports, service plans, and permanent plans in cases under Chapter 587, HRS. With regard to other children such planning is even less common.

Like other young people in our society, foster children often need some continued help after reaching age 18. A recent very helpful amendment to Chapter 346, HRS, (Act 394, Session Laws of Hawaii 1989), provides for the continuation of foster care until the 22nd birthday for children in DHS custody pursuing a higher education. Prior to this, continued foster care was permitted only beyond age 18 to allow a young person to finish a secondary education, and only when the child was already in the final school year at the 18th birthday. Foster care still cannot continue beyond the 19th birthday if the young person has not graduated from high school.

When a young person in our society leaves home prematurely and is unable to make it alone, the parents usually allow his or her return. But Hawaii foster children who prematurely leave foster care and become unemployed and homeless cannot, after 18, reenter. This is true even if they would be allowed to continue in foster care had they never left.

Law and policy should be liberalized to allow reentry after age 18 of a young person who has recently spent substantial time in foster care. (See Hardin, "New Legal Options to Prepare Adolescents in Foster Care for Independent Living," *67 Child Welfare* 529, 540-541 (November/December 1988).) Young people also need follow up and emergency aid after discharge from foster care.

Finally, the ability to drive an automobile is an important skill to achieving independence and self sufficiency. Yet, the State of Hawaii does not provide foster children with the opportunity to learn to drive and, in fact, actively discourages foster parents from offering such assistance. The reason is concern for the cost of automobile liability insurance and for the possibility of lawsuits against the State. This interferes with the ability of young persons to find and keep employment and it is therefore short sighted. In addition, federal matching funds are available to help pay the cost of insurance for the large proportion of foster children who can be eligible for federal matching funds. (42 U.S. Code Sections 671(a)(1), 672, 675(4).)

Recommendations

1. Revise legal options to achieve permanent homes

- a. Chapter 587, HRS, should be amended to remove the vague, variable concept of permanent custody, and to set forth a set of clearly distinguishable legal options for children who cannot be returned home. These should include: adoption, custody pending adoption, adoption with parental contacts, guardianship, permanent foster care with a specified

family, foster care with a goal of guardianship or permanent foster care, and long term foster care. There should be clear criteria for determining which option should apply and a clear timetable within which the court should decide. Preference should be given to ending state involvement and creating a legally secure family environment for the child.

- b. Chapter 578, HRS, should be amended to require that state adoption subsidy payments be made available on the same basis as federal benefits and that income property requirements not be applied to prospective adoptive parents of children who cannot be adopted without subsidy.

2. Modify foster care review process and requirements

- a. Chapter 587, HRS, should be amended with regard to requirements for prereview reports so as to more closely track federal requirements.
- b. Chapter 587, HRS, should be amended to require the court to enter findings at the six-month review that meet federal requirements for six-month review. This should include six-month reviews after a determination that a child will not be returned home.
- c. Chapter 587, HRS, should be amended to require a hearing within 18 months of placement to systematically consider the possibilities for permanent placement of the child.
- d. Affected chapters of the law should be amended relating to the Judiciary, the Department of Health and the Office of Youth Services to provide six-month reviews meeting federal foster care review requirements for all Hawaii children in state supervised foster care.
- e. When a permanent plan required by Section 587-27, HRS, states the goal of adoption for a child, Chapter 587, HRS, should be amended to require the judge to specify a list of issues to be covered in the plan, concerning the strategy and timetable for securing an adoptive home.
- f. After a child has been legally freed for adoption, the Court should be required to enter findings in each subsequent six-month review until an adoption is finalized applying the same list of issues that must be covered in the permanent plan.
- g. The foster care review report requirements in Chapter 587, HRS, should be amended by mandating a full Safe Home Guidelines report only at the original adjudicatory trial and at contested permanent custody proceedings. For other reviews, only a narrative discussion of significant changes in the home likely to affect the safety of the child should be required.
- h. The Department of Human Services in conjunction with the Attorney General should limit and redefine the obligations of social workers concerning the preparation of pleadings and affidavits for court proceedings.
- i. The Attorney General should provide paralegal staff to relieve social workers from the preparation of court documents, to assist social workers in routine preparation for court, and to relieve attorneys from routine case preparation.

- j. During pre-service training for child protective and foster care workers, the Department of Human Services and the Attorney General should require some joint training sessions involving deputy attorneys general.
- k. The Family Court should revise prereview procedures to eliminate unnecessary court appearances by social workers.
- l. The Family Court should strengthen programs and requirements for the systematic instruction of judges being assigned to handle judicial reviews in child protection proceedings.
- m. The Family Court should amend calendaring practices to avoid repeated reassignment of the same case to different judges, particularly after adjudication.
- n. The Judiciary should initiate the creation of additional Family Court judicial positions for Oahu, to the extent needed to maintain the timeliness of child protection litigation and to allow a full hearing of the evidence in such cases.
- o. The State should establish a full time Family Court position for Kauai.
- p. The State should provide for citizen review for all foster children in Hawaii who are under the supervision of a public agency other than those in court ordered Department of Human Services foster care pursuant to Chapter 587. It should assure that citizen review comply with federal foster care review requirements, including those governing the content of case plans, the determinations that must be made during the review, and the submission of cases for a court hearing within 18 months of placement.

3. Improve legal protections

- a. Chapter 587, HRS, and other relevant portions of Hawaii statutes dealing with children in foster care should be amended to require a six-month court review of voluntary placements to determine their continuing necessity.
- b. The Department of Human Services should establish criteria for voluntary placements which limit their use to instances where family problems appear to be temporary in nature and likely to be resolved within six months.
- c. The Department of Human Services and Department of Health should establish an explicit screening process for approving voluntary placements which involves persons other than the caseworker and supervisor. The screening process should consider services and other possible alternatives to foster care and, if foster care is necessary, whether court proceedings are appropriate.
- d. The State should incorporate in its new citizen review legislation a special procedure for the Department of Health to seek court approval for voluntary placements.
- e. The Department of Human Services should be authorized to provide or pay for legal assistance to relatives, including noncustodial parents, to help relatives obtain custody,

guardianship, or adoption of a child when the Department of Human Services determines that the following is true: the child cannot safely remain at home; there is a legal basis for child protection proceedings under Chapter 587; and such custody, guardianship, or adoption by that relative is in the best interests of the child.

- f. Chapter 587, HRS, should be amended to authorize an explicit and simplified mechanism for transferring custody and guardianship to relatives through Chapter 587.
- g. Chapter 346, HRS, should be modified to specify that relatives can be certified as foster parents even if the child is not eligible for federal foster care matching funds.
- h. Chapter 346, HRS, should be modified to specify that related foster parents will be preferred over unrelated foster parents.
- i. Chapters 587 and 346, HRS, should be amended to prohibit the Department of Human Services from arranging for or approving the placement of maltreated children with relatives for more than 30 days without initiating court proceedings or executing a Department of Human Services voluntary placement agreement.

4. Use judicial system to meet federal reimbursement requirements

In addition to recommendations relating to achieving permanent homes and improving foster care review contained under 1 and 2 above,

- a. Chapter 587, HRS, and other relevant portions of Hawaii statutes dealing with children in foster care should be amended to require a judicial determination of reasonable efforts in every case, at the temporary foster custody hearing and at the adjudication. As part of each determination, the Family Court should briefly describe what efforts were made and why it was not possible to prevent removal or secure earlier family reunification.
- b. Chapter 587, HRS, should be amended to require the court to consider, in determining whether to authorize temporary foster custody and foster custody of a child, whether there are alternative means to protect the child from harm or threatened harm. It should add to the factors set forth in the Safe Home Guidelines of Section 587-25, HRS, the following: assistance that the agency might provide that could avoid the necessity of out of home placement and any other safe alternative to foster placement.
- c. Chapter 346, HRS, should be amended to require the Department of Human Services to provide a precise area wide description of available services to each judicial circuit.
- d. Chapter 346, HRS, should be amended to require the Department of Human Services to make available updated and automated information on the availability of specific services at particular times and places to agency social workers, to legal representatives for parents and children, and to courts.

5. Improve legal representation

- a. The Family Court should liberalize eligibility standards for the appointment of attorneys for indigent parents in Chapter 587 cases.
- b. The Family Court should develop a training videotape on Chapter 587 proceedings and require potential attorneys for parents to watch it and review the existing manual on the same subject before representing parents.
- c. The Family Court should experiment with alternatives to the current system of relying exclusively on lists for the appointment of attorneys for parents in cases under Chapter 587.
- d. The Family Court should strengthen the staffing for volunteer guardian ad litem programs to give volunteers increased access to attorneys.
- e. Chapter 587, HRS, should be amended to provide that the appointment of a guardian ad litem shall continue after permanent custody unless otherwise ordered by the court.

6. Help adolescents reach independence

- a. Chapter 587, HRS, should be amended to require that service plans and permanent plans specify goals and services to be provided to help prepare foster children 16 years old and over to make the transition for independent living. It should require foster care review hearings to address these issues.
- b. Chapter 346, HRS, should be amended to allow state supervised foster care to be extended to the 22nd birthday for foster children not in Department of Human Services custody who are making diligent efforts to pursue a higher education and for learning disabled foster children making diligent efforts to complete their secondary education. Provisions should include young people who are working part time and going to school part time, allowing an appropriate adjustment in the foster care rate.
- c. Chapter 346, HRS, should be amended to broaden the definition of foster care as it applies to young people over 18 years of age completing their education to include residence in dormitories or other special housing for young people.
- d. Chapter 346, HRS, should be amended to allow persons age 18 years old and older who would be eligible to remain in foster care had they not left foster care and who spent at least a year in foster care during the previous three years to reenter foster care if needed.
- e. Chapter 346, HRS, should be amended to require systematic follow up on people under age 21 being discharged from foster care to independent living. This would involve routine counselling and should the young person be experiencing problems that cannot be met by emergency aid or brief counseling, offer reentry into foster care.

- f. Chapter 346, HRS, should be amended to provide limited emergency financial aid and counseling to persons under age 22 who have left to live on their own but who experience special circumstances such as an eviction, loss of job, or temporary illness.
- g. Chapter 346, HRS, should be amended to allow state agencies to assist foster children to obtain their drivers' licenses and to gain practice in driving before they reach age 18.

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Chapter 8

Blueprint for Action

Each of the five preceding chapters presents recommendations for alleviating problems and improving services to foster children and their families. Recommendations are made in 31 areas, some of them overlapping. This chapter summarizes and organizes the recommendations by main areas of action (executive, legislative or statutory, judicial, and departmental or agency) and places recommendations in order of priority within each area. It relates each recommendation to one or more objectives stated either in terms of outcomes for children or improvements in program processes. It provides reference to a full discussion in the main report. It suggests the type of change involved (e.g., statutory amendment) and delineates the items involving expenditures of funds. It also provides a timeframe for initiating activities. As such, it constitutes a blueprint for action.

Objectives of the Blueprint for Action

Before undertaking any changes in law, policy, or practice the affected parties should have clear objectives in mind. Why are we investing this money, instituting this policy, amending this law, they should ask. How will we know if our efforts have paid off? Therefore, we recommend the establishment of objectives and benchmarks to measure the success of implementing the plan. Objectives can be thought of both in terms of the outcomes we are trying to achieve for children and in improving objectives as target measures of achievement. Each recommendation in the Blueprint for Action makes reference to one or more of these outcome or process objectives.

Outcomes for Children

1. Reduce the number of children entering foster care by 10 percent a year for the next 3 years.
2. Reduce the percent of children who re-enter foster care within 12 months of leaving by 20 percent a year.
3. Reduce the overall number of placements experienced by children in foster care by 20 percent over the next 2 years.

4. Reduce the overall statewide average length of time spent by children in foster care before returning home or achieving another permanent home by 3 months the first year and 3 months the second year.
5. Increase the number of children being adopted, including those adopted by foster parents, by 25 percent a year for each of the next 3 years.
6. Increase the number of children who make the successful transition from foster care to early adulthood (obtain higher education, obtain stable, living wage employment, maintain positive social relationships) by 20 percent a year for each of the next 3 years.

Process Improvements

1. Reduce duplication of effort among agencies of government.
2. Increase efficiency in program management.
3. Increase the number of placement options for children.
4. Increase the quality and quantity of casework supervision.
5. Increase ability to recruit and retain social workers.

Overall Executive Actions

Establish interdepartmental coordination body

Process improvements:	1, 2
Reference:	Chapter 5, Recommendation 1 Chapter 6, Recommendation 5
Type of Action:	Executive direction and coordination
Cost:	Staff time
Timeframe:	Year 1

Summary: With the exception of the Interdepartmental Cluster which has a specific, limited mandate, the State of Hawaii lacks a formal interdepartmental mechanism for coordinating the planning, funding and management of out-of-home care programs. The Office of Youth Services holds potential for being an effective umbrella agency. Until that office is operational and its role fully defined, it is important that the Departments of Human Services and Health, as well as the Judiciary, Family Courts, be encouraged to coordinate if not jointly conduct activities such as the recruitment and training of foster parents, the development of comprehensive information about the children they serve, and development of a comprehensive program of community services. At present there appears to be no viable mechanism to translate mutual agency concerns into a joint management capacity to address them. The executive branch should create such an interdepartmental mechanism and focus the initial agenda on meeting the needs of children in foster care regardless of the auspices under which the children are placed.

Integrate the Office of Youth Services in foster care planning

Process improvements: 1, 2
Reference: Chapter 5, Recommendation 2
Type of Action: Executive direction and coordination
Cost: None, transfer of funds
Timeframe: Year 1

Summary: The executive branch should assure that the Office of Youth Services be incorporated as a full participant in any interdepartmental management committees, including the Interdepartmental Cluster. At the same time it assumes responsibility for youth correctional programs in 1991, this office should be made responsible for managing the current Family Court foster care program which is also primarily a youth-serving program.

Legislative and Statutory Actions

Revise legal options to achieve permanent homes

Outcomes for children: 4, 5
Reference: Chapter 7, Recommendation 1
Type of Action: Statutory amendment
Cost: None
Timeframe: Year 1

Summary: Chapter 587, HRS, should be amended to remove the vague, variable concept of permanent custody and set forth a set of clearly distinguishable legal options for children who cannot return home.

Use judicial system to meet federal reimbursement requirements

Outcomes for children: 1
Reference: Chapter 7, Recommendation 4
Type of Action: Statutory amendment
Cost: None
Timeframe: Year 1

Summary: Chapter 587, HRS, should be amended to require a judicial determination of reasonable efforts in every case at the temporary foster custody hearing and at the adjudication. The court should be required to consider whether there are alternate means than foster care for protecting the child from harm. Chapter 346, HRS, should be amended to require the Department of Human Services to provide a precise area-wide description of available services in each judicial circuit and to make available updated information on the availability of specific services at specific times and places.

Improved legal protections for children in voluntary placement and children placed with relatives

Outcomes for children: 3, 4, 5
Reference: Chapter 7, Recommendation 3
Type of Action: Statutory amendment
Cost: Staff time
Increased legal assistance to relatives (cost unknown)
Timeframe: Years 1 and 2

Summary: Chapter 587, HRS, and other relevant portions of Hawaii statutes should be amended to require six-month court reviews of voluntary placements to determine their continuing necessity. Chapter 587 should authorize an explicit and simplified mechanism for transferring custody and guardianship to relatives through Chapter 587. Chapter 346, HRS, should specify that relatives can be certified as foster parents even if a child is not eligible for federal foster care matching funds. Chapters 587 and 346 should be amended to prohibit the Department of Human Services from arranging for or approving the placement of maltreated children with relatives for more than 30 days without initiating court proceedings or executing a Department of Human Services voluntary placement agreement.

Help adolescents reach independence through statutory changes

Outcomes for children: 6
Reference: Chapter 7, Recommendation 6
Type of Action: Statutory amendment
Cost: Extend foster care benefits to those in school up to 22 years of age (cost unknown); extend foster care benefits to students in dormitories (cost unknown); provide routine follow-up and counseling to people who exited, through age 21 (approximately 150 people) (cost unknown); provide emergency aid to foster children leaving to be on their own, up to age 22 (eligible pool of approximately 230 people), (cost unknown)
Timeframe: Years 1 and 2

Summary: Additional protections and benefits should be extended to adolescents in foster care reaching the age of independence. The service plan requirements of Chapter 587, HRS, for adolescents should be amended. Chapter 346, HRS, should be amended to extend foster care to people in school until age 22 including those working part-time, with appropriate adjustments, and those learning disabled students still in high school. Chapter 346 should be amended to cover foster children in dormitories. (Please see text for additional amendments.)

Modify foster care review process and requirements

Outcomes for children: 3, 4, 5
Reference: Chapter 7, Recommendation 2
Type of Action: Statutory amendments
Cost: None
Timeframe: Year 1

Summary: Hawaii should maintain its current system of judicial review of children in foster care but should institute citizen review, through legislation, for children who currently are not covered by judicial review. Chapter 587, HRS, requirements for prereview reports should be amended to more closely track federal requirements. (Please see text for additional statutory amendments.)

Actions for the Judiciary

Improve legal representation

Outcomes for children: 1
Reference: Chapter 7, Recommendation 5
Type of Action: Policy change
Cost: Liberalize eligibility standards for appointment of attorneys (cost unknown); develop training videotape, \$5,000; increase legal staffing for volunteer guardians ad litem, \$50,000
Timeframe: Years 1 and 2

Summary: The Family Courts should improve legal representation in foster care cases by liberalizing eligibility standards for appointing attorneys for indigents. They should develop a training videotape for potential attorneys. They should provide volunteer guardians ad litem access to attorneys for contested proceedings.

Actions for the Department of Human Services

Increase activities to prevent the placement of children into foster care; develop comprehensive array of community-based prevention and treatment services

Outcomes for children: 1
Process improvements: 5
Reference: Chapter 4, Recommendation 1
Chapter 6, Recommendation 4
Type of Action: Policy and programmatic change, development of new resources

Cost: Fill current vacancies to reduce caseload size (cost unknown); increase intensive, home-based family services and other services which support families at home, \$500,000 over 2 years; increase preventive services, \$500,000 over 2 years

Timeframe: Years 1 and 2

Summary: The Department of Human Services, in conjunction with the Department of Health, which already funds substantial prevention services in the community, should increase spending on community-based prevention and treatment services over the next two years in an effort to maintain children in their own homes rather than remove them to foster care. These funds should pay for prevention services which identify at-risk families, homemaker services, specialized services and intensive home-based services, among others. Agencies should work with social workers and community groups to continue to identify service needs, in addition to those specified in this report. In addition, Department of Human Services should fill current vacancies to reduce caseload sizes and thus increase social worker contact with families in jeopardy.

Increase activities to find permanent homes for children in foster care who cannot return home

Outcomes for children: 3, 4, 5

Reference: Chapter 3, Recommendation 7
Chapter 4, Recommendation 8

Type of Action: Policy and programmatic change

Cost: 4 Social Worker IVs, 1 Social Worker V or VI
Adoption Specialists (50 percent federally reimbursable)

Timeframe: Years 1 and 2

Summary: The Department of Human Services should fill the position of full-time adoption specialist at the central office and should appoint or hire one person in each dependent care unit as an adoption specialist. These people should review every single child in permanent custody to determine the best permanency option, including foster parent adoption. They should then work with both attorneys and the Judiciary to implement the option. This should be a concerted statewide effort conducted like a demonstration project.

Implement an independent living program

Outcomes for children: 6

Reference: Chapter 4, Recommendation 7
Chapter 7, Recommendation 6

Type of Action: Policy, programmatic, legislative, development of new resources

Cost: Social Worker V or VI Independent Living Coordinator, training resources, \$25,000, community services \$100,000

Timeframe: Years 1 and 2

Summary: The federal government has appropriated funds for states to develop independent living programs to provide case plans and support services to help youth make the transition from foster care to young adulthood. The Department of Human Services needs to train staff and develop programs and services to implement such a program statewide. (See also, legislative and statutory actions.)

Increase use of federal funds

Process improvements: 2, 3, 4
Reference: Chapter 6, Recommendation 3
Chapter 7, Recommendation 4
Type of Action: Policy and programmatic
Cost: Eligibility determination workers (50 percent federally reimburseable); development and administration of a cost allocation plan (cost unknown, but 50 percent federally reimburseable)
Timeframe: Year 1

Summary: The Department of Human Services should initiate immediate action with the federal regional office of the U.S. Department of Health and Human Services in San Francisco to establish procedures for claiming Part E, Title IV funds for foster care maintenance payments, adoption assistance payments, administrative costs and training costs. Such actions may include re-establishing an eligibility determination unit, developing and implementing a cost allocation plan and incorporating training plans into the Child Welfare Services Plan. The cost recovery from this activity should offset many of the new costs in this plan.

Increase foster parent recruitment activities

Process improvements 1, 2, 3
Reference: Chapter 3, Recommendation 1
Type of Action: Policy and programmatic change
Cost: 4 to 6 new Social Worker IVs (50 percent federally reimburseable); recruitment materials at \$10,000; media time (donated)
Timeframe: Year 1

Summary: The Department of Human Services should establish a centrally staffed program capacity to support and coordinate foster parent recruitment and retention efforts among the various agencies using foster parents. It should develop an annual recruitment plan with targeted goals based on expected numbers and kinds of children in care, the current number and expected attrition of foster parents and the distribution of cases among the islands. Individual agencies may continue recruitment activities if they are part of an overall plan. Full-time individuals should be hired in each branch office to help implement the plan.

Improve foster parent training and preparation

Outcomes for children 3
Process improvements: 1, 3
Reference: Chapter 3, Recommendation 2 and 5
Type of Action: Policy, programmatic and training
Cost: Use same staff as prior recommendation Training fees of \$50,000 (foster parent training is 50 percent reimbursable in federal funds under Part E of Title IV)
Timeframe: Years 1 and 2

Summary: The Department of Human Services should establish minimal pre- and in-service training requirements for foster parents and develop or purchase resources to provide the training. Some training should be conducted jointly with Health and Family Court social workers to increase understanding between them. It should develop a joint training calendar reflecting offerings of the Department of Human Services, Department of Health, and Judiciary.

Clearly define roles and responsibilities of foster parents

Outcomes for children: 3, 4
Process improvements: 2
Reference: Chapter 3, Recommendation 3
Type of Action: Policy and programmatic change
Cost: Write and print booklet for foster parents, \$3,000; reimburse foster parents for travel and babysitting while attending training, court hearings and case plan meetings, \$10,000
Timeframe: Years 1 and 2

Summary: The Department of Human Services should prepare an easy-to-read booklet for foster parents which defines their roles, rights, and responsibilities. Social workers should provide more complete information about the children being placed. The Department of Human Services should take positive steps to include foster parents in relevant meetings and hearings about the child.

Initiate foster parent supports

Outcomes for children: 3
Reference: Chapter 3, Recommendation 4
Type of Action: Policy and programmatic change
Cost: Expenses to support foster parent association (mailings, printing, group dinners) \$20,000
Timeframe: Year 1

Summary: The Department of Human Services should match foster families to provide respite care for one another. It should promote support group meetings among foster parents and further organization of foster parent associations which join foster parents working for various agencies and provide recognition through dinners, awards, newsletters, etc.

Revise licensing requirements

Outcomes for children: 3
Reference: Chapter 3, Recommendation 6
Type of Action: Policy end, if necessary, statutory amendment
Timeframe: Year 2

Summary: The Department of Human Services should modify its licensing standards for foster families to include criteria relating to parenting abilities and role responsibilities relating to permanency planning.

Improve foster children placement practices

Outcomes for children 3
Reference: Chapter 4, Recommendation 2
Type of Action: Policy, programmatic, training
Cost: Increased staff time
Timeframe: Year 1

Summary: The Department of Human Services should develop policies and procedures for children being placed in foster care to assure that the impact of separation and loss on the child will be handled effectively and that foster parents have adequate information to help with the initial adjustment. Social workers should make an assessment of the child's immediate needs relative to placement within two weeks, specifying visitation arrangements, among other things.

Increase levels of support and services to children and their families during the foster care stay

Outcomes for children: 2, 4
Reference: Chapter 4, Recommendation 3
Type of Action: Policy and programmatic
Cost: Staff time
Timeframe: Year 1

Summary: The Department of Human Services should establish minimum monthly contact requirements between social workers and children, foster parents, and birth families and monitor compliance with these requirements.

Enhance supervisory practices and teamwork among agency staff

Outcomes for children: 4
Process improvements: 4
Reference: Chapter 4, Recommendation 5
Chapter 5, Recommendation 6
Type of Action: Policy and programmatic
Cost: Staff time
Timeframe: Year 1

Summary: The Department of Human Services should establish and monitor an internal case supervision program which includes a monthly review of each case by the supervisor and worker to assure that the goals of the plan and the services being provided meet the actual needs of families. The Department of Human Services should establish a permanent management team of state policy staff and field staff to consider and formulate all program policy.

Expand placement options

Outcomes for children: 3, 4
Reference: Chapter 4, Recommendation 6
Type of Action: Develop new resources
Cost: Residential treatment facility (\$250,000, est.); 2 group homes (\$150,000 each, est.) (foster care maintenance payments federally reimburseable)
Timeframe: Year 2

Summary: The Department of Human Services should expand the availability of placement alternatives. The greatest need appears to be for a residential treatment facility as well as group homes on Oahu and Maui.

Assure that plans are transplanted into action

Process improvements: 2
Reference: Chapter 5, Recommendation 3
Type of Action: Policy
Cost: None
Timeframe: Years 1 and 2

Summary: The Department of Human Services administrators have displayed difficulty translating program plans into action. Examples are implementing the new "service team" approach recommended by a consultant and approved by administrators, installation of a workable information system, and developing an independent living program. When plans for change are made, the Department of Human Services administrators must make their priorities and expectations clear to the field, create timetables for specific actions to be taken, make explicit assignments to people, regularly monitor tasks, and provide rigorous follow-up to hold people accountable.

Revamp the Department of Human Services information system

Process improvements: 2, 4
Reference: Chapter 5, Recommendation 4
Type of Action: Policy and administrative
Cost: Not known
Timeframe: Years 1 and 2

Summary: The Department of Human Services recognizes that its current information system does not provide accurate or useful information. It has plans to revamp it. Agency administrators should move quickly to develop and implement a new information system which has the capacity to track individual case actions; identify dates when key case actions are required by policy; provide field staff with pertinent individual case history and current case status; provide regular reports to management on case outcomes; provide pertinent information about budget status; be integrated with out-of-home care information systems of other agencies.

Monitor use of foster care as an entitlement

Outcomes for children: 1
Process improvements: 2
Reference: Chapter 5, Recommendation 5
Type of Action: Policy
Cost: Staff time
Timeframe: Year 1

Summary: The Department of Human Services should develop explicit individual eligibility criteria, budget controls, and utilization review for the use of foster care resources by the child placing agencies which it licenses.

Modify social work entry qualifications

Process improvements: 2, 5
Reference: Chapter 6, Recommendations 1, 2
Type of Action: Policy
Cost: Staff time
Timeframe: Year 1

Summary: Due to the disparity between the supply of BSW and MSW social workers and the demand for such people, the gap can never be closed, creating a chronic worker shortage problem. The Department of Human Services should make greater use of the non-MSW route to employment by increasing the number of Social Work I positions and reducing the experience requirements of Social Worker IIIs. It should review all people on emergency status for six months or more and, if job performance warrants, place them on permanent status.

Develop comprehensive pre-service and in-service training programs

Process improvements: 5
Type of Action: Policy, programmatic, training
Cost: Pre-service training: \$100,000 a year, 75 percent federally
reimbursable; in-service training, \$100,000 a year, 75
percent federally reimbursable
Timeframe: Pre-service, develop Year 1, implement Year 2
In-service, develop Year 2, Implement Year 3

Summary: To compensate for any reduction in hiring standards, the Department of Human Services should develop comprehensive, mandatory pre-service and in-service training programs. The pre-service programs should consist of two weeks of training, one within the first month employment and the second within six months; in-service should consist of at least four days of advanced training per worker per year.

Actions for the Department of Health

The Department of Health should work in conjunction with the Department of Human Services on all recommendations requiring interagency cooperation. Please see, particularly, recommendations for overall executive action above. In addition, it should proceed with plans to consolidate its programs for children.

APPENDIXES

APPENDIX A

"FOSTER PARENTS SPEAK"

RESPONSES TO SURVEY QUESTION: "Do you wish to say anything additional about being a foster parent?"

ADOPTION

"Children should be adopted!! Not left in foster care. They need sense of belonging."

"We have also tried to adopt one of the foster children but were told that the social worker wanted 'a Cinderella home' and that we were too old to be able to give her the things in life she needed. The child's feelings were not even considered; she loved us and we loved her but they took her away. We are going to try adoption one more time but now we have no illusions."

"Because of being foster parents we were able to adopt two of our charges and this has made our lives so much more full and complete. We will continue to be foster parents".

"Since we had child from age 5 months -- she's now 17 years old, a senior -- and due to parents unstable mental conditions, our child wanted adoption from age 6 -- she was ashamed to be known as child of her parents....This child can't stand to be near her father....at 10 years she told him she didn't want to ever be with him and begged him to let us adopt her -- this was during meeting with the Department of Human Services and caseworker....judges never declared this set of parents 'unfit' until June '89, when child is now more aware and more emotionally and physically mature! I feel the state was detrimental in this child's case and their handling this case was horrible! Luckily, she has developed into a lovely, sensitive, caring -- but at times very emotional and....unstable mentally at times. She cries for nothing if slightest problems occur out of the ordinary -- she has needed counseling this last year for emotional instability in handling the recent court sessions. State should have intervened way back when child was 10 -- she is not very receptive to their intervention now -- she says "why now -- it's too late!" in reference to adopting and receiving a new name!"

"A print out from Honolulu on the number of children currently in permanency placement (parental rights have been terminated) shows 287 with over 100 under the age of 3. It does not indicate how many are currently in preadoptive homes. If you contact Honolulu and ask if there are any children up for adoption they will tell you there is not a worker in that area.....that means these children are LOST IN THE SYSTEM and cannot be adopted, even through there are homes out there. I do not understand how the system could let this happen. If there was ever an important position, the worker in charge of adoption should certainly be one of the most important....I know one child who is three years old and has been in the system since the day she was born. They haven't given her back to the family (the mother is in a shelter and the father is still in prison after killing this child's 2 year old brother), but they will not let the foster family who have her adopt her although they would like to very much. Who is the system protecting in this case?"

If a child comes up for permanency placement and the home in which they are being cared for is not preadoptive, the worker in charge of adoptions should immediately call all names on the list of adoptive parents. Their results should be in writing. Please help us with this very real problem.”

“I deal primarily with infants and I feel that it is critical that their permanency be decided within the first six months. I have a boy that I have adopted who I got at 20 months. As a result of his being moved about so much and his bonding process being torn apart up until 20 months, at the age of 5 years, he now still panics in a new situation such as school excursions when he goes with strangers. He knows that he’s been adopted but his bouncing about and being torn from people he’d bonded to has left an emotional hole inside of him that he doesn’t understand. He’s learning to deal with it. It’s too bad he has to -- all because an agency took forever to decide his future”.

APPRECIATION OF CAREWORKERS, AGENCY

“I appreciate the caseworkers at CPS who went out of their way to pay for medication for one of my foster child[ren]. They put a lot of their time (overtime). They’re a great bunch of people. They need more manpower. Should be given pay raise. They work very hard.”

“This brief experience of 15 days as a foster parent has also been excellent Public Relations for the Child Protective Services. T.V., word-of-mouth usually depicts such horror stories of social workers (breaking up a family, placement in brutal uncaring foster homes, etc.)! I have nothing but praise for the CARING social workers (11) that I have met!”

BIRTH CONTROL

“DHS should not provide birth control pills to 14 year old girls against foster parents’ wishes & not allow them to see boys with questionable backgrounds against parents’ wishes. DHS should support parents in best interest for child -- not child’s wishes in promiscuity....DHS says you can’t undo 2 years of behavior. I say you can and with love and direction anyone can change”.

BIRTH PARENTS

“We are being offered a group discussion headed by a registered nurse to help foster parents in dealing with topics such as returning children to their birth families. I think it is a really good idea and will help in future placements in our home.”

“Foster parenting is a rewarding experience. We are at a loss to explain the things that natural/step parents do to their children. We have also learned to have a good communication session with the birth parents if it is possible to hear their side of the ‘problem.’”

“Our family has been blessed with 2 foster children and they have become happier, since we have made contact with their birth mother. She also contacts them on the phone with the permission of our social worker and we have seen good positive growth.”

“Counseling dealing with the problems that caused the separation of the family would be helpful for the birth parents, foster parents and the children. Efforts made to deal with these problems are usually made by us as foster parents. There is not much effort made to help foster parents empathize with birth parents or to help birth parents not see foster parents as a threat. Social workers also tend to choose sides in situations and see either the birth parents or foster parents as ‘good guys’ or ‘bad guys’. If their philosophy tends toward family re-unification, the foster parents are left feeling adversarial in their concern for the children. If the other case is true -- the worker has ‘hang-ups’ about the lifestyle of the birth parents beyond child safety and nurturing -- the foster parents are the ‘good guys’ and the birth parents left to struggle with guilt. These are all problems inherent to the system that should be dealt with more openly for all concerned. As stated before, a few workers have the natural ability to function at a higher level of consciousness with regard to these problems but many need enlightening -- training to step out of their positions of power over lives for a clearer picture. Somehow -- a balance between humaneness and objectivity is needed by those facilitating these programs.”

“Being a foster parent makes you want to love them, make them happy and teach the children about their family that still care for them.”

“We are presently involved with a successful foster case in which ‘drug addicted’ mom is rehabilitating in a Salvation Army rehab residence and will be shortly reunited with baby.”

CAPACITY

“Sometimes we wish that the state would help us to find a better and bigger home so we could help to take care of more children.”

CASE PLANNING

“The two children I have now haven’t had good case plans. One child has 3 brothers in another home, she’s the youngest, the other foster family will not work with a visitation plan. Yet they are given chance after chance. In 6 months only one visit, when it should occur 2 times a month. The other child who had been here 5 years, a new social worker started way more visitation with mother. When we went to a court hearing, they refused to let us see the service plan until after the hearing. My husband and I were upset for it contained Sundays, and an extra week day. After 5 years this worker tried to unite the child to his mother. It was very hard on the child and the mother. For neither one really wanted it, but he social worker did!”

CLOTHING

“The child arrived with no clothes and I had to repeatedly request that she either get her own clothes or some money to purchase same (It took 4 months).”

“Infants come with nothing but hospital robes. It takes months to get reimbursed for clothing purchased for the children. DHS caseworkers often fail to inform foster parents that they have an option to be reimbursed for clothing purchases, rather than receive a purchase order made out to one specific store.”

COMMUNICATION

“Had I not informed a Catholic Charities Outreach worker that two DHS children had been moved to another foster home, she would not have been aware since their worker did not call her.”

“Case workers, aides, etc. and supervisors -- need more efficient and effective communication with foster parents; message taking should be more than just name and phone. Some requests should be easily handled by aide (e.g., transportation) and need not be routed through case worker.”

“I think departments within the agency should have more contact with one another. Sometimes the ‘left hand’ didn’t know what the ‘right hand’ was doing.

“We are foster parents to a ‘drug baby’. Caring for and loving this child has been one to the most rewarding experiences of our lives. Working with the system has been a nightmare. Initially, there was so much confusion and conflicting instructions from various offices -- who seemingly were working against each other -- that we were strongly tempted to forget becoming foster parents. We have friends who have received such a hassle and run around that they decided it wasn’t worth the effort. The social worker handling our case quit within the week. Since that time (3 months), the only contact we have had with a social worker is once when I called to voice my concern over a situation in which the mother was allowed to breast feed on visits which caused havoc with the baby’s digestive system. Often, weekly visits are cancelled or rescheduled, and we are never notified. We must provide the infant car seat from our own car for the state’s use because they have no supply available. The social worker’s aide has used my phone to obtain a car for the following day because they are in such short supply. A plan of action has never been explained to us. Our only contact with the agency is through the aide who simply picks up the baby for visits and receipt of our checks. On a positive note, the hospital social worker put us in touch with two nurses -- a public health nurse and heart monitor nurse -- and their help have been invaluable. Without them we would have never survived, especially the drug withdrawal. I believe that a shortage of personnel and the vast personnel turnover is responsible for a majority of problems and lack of communication. We often hear a public appeal for foster parents that are desperately needed. Yet, they can’t seem to process them when they appear (based on experience with personal friends).

Will I continue to be a foster parent? If the system remains the same, I doubt it. I love this child as if it were my own, and I feel we have a lot to offer a child. However, I have too many negative feelings at the present regarding ‘the system’. I just thank God I don’t have a child whose welfare depends on this state agency.”

“We have never had any problems with out foster children; they have been wonderful blessings to us. However, because of the inconsideration, lack of communication, and attitude of some of the case workers, we would not recommend foster parenting to anyone.”

“I am very concerned how children are placed here in our area and some of the homes they are placed in. And how there is no communication between DHS worker and foster parents.”

CONFIDENTIALITY

“Confidentiality issue restricts foster parents from getting to know each other; if not in foster parent association we are not aware of foster parents in our own geographical areas.”

CONTINUED ABUSE

“Need to address second offender on child abuse -- cannot keep sending children back to same situation -- they become the problem -- someone has to be able to start to really take the child's side -- some of these kids should not go home -- and someone should have the guts to say so. My foster child has been on record for 5 out of 9 years, he thinks that getting beat up is being shown love.”

CONTRACTING

“The state of Hawaii contracted for service to Catholic Charities; from that point on I have nothing but praise for the organization -- helpful and considerate -- always ready to help all organizations -- should have this kind of care.”

DHS MANAGEMENT

“For every positive comment made about the Casey Family Program we would have to make extremely negative one for state of Hawaii programs. Overworked caseworkers, incompetent bureaucratic management to the nth degree, poor foster homes, more interested in form than function. Under the new governor there has been an attempt to improve the system. Unfortunately the middle level of management and the planners are almost totally out of touch with reality and unaware of the damage they continue to do. There are sociological factors involved (cultural attitudes of the ethnic group which makes up the majority of the middle management which focus on appearance of good work rather than substance, reluctance to TPR even when it is clearly in the child's best interest, etc.)”

DHS-RELATIONS

“DHS does nothing to provide for foster parents' needs emotionally; treats foster parents like clients; DHS administration does terrible job responding to questions of policy, also has vindictive attitude towards parents who ask questions. Administration often does not even respond to questions.

Turf battles between departments within DHS, i.e., Certification/ Homefinding and Case Management unit, adversely impact actions in child's best interest. For example, Certification unit tells case worker there is no home available for a child, then when the caseworker finds a foster parent interested in taking the child, the homefinding unit becomes highly uncooperative by threatening the placement and admonishing the foster parents for 'not working with the system.' However, the Homefinding unit failed to return the foster parents' and the child's caseworker's calls prior to placement.”

“The DHS administration’s attitude exists at the top level and permeates the entire department. A few dedicated caseworkers seem to be the only light in an entirely inefficient bureaucracy. The kids’ best interests suffer the most.”

“I believe DHS tries to meet the needs of state and community but is grossly understaffed. The reason I have so little contact with the social worker is she has too many cases. When you consider the number of people she must deal with just for one case (ex., lawyer, birth and foster parents, possibly doctors, counselors, the court, etc.) I can understand why it takes her so long to return a call. However, if there is a very important matter concerning the child, she makes every effort to call back the same day. She’s a dedicated and intelligent woman who will probably be burned out by an overloaded system....I believe they care but just don’t have adequate resources.”

“The state does not provide enough funding support or training for foster parents.”

“The operation of DHS has had nothing to do with making this a positive experience except placing the children.”

“I have been a foster parent for more than 26 years, with earlier experience in the State of Illinois. I am an authority in the area with more than a[?] dozen foster children in or out of college at this time.

Since fostering children in the State of Hawaii, I have felt nothing but intimidation and frustration as a foster parent,..finding out that local s.w.’s compete (cultural) with the parents for the children’s attention. So, even the attitude toward foster care, adopting, etc. is very different from what I experienced all over the rest of the mainland where I lived.”

DENTAL CARE

“I also see dental care as very inadequate. The dentist who accepts SSSH lives 80 miles away. It is more economical to put the children on our plan.”

EXPENSES (cost)

“With 3 seniors this year it is very difficult expense-wise. Senior pictures -- \$300 per, grad expense -- \$20 each, class ring -- \$250 each, cap and gown?-senior prom!? I spent \$411 on one junior prom, etc. I don’t feel I can do one thing for my adopted daughter and not for my 2 foster daughters.”

“Because we don’t get reimbursed for activities we do with the foster children (movies, ice skating, lessons) they lose out on a lot. So do our other children -- because we can’t afford to take 6 children to the show, so none go. Free, or discounted tickets for activities for foster children would benefit everyone.”

FOSTER-ADOPT

“We became Foster Parents with the intent of adopting the child -- that child has since been adopted by us and we are now continuing as Foster Parents to assist the children and the agency in providing a safe, loving environment for a child in need -- either temporary or long term.”

“DHS has no foster-adopt program. DHS seems to have belief that foster parents do not make good adoptive parents. Foster parents have no priority to adopt. Program changes need to be made. Once parental rights have been terminated and there has been minimal or no family involvement, foster parents should be given first priority to adopt.

In our case, we had our 18 month old since birth, yet the adoption unit gave us a form to sign indicating that all medical benefits and room and board payments would be terminated while we undergo a six month ‘review’ to see if we would be suitable parents. The justification: to test our commitment to our child. Since our child is ‘medically needy’ there is no way we can have her uninsured; our private carrier won’t cover until the adoption is final. We could not sign the form and risk such exposure. Furthermore, the court order stipulates that medical and room and board services continue until adoption. In addition, it takes months for cases to be processed and sent to the adoption unit once parental rights have been terminated.

In another instance, DHS give us an ‘agreement’ to sign at the time of our oldest daughter’s placement which stated ‘we...accept...into our home for temporary boarding care and not for the purpose of adoption’. It was clear at the time of placement that this is a long-term, possibly permanent, placement. We think its totally inappropriate for DHS to ask us to stipulate to this agreement.”

“I do feel sorry for these childless families, however, the foster parents should have first rights to a child that has been living in their home. I think this is best for the child.”

“My husband and I had a slightly different experience as foster parents than other new foster parents, because we are in the final processes of adopting our foster son. We didn’t expect that to happen but are happy with the support that Department of Human Services has given us.”

“We have fostered Samantha since she was 12 weeks old. We have been waiting over 2 years for her to be adopted.”

FOSTER HOME STUDY

“We are strongly opposed to the DHS system. They don’t care about foster parents. They are overloaded and overworked. We waited 4 months for a home study. We gave up. Hale Kipa licensed us in days. Hale Kipa cares!!....If it were not for Hale Kipa, we would have trouble keeping with fostering.”

FOSTER PARENT ENTITLEMENTS, RIGHTS

“I also believe workers could know more about outside services foster homes are eligible for. For example; our worker did not know we were able to use the Hawaii Food Bank or the WIC program. My husband and I learned these things through other foster parents!”

“Foster parents should be informed at time of placement about the WIC program for babies, and about any other resources that would be helpful. New foster parents have to find out these things for themselves. The agency should provide all of this kind of information.”

“No one told us we could purchase clothes and that the agency would refund ahead of time. Also, we gave her lunch money every day. Actually, she had free lunch under welfare program from school under the state.”

“No one told me I could put in for all the extras I do for these children. They are about to receive a bill for 1500 miles for one child alone, and that was when I was only receiving \$301 per month. No one informed me there was a food bank available for the first 2 1/2 years. I still am not receiving anything from said Food Bank.”

“I would like a detailed list of what foster parents are entitled to. What benefits are available without having to beg or find out everything on my own.”

INCONSISTENT FOSTER PARENT PRACTICES

“In speaking with worker of child #1 once again on Sept. 20 regarding his board payment not arriving since we accepted him into our home, we were informed there was nothing he could do, checks would be cut Sept. 29. One Sept. 23, called the worker of children #2, 3 since she has cut supplemental checks in mid month, and asked her how she does it when other units cannot and would she consider teaching other units how it is done? She informed me that she takes care of her foster parents and would investigate, within the hour called to inform me (although she was of another unit) had investigated, instructed unit how to proceed and that a supplemental check would be cut that very day and to expect it around Sept. 28!!!!”

“I hope that foster care services in Hawaii can be standardized for the better as the different organizations will work hand in hand to improve the system.”

JUDICIAL SYSTEM

“If the case worker decides it is time for an adoption and leads the foster parents to believe they are the best placement for the child the courts should be sympathetic to both the foster parent and the agency instead of granting rights to the birth mom who finally decides to come into the picture almost 4 years later!

It is very frustrating! After countless hours of filling out forms, setting up appointments for adoption (not including time off from work!) and interviews, I feel I am left with nothing.”

“As foster parents, we feel that the State of Hawaii judicial system with respect to placement of children leaves a lot to be desired. The judges all seem to lean toward returning the children to their natural or step-parents in spite of the fact that these parents have not really changed since the children were abused by them in the first place. We have had foster children with us for a year or more, seen them change and become normal in their attitudes only to have the courts return them to the same hell they came from.”

MATCHING

“When we wanted a[n] age-match for our minor child, we either got rotten, rotten teens or babies in diapers. When finally a[n] age-match was arranged, the girl never showed up and no one called until we called the agency”!

MEDICAL CARD

“A medical card needs to be provided with child at time of placement--in case child needs medication or to see a doctor during first few weeks of placement. Otherwise the foster parent has to pay for the medication and wait several weeks to be reimbursed. At time of placement babies should be provided with formula and diapers--at least enough for two days.”

“Please, please -- Get us our....medical card....or a note saying one can take child to a doctor when needed. It is most embarrassing to have to take a child to a doctor, and explain in front of the child why you do not have a card or note as to who will pay for the visit.”

“Takes months for infants to receive insurance cards (5 months for one, still waiting for a card for my 6 month old). Greater problems with physicians; is almost impossible to get non-emergency medicines, such as vitamins with Floride, which is a standard prescription for infants.”

MOTIVATIONAL

“[F]oster caring has helped me feel good about being on the solving end of a problem in our society. Knowing I’m doing what I can to help here causes me to feel less distress about other problems in the world I can’t do anything about.”

“[T]hese children feel comfortable and are well taken care of and they will grow up as assets to USA society and not menace or problems of society in the future and it must be a personal concern of every adult in our neighborhood to open their arms to children of special cases.....”

“I love children especially those with special needs because I have a daughter who is handicapped and bedridden. I want to help these children with special needs and to provide the love and care I can give just like my own family.”

“I love being a foster parent. My husband and I hope to be able to help many more....was foster child myself.”

“My husband ran off with a foster child eight years ago. And I still love being a foster mom. If I don’t love them, who will?”

“I love it! Frustrating sometimes but I love it!”

“I love caring for the children and knowing that I can in some way be of help. However the experiences with the agency and its social workers were not so positive.”

“It’s hard work. One must have patience, tolerance and understanding with a loving and caring heart. It is not a money making thing or job.”

“I personally find foster parenting very rewarding.”

“I love being a foster parent. A lot of these children need to know that they are wanted and there are people who care and love them.”

“We have loved doing this and we miss all our children that left us. Some we are still in contact with and always will be!”

“Being a foster parent is very rewarding, knowing you have helped at least one person to becoming a good individual in life. You learn many lessons in giving of yourself and teaching-- We love being foster parents.”

“We love the role of foster parenting, because we see positive results in the children. We are frustrated with the existing system.”

“I feel that being a Foster Parent has its rewards in itself. Just seeing the improvement in a child who was insecure, scared, and abused turn into a child who’s secure, glowing with love and affection and have so much to share. This makes it all worth while.”

MOVING CHILDREN

“I hope you’re looking at how many times kids are moved -- especially those in special education --.”

“Whew. The saga continues daily. We know its a truism but all foster parents say ‘The younger the child, the less difficult the parenting’ (never easy). The system must catch them earlier. Ours had been in 13 elementary schools and 11 foster homes before us.”

“Other than doubling the number of social workers in order to lighten the case load I don’t have a solution for the major problems the system has.”

“Any negative answers is with understanding that DHS is so short-handed and is unable to do the things that are needed.”

NEEDS OF FOSTER PARENTS

- “1. I need more accessible respite time on a regular basis or a drop off respite care center.
2. I need available mental health services for the kids, and some for myself would help, too.
3. I need the worker to visit each week, in the home.
4. I need adequate preparation for termination. Give me some advanced notice so that I can talk to the school, plan a farewell party, prepare a gift, and grieve like a normal person.
5. I need the advocates provided as surrogate parents for I.E.P. conferences under Chapter 36 guidelines to be trained by HALLD and not by the DOE -- talk about a conflict of interest!
6. I need more humane working conditions (reduce actual caseload) for DHS social workers so that they can become a member of the foster home team, and so that the placement worker is the same as the termination worker.
7. I need the schools to become more involved in the case by (a) being informed by the S.W. when a foster placement enters the school and (b) by providing actual school counseling services in individual and then a support-group setting (such as ‘Banana Splits’).
8. I need tax reform which will allow me to deduct foster placements as dependents, pro-rated on the number of months/years each is in the home -- Federal and State.
9. I believe foster parents need to be trained and certified as professionals, with minimum standards in child development, first-aid and CPR, parental rights under Chapter 36 (special education), and regular mandatory inservice and support groups with (1) child care provided, (2) alternative meeting times.”

“1) Support groups need to be established.

- a) for the needs of foster child problems and how others are handling it
 - b) for burn out foster parents (preventive methods, ideas and respite case workers to meet each other)
 - c) for the purpose of promoting positive awareness to future foster homes
- 2) Physical examinations should be partially supported by agency. Very costly to families that are big in size -- 5 or more in household.
 - 3) On-going seminars, or workshops. Whether anyone shows up. Those that are interested should be taught -- even if the amount is small.
 - 4) Open house. Special day -- when foster parents get to meet everyone working for the foster program. From Director, to secretary, to investigator, lawyer, anyone concerned or involved with the department. You will be able to know, to see, who the TEAM is. Not to feel alone or like no one else is with you. Foster parents will gain knowledge when we

can understand the whole picture. It will definitely affect point of view to the foster child, too..

5) I am very happy to have worked with CPS in Maui, Hawaii. But Maui Youth Family Shelter provides a little more training and aides than the state does.”

PAY/BOARD PAYMENT

“I feel an increase in the room/board payment obviously will make a tremendous difference for the children.....As a former foster child I know what is deprivation. You give up proms, the ‘in fashion’ clothes, outings that require money (camps, movies, etc.). You settle for less (or in some cases nothing). ‘Success’ is a word that is meaningless.

Most foster children have deficits in social, educational, interpersonal resources. While in the foster home they must change, “be good social persons,” within the time they are in. What takes a lifetime to do, a foster parent must do or undo to change/help a child within the time period the child is there.

Then by 18 years old you are out on your own. Then the reality of the word success turns sour and one sees a bleak future. You were deprived of a lot of things in a foster home. Most non-foster children always have a family, (a house), a good supportive network, resources (such as money).”

“Of course, our time is under-paid, but we just want funds for these kids, so they can have decent food and clothing and toys. As of late, this was made possible.”

“[[I]t should not take so long to get [special needs] pay that is deserved. I am totally disgusted with this.”

“The first review was when my foster child was 6 months in my house. The Social Worker said that if he has improvement he will cut down my special services cost payment. According to my foster child’s doctor, more than half of his brain was damaged. Again before he turned 18 years old last year I got a review for the special needs but its still the same, in fact its getting worse to take care of him, but I don’t complain except the Special Services Cost is too low especially now that he is over 18 years old.”

“The problem with reimbursement isn’t so much the amount, but that we are not told that these monies are available. We found out by casual conversation with another foster parent and by that time it was way too late. We hadn’t kept any receipts.”

POLICY CLARIFICATION

“An office of ‘mediator’ should be established between the foster parents and case workers. One of the qualifications should be that the person has been a foster parent. There are many situations that are filled with questions which oftentime go unanswered.”

PREPARATION OF FOSTER CHILDREN

“DHS does not acclimate the foster child to the new home, no pre-placement visits, ‘poof’ the white car delivers them to our home, ‘poof’ the white car takes them away!

The same aide does not pick child up each time, causing confusion to child.”

PRIVATE AGENCY

“The Casey Family Program was amazingly helpful after our 9 years with DSH.”

“I don’t know about the state foster programs but Casey has such a terrific support program-- I recommend people to help be involved and support kids who need love and care.”

RECRUITMENT & LICENSING

“Much more needs to be done to recruit/attract more people to join as foster parents. There is a mis-understanding of what we do and what kids receive from us. There must be a well-publicized campaign for this.”

“It only happens that we have known their birth father in our family for quite a time and he told us the whole story of the family breaking apart and those kids being abused and so we tried and hoping with the cooperation of all agencies who are concerned, we will succeed.”

“Licensing every year and an FBI check for licensing is too time consuming. Fingerprints, etc. is a lot of bull! Agency should just check with courts or Police Dept. if we have any criminal listings.”

“Being a foster parent I would like to be able to talk to potential discouraged or present foster parents about my experiences. It might be of some help.”

“Being a foster parent makes you want to love them, make them happy and teach the children about their family that still care for them.”

“We are presently involved with a successful foster case in which ‘drug addicted’ mom is rehabilitating in a Salvation Army rehab residence and will be shortly reunited with baby.”

REMOVAL

“Being a foster parent is very difficult. Especially the time that the agency is going to take away the child from our family and give to somebody else. Same problem will happen to the child himself.”

RESPECT

“Foster parents are a valuable part of a team; unfortunately, DHS treats you more like a hotel.”

RESPIRE CARE

“I am a respite for other foster parents. More than 1 child has stayed with me. But only a short time, 2 or 3 weeks.”

“This word (respite) is not known here!!! When I had 5 foster children, about 1 1/2 years ago, I needed respite. So many things happening. I had a very large home and was caring for my own and foster children. The 5 were 4 and 5 years which a lot of problems occur in long term care, the mother of 4 was unstable and causing problems. My own children really needed me. The 3 older boys were testing me -- I had 7 teenagers, not any help to deal with problems. (No training in long term care. Well I did ask for respite, they asked me to wait, but things were too heavy so I said now I need respite. I was made to feel guilty, that I was at fault. 3 boys went to one home and I kept the sister, the other foster family (untrained) had the boys thinking I didn't want them and it was my fault that they were in foster care -- now after 1 1/2 years many problems. The children are really confused.”

SERVICES TO FOSTER CHILDREN

“All the psychiatrist and self-esteem classes were useless. More was accomplished by my paying for modeling and acting classes than all the other things.”

“We love it. Some children seem to receive many services and some never seem to receive services needed.”

SOCIAL WORKER OVERWORK

“The social worker(s) in our area are overworked/burdened. We must do something to rectify this.”

“DHS needs more case workers -- it's that simple.”

“The case workers need to keep up on the paper work and if this is not possible, then the state should hire enough people to do it.”

“Considering how overworked and understaffed the program is, it amazes me that we encounter as many positive attitudes as we do.”

SUPPORT

“Many times a foster parent feels so alone because they feel no one has had the same problem. When things go wrong in school or in the home, foster parents are always the first to be called on the red carpet.”

“The only real problems, consistently, are getting good communication between us and our workers. Reimbursements are very slow and getting the medical cards is way too slow.”

TRAINING

“As a foster parent, I feel that one cannot get too much training. In the 13 years that I have worked, mainly with family court, I have had numerous hours of training from ‘behavior modification’ to ‘stress management’, and am thankful for all of it.

Whether the (some) social workers are over worked just not trained properly, I hear constantly that, their rude statements and handling of the cases make the foster parents feel insignificant, not worth much, and like second class citizens; as if their judgments or assessment of the child(ren), and situation, they care for 24 hours a day, 7 days a week is immaterial.

I feel that, rather than placing children in institutions, they are placed in homes so that they can have a normal ‘family’ setting; then, foster homes. So why disregard the caretakers of these children. I would think that their opinion or concerns would matter most.”

“Pre- and inservice training is almost non-existent. The ‘new’ training program DHS implemented does not involve foster parents as co-trainers, nor was foster parent input sought when designing program content. Yet, it is almost always through other foster parents that one hears of available services, e.g., WIC, and policies.”

TREATMENT

“I’d like to see a weekly meeting for abused kids at appropriate age levels -- for e.g. -- 7 and 8 year old girls.”

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APPENDIX B

TECHNICAL ISSUES RELATING TO LEGAL PROTECTIONS

There are several additional needed technical changes concerning legal protections for families and children that do not require discussion in the body of the report. While Hawaii statutes are, generally speaking, quite sophisticated and technically sound, the following changes would constitute improvements.

Administrative Hearings and Grievance Procedures

Administrative hearings are trial type hearings, somewhat less formal than court proceedings, that are conducted by special hearing officers hired by the State. In Hawaii as in many other states, administrative hearings are not common in child welfare cases. However, there are some instances when administrative hearings are appropriate.

Loss of foster parent license. Administrative hearings are available in Hawaii law when foster parents' licenses are taken away. The difficulty is that foster parents are not always offered hearings when they are effectively terminated as foster parents. For example, if the Department of Human Services (DHS) decides not to place children in a particular home in the future it may not explicitly terminate the foster parents' license and advise them of the right to a hearing. The Department of Human Services appears to be better about this than many state agencies, but there is no explicit policy on point.

Accordingly:

Foster parents should be provided notice and the opportunity for a fair hearing whenever DHS determines not to place any children in their home in the future.

Federal "fair hearing" requirements. Federal law requires that administrative "fair hearings" be made available to enforce rights under federal foster care legislation and regulations. These hearings may delve into such issues as whether a child has a case plan or case review consistent with the requirements of federal law and whether federal adoption subsidy requirements are being followed. See 42 U.S. Code Section 671(12); 45 CFR 1355.21, 1355.30(k), 205.10; U.S. Dep't of Health and Human Services, Administration for Children, Youth and Families, Children's Bureau, Policy Interpretation Question 83-4, p. 3 (October 26, 1983).

Like many other states, Hawaii has not seriously attempted to systematically conform to federal fair hearing requirements in child welfare cases. It is felt that disputes as to the manner in which DHS is handling a case are within the competence of the Family Court rather than a proper subject of an administrative fair hearing. In fact, given the timeliness of Family Court proceedings, the depth of Family Court involvement in case planning, and the quality of Family Court proceedings, it makes sense to comply with federal fair hearing requirements through the court rather than through administrative fair hearings. However, to comply with federal requirements, each fair hearing requirement must be followed by DHS and the family court. For example, in order to meet fair hearing requirements through Family Court proceedings, DHS must provide consistent notice of the right to the hearing, the court must reach a decision within fair hearing time limits, and the court must provide a written explanation with its decision. (45 CFR 205.10.)

One exception, where fair hearings should be conducted administratively rather than by the court is when there is a dispute about the payment of cash benefits. Administrative hearing officers generally have greater expertise than Family Court judges concerning eligibility for and payment of cash benefits. In the event that cash payment disputes are brought to light in family court, the court might direct the parties to submit the matter for formal administrative determination.

Accordingly:

Except for disputes concerning the payment of cash benefits, federal fair hearing requirements in child welfare cases should be met, when possible, through notice and the opportunity to resolve the issue through the Family Court. The DHS and the Family Court should adopt procedures conforming to federal fair hearing requirements.

Adoption assistance. Special attention is needed concerning fair hearings is adoption assistance--payments or services for a child after adoption. This is an issue which the Family Court needs to monitor for the purpose of assuring that subsidy is being applied for and considered in appropriate circumstances. However, it should not be necessary for the Family Court to take over the fair hearing function for adoption subsidy eligibility issues.

Currently, prospective adoptive parents are not consistently informed of their right to apply for an adoption subsidy, to challenge its denial, or to contest the terms and amount of the subsidy. These are mandated by the above cited federal fair hearing requirements, in connection for any claim for benefits under federal foster care legislation. Nevertheless, when DHS decides not to offer a subsidy, the issue simply is not raised with the adoptive parent. Adoption subsidy is greatly under utilized in Hawaii.

Accordingly:

Prospective adoptive parents should be provided with a written notice and explanation of their rights to apply for adoption subsidy and to an administrative or judicial fair hearing to challenge agency decisions concerning adoption subsidy.

Chapter 7 discusses the need for the court to make sure that adoption subsidy is not overlooked when the court is exploring the feasibility and appropriateness of adoption.

Redress of grievances. Beyond trial type administrative hearings, informal procedures are needed for disputes between agencies and persons affected by agency decisions. Given the vast powers that the State obtains over a child when a child enters foster care, it is important that there is a workable mechanism for parents, children, and foster parents to challenge agency decisions that they believe to be inappropriate.

An informal, rapid process for the redress of grievances concerning state care of a child is an important means of correcting mistakes and also reassuring families concerning the fairness of DHS decisions concerning children. Many states have adopted such procedures.

In Hawaii, complaints may be brought to an ombudsman or may simply taken up the chain of command within the agency. There is no systematic effort to inform family or foster family members of the existence of the ombudsman nor is there any specified grievance procedure within DHS nor any assurance that the grievance will receive impartial consideration.

A common barrier to asserting complaints is the fear of retaliation by the state. Whether true or not, family members and foster parents commonly fear retaliation for strongly asserting grievances or disagreements. The basic elements of a good grievance procedure are outlined in The Rights of Foster Parents 9-11 (ABA 1989).

The following recommendation is offered concerning the establishment of grievance procedures for parents, children, and foster parents:

All public agencies responsible for the placement or supervision of children in foster care should be required to establish a grievance procedure involving an explicit, multistep process, with a few brief steps and an independent employee or officer to examine the grievance. A brief description of the procedure should be distributed to each parent with a child in foster care, adolescent in foster care, and foster parent. A strong anti retaliation policy should be specified, constituting grounds for disciplinary action.

Child Protection Investigations

Chapter 587, HRS, needs to create a mechanism to allow DHS to gain access to information needed in a child protection investigation, in cases where individuals, organizations, or agencies are uncooperative. Current law requires investigations and authorizes protective steps on behalf of endangered children, but does not create an adequate procedure to gain information when voluntary cooperation is not provided.

Current law regarding investigations by the Department of Human Services is as follows. Chapter 350, H.R.S., provides for the reporting of cases involving the abuse and neglect of children and assigns to DHS the responsibility of receiving such reports. Section 587-21(a), H.R.S., provides for the investigation of such reports by DHS. Section 587-22, H.R.S., authorizes emergency custody by a policeman. Sections 587-23 and 587-24, H.R.S., authorize x-rays, photographs, and diagnostic medical examinations of children who are in custody or already in the presence of social workers or medical professionals.

What Chapter 587 does not authorize is a procedure for DHS to complete its investigation in the face of noncooperation when it has reason to suspect child maltreatment but cannot establish the existence of an emergency. DHS sometimes needs access, for example, to the home of a preschool child for the purpose of investigating child abuse or neglect when parents do not cooperate. Consider the following example:

A single mother severely neglected her infant and two toddlers, ultimately leading to the loss of her parental rights and the adoption of the children three years ago. The DHS learns that the woman now has another infant and is concerned that the baby may be neglected and injured as were its older siblings. The woman is reclusive and, because of her past experience with DHS, totally refuses to cooperate with its investigation. The DHS cannot demonstrate that the infant is in imminent danger.

There does not appear to be a legal basis to obtain a criminal search warrant nor proof of sufficient imminent danger to the infant to justify a policeman's taking custody of the child. State law does not establish a means for DHS to obtain a court order granting it access to the home and child.

In such a case, information may also be needed from an organization or agency that has cared for or treated the child. Current law requires reporting of abuse and neglect, but not providing information beyond the obligation to report. For example, although a doctor may not have enough information to know that a child is maltreated, the doctor may have information that, when combined with other facts, would support that conclusion. Further discussion of these issues and suggestions for state legislation are discussed in detail in Hardin, "Legal Barriers in Child Abuse Investigations: State Powers and Individual Rights," 63 Washington Law Review 493 (1988).

Accordingly, the following recommendation is offered:

Chapter 587, H.R.S., should be amended to permit DHS, prior to filing a petition, to obtain a court order authorizing it to gain access to information necessary for the completion of a child maltreatment investigation, including access to the child, access to the child's residence, and access to relevant information and records from third parties.

Criteria and Procedures For the Emergency Removal of Children From Their Homes

There are two needed statutory improvements with regard to the emergency placement of endangered children. They are amending the criteria for the emergency removal of children and improved notice to parents when children are placed into foster care.

Criteria for emergency removal. With regard to current statutory authority to take children into custody in emergencies, DHS may persuade a policeman to take a child into emergency custody if the child is at risk of "imminent harm," or may file a petition and request a court order authorizing immediate removal. H.R.S. Sections 587-22(a) and 587-32(e.) In either case, DHS obtains temporary foster custody after the child is taken into care.

If a child is not returned home, a petition must be filed within two working days from when DHS received temporary foster custody, excluding Saturdays, Sundays, and holidays. (Section 587-24(e), H.R.S.) Within two working days after the filing of the petition, the court will hold a "temporary foster custody hearing" in which it will determine whether to continue the child in DHS temporary foster custody. (Section 587-53, H.R.S.).

The procedure and criteria are sound, except for an obsolete definition of "imminent harm." Section 587-2, H.R.S. provides that:

"'Imminent' harm means that there exists reasonable cause to believe that harm to the child will occur or reoccur within the next ninety days with due consideration being given to the age of the child and to the guidelines for determining whether the child's family is willing and able to provide the child with a safe family home, as set forth in section 587-25."

The problem with the above definition lies in the 90-day time period. In determining whether harm is sufficiently imminent to justify the immediate step of removal, the appropriate question is whether it is unsafe to wait for a contested court hearing to determine whether the child should be removed. It no longer takes 90 days for such a hearing to take place.

Accordingly:

The term “imminent harm” should be redefined to mean that there is reasonable cause to believe that the child is in substantial danger of harm prior to the next hearing to be conducted by the court.

Prompt notice requirement. With regard to providing prompt notice to parents, Section 587-24(b), H.R.S., provides that DHS shall make “...every reasonable effort to inform a legal custodian of the child of the actions taken concerning the child...” unless doing so would not be in the best interest of the child. In fact, prompt notice generally is provided to custodial parents when children are placed into foster care.

Two improvements, however, would be helpful. First, consistent efforts should be made to notify noncustodial parents who retain legal rights concerning the child. If a child has to be removed, noncustodial parents should have the opportunity to promptly request custody of the child. Placement of a child with a noncustodial parent should as a general rule be considered preferable to placement in foster care, even if the custodial parent prefers that the child go into foster care.

Accordingly:

The Department of Human Services should be required to make reasonable efforts to immediately notify both custodial parents and noncustodial parents who retain legal rights concerning a child when a child is placed in DHS temporary foster custody.

Second, the parent should be offered the immediate opportunity to seek court appointed counsel, upon being informed that the child has been removed. This provides a meaningful opportunity to challenge the removal before too much time has passed and avoids needless delays in the court process. In fact, DHS actually provides parents with an application for appointment of counsel in some parts of the state, at the time parents are notified that children are in temporary foster custody. This is an exemplary practice, but is not uniformly followed; in some parts of the state, counsel is not available until after the temporary foster custody hearing, thus delaying the proceedings and delaying the parents opportunity to effectively challenge the decision to remove the child.

Accordingly:

The Department of Human Services should be required not only to notify parents of the time and place of the temporary foster custody hearing, but should instruct and assist them to apply for the immediate appointment of counsel.

Strengthening the Court Record at Adjudication

In many cases where the judge has determined, after adjudication, that a child has been harmed or subjected to threatened harm by the child’s family, there is no explicit court record of the nature of the harm or threatened harm. This is possible because there is no requirement that the court make specific findings and because, Section 587-63(a), H.R.S., allows the parties to agree to a finding of harm or threatened harm without agreeing on the nature of the harm.

The problem with not agreeing to the nature of the harm is that the parent may persist in denying the true nature of the maltreatment of the child such as physical or sexual abuse. As a result, it may not be possible for DHS and the parent to agree upon a service plan directed at the real family problems. For a more detailed discussion of this problem, see Court Rules to Achieve Permanency for Children: Sample Rules and Commentary 55-57 (ABA 1985).

Based on the above, the following recommendations are offered:

The court should be required, after a contested adjudication, to enter brief findings specifying the nature of the harm to the child. Findings that incorporate by reference specific allegations in the petition or specific portions of DHS court reports should be permitted.

Before the court accepts a stipulation by the parties that a child has been harmed or threatened with harm by family members, the parties should be required to submit to the court the following: a statement of agreed upon facts describing parental problems, conduct, or condition; a statement of facts asserted by the petitioner but not admitted which relate to parental problems, conduct, or condition; and a statement of parental problems or deficiencies to be addressed in the service plan.

A related issue is that DHS caseworkers should not draft petitions. A petition drafted by a person not trained in the preparation of legal pleadings can make it more difficult later to craft appropriate findings. For this and other reasons, the drafting of petitions should be done only by the deputy attorney general, with paralegal assistance.

Criteria for Family Court Intervention on Behalf of Maltreated Children

Clarification is needed concerning the criteria for court involvement on behalf of endangered children and for their placement in foster care.

Chapter 587, H.R.S., provides for intervention on behalf of children who have suffered "harm" or have been subjected to threatened "harm" by family members. What constitutes "harm" is defined in detail in Section 587-2, H.R.S.

In addition to the statutory definition of harm, Section 587-25, H.R.S., sets forth a long list of "Safe Home Guidelines," or guidelines to determine whether the child may safely remain at home. Some attorneys and judges are unclear about which criteria are to be applied and how.

The apparent intention of the drafters was to make the definition of harm the criteria for intervention and to have the courts use the Safe Home Guidelines as a checklist to be applied in determining whether a child has suffered sufficient harm to justify removal. That is, the definition of harm sets the standard to be applied and the safe home guidelines provide a checklist of questions to be asked in determining the extent of harm for the purpose of deciding whether to place the child outside the home.

Accordingly:

Chapter 587, H.R.S., should be amended to clarify that the statutory definition of harm sets the standard for state intervention on behalf of a child and the Safe Home Guidelines provide a list of questions to be asked in determining the extent of harm or threatened harm.

Rights of Foster Parents to Participate in Court Proceedings

With the changing role of foster parents, discussed in chapter seven of this report, have emerged new ideas about the legal status of foster parents. As foster parents have been recognized as active members of the treatment team, the importance of their contributions in court proceedings has been increasingly recognized. Foster parents, by virtue of their daily care of a child, often know the child better than anyone else and have a deep emotional commitment to the child. They have a critical contribution to make in court proceedings in which important decisions are being made regarding services and future plans for the child. In addition, because foster parents are increasingly recognized as potential permanent caretakers of the child, their stake in the legal status of the child is increasingly recognized. It therefore makes sense to allow foster parents to participate in court proceedings.

In fact, these principles are already recognized by Hawaii law. Section 587-72(b), H.R.S., makes foster parents parties in hearings reviewing the status of the child.

As a practical matter, however, foster parents usually do not actively participate in court for several reasons. First, they are usually not informed of their right to participate, nor given notice of hearings as required by law. Second, members of the attorney general's staff are unwilling to explain the legal proceedings to foster parents because they are unrepresented parties. Third, foster parents are not provided with court appointed legal representatives.

One way of resolving these problems would be routinely to allow foster parents to participate in court proceedings without becoming parties and to become parties when the specific circumstances of the case make it appropriate. Specifically, the law might require the court to provide foster parents with written notice of the time and place of all review hearings and permit foster parents to offer their comments without actually becoming parties. This has been done in several states.

In addition, the law might permit foster parents to become parties upon request after having cared for the child for an extended period (such as one year), for the purpose of requesting some specific action by the court. For example, foster parents having cared for a child more than one year might be permitted to become parties for the purpose of seeking adoption.

Therefore, the following is recommended:

The Family Court should be required to provide foster parents with written notice of the time and place of all review hearings and to permit foster parents to offer their comments without actually becoming parties.

Foster parents who have cared for a child for more than one year should be permitted to become parties for the purpose of opposing removal of the child or seeking to become permanent caretakers of the child.

Changes in Court Review Regarding Foster Children Who Cannot be Returned Home

Court review requirements regarding children who cannot be returned home should accomplish three things: first, they should cause the court to reach a decision whether or not the child can be returned home within a reasonable time; second, they should cause the court to choose the appropriate legal placement option for the child; and third, they should focus future review on achieving and solidifying the option chosen for the child.

Regarding the first two purposes, Chapter 7 suggests that Chapter 587, H.R.S., should be amended to require a hearing, within 18 months of placement, systematically to consider the possibilities for permanent placement of the child. This would both help Hawaii meet federal review requirements and strengthen decision making for foster children.

Within two years of a child's out of home placement or within one year after court approval of a service plan for a child, Hawaii law now requires a hearing to be set for the parent to show why the child can be returned home within a reasonable time. If the parent fails to make such a showing, the court is to set a "permanent plan" hearing to reach a definitive decision whether the state will continue to work for the child's return and, if not, what will be the plan for the child.

The show cause and permanent plan hearings do not meet federal requirements (as explained in Chapter 7) and are not consistently held in a timely manner. Even where the separate show cause hearing is scheduled on time, as in the Third Circuit, the parent's attorney may still decide to waive it (dispense with the show cause hearing).

For all of these reasons, the requirement of a separate show cause hearing should be eliminated. Instead of requiring the parent to come forward at a separate hearing to explain why it is possible to return the child home, the law should require that parents be required to provide such explanations at each six month review.

Prior to the 18-month hearing, the responsible agency should be required to submit a petition, stating whether it seeks to continue to try to reunify the family for another six months, or, if not, which of the permanent legal placement options is being requested. To maintain a goal of family reunification, the agency should be required to submit a revised plan for reunification, to show that substantial progress toward the child's return has already been made, and to show that return will be possible within the next six months. If the court approves the continued goal of family reunification, another equivalent hearing should be set within the next six months.

If the agency is requesting custody pending adoption, it should, as suggested in Chapter 7, submit a permanent plan covering specified issues concerning the strategy and timetable for securing a permanent home. After custody pending adoption is awarded, the court should enter findings concerning the same list of issues.

If the agency is requesting a permanent legal placement option other than adoption, it should include in its court report an explanation of why all other higher priority options are not feasible or appropriate and should submit a plan for achieving and implementing the option recommended. For example, if the agency is requesting long term foster care with a goal of guardianship, it would explain in its report why adoption is not appropriate or feasible, why guardianship is not yet feasible, and would specify in its permanent plan what steps and strategies will be taken to arrange for guardianship for the child.

Based upon the above, the following is recommended:

Prior to the 18-month hearing referred to in Chapter 7, the responsible agency should be required to submit a petition, report, and plan, identifying the permanent placement option for the child, explaining its reasons for choosing the option, and specifying how it intends to implement the option.

Instead of requiring a separate hearing for parents to come forward and show why the child can safely be returned home within a reasonable time, parents should be required to offer such affirmative testimony at six month review hearings.

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RESPONSES OF THE AFFECTED AGENCIES

COMMENTS ON AGENCY RESPONSES

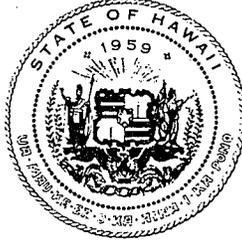
On January 10, 1990, the legislative auditor transmitted copies of a preliminary draft of this report to the Department of the Attorney General, the Department of Corrections, the Department of Health, the Department of Human Services, the Office of Children and Youth, the Office of Youth Services, and the Judiciary. A copy of the transmittal letter to the Department of Human Services is included as Attachment 1. Similar letters were sent to the other affected agencies. As is customary on the part of the legislative auditor, the agencies were invited to comment on the recommendations contained in the report. The agencies' responses (including two separate responses from the Judiciary) are set forth as Attachments 2 through 9.

By and large, the affected agencies were highly supportive of the study's major findings, conclusions, and recommendations. However, a few points of concern and difference were raised. Where agencies pointed out factual errors, the study team has attempted to correct the report. Where agencies requested modifications of conclusions and recommendations, the study team reconsidered its position and made the changes it considered to be warranted.

As brought out in several of the responses, there must be broad and concerted action if truly effective improvement is to be made in Hawaii's approach to foster care, including the increased application of resources and expanded training of various affected participants as well as statutory change. With respect to statutory revision, the attorney general is correct in cautioning careful and deliberate consideration. In this regard, it should be noted that in response to House Concurrent Resolution No. 215, House Draft No. 2, of 1989, the Department of Human Services has established a Child Welfare Statutes Advisory Committee which is supposed to submit its findings and recommendations to the Legislature in 1991. This committee is broadly representative of the different interests involved in child welfare and foster care and has already requested copies of our report for its consideration.

ATTACHMENT 1

STATE OF HAWAII
OFFICE OF THE AUDITOR
465 S. King Street, Room 500
Honolulu, Hawaii 96813



(808) 548-2450
FAX: (808) 548-2693

C O P Y

January 10, 1990

The Honorable Winona E. Rubin
Director
Department of Human Services
1390 Miller Street
Honolulu, Hawaii 96813

Dear Mrs. Rubin:

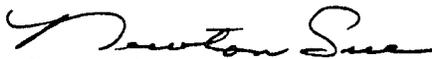
Enclosed are three copies, numbers 13 to 15, of our draft report, *Study of Foster Care in Hawaii*. We ask that you telephone us by January 12, 1990, on whether you intend to comment on our recommendations. Should you decide to respond, please transmit the written comments to us by January 22, 1990. We will append your response to the report submitted to the Legislature.

This study was conducted by a consortium of five national organizations under the direction of the National Child Welfare Resource Center for Management and Administration, University of Southern Maine.

Copies of the report have been transmitted to the Department of the Attorney General, Department of Corrections, Department of Health, Judiciary, Office of Children and Youth, and the Office of Youth Services for their review. Copies have also been transmitted to the President of the Senate and Speaker of the House of Representatives.

Since the report is not in final form and changes may be made, access to this report should be restricted to those whom you might wish to assist you in preparing your response. Public release of the report will be made solely by our office and only after the report is published in its final form.

Sincerely,


Newton Sue
Acting Legislative Auditor

Enclosures

ATTACHMENT 2

JOHN WAIHEE
GOVERNOR



WINONA E. RUBIN
DIRECTOR

ALFRED K. SUGA
DEPUTY DIRECTOR

MERWYN S. JONES
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809

January 19, 1990

Mr. Newton Sue
Acting Legislative Auditor
Office of the Auditor
465 S. King Street, Room 500
Honolulu, Hawaii 96813

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OFFICE OF THE AUDITOR
STATE OF HAWAII

Dear Mr. Sue:

Thank you for providing us with the opportunity to review the draft of your report, Study of Foster Care in Hawaii. We have reviewed the report and are attaching our comments on your findings and recommendations.

Overall, we find the report to be balanced and reflective of the foster care system as it currently exists in the State. As such, we have chosen to comment only on major areas which we feel need additional clarification or correction.

We appreciate the efforts of your office and that of the study team toward making the study a guidebook toward improving the system of care. Implementation of many of the recommendations will serve to improve the situations of families and children of our State.

Sincerely,


Winona E. Rubin
Director

COMMENTS OF THE DEPARTMENT OF HUMAN SERVICES
ON THE LEGISLATIVE AUDITOR'S
STUDY OF FOSTER ARE IN HAWAII

1. Page 47, Item 3 b; Page 60, Item 2 a:

Re: authorize/direct the Department to release information to foster parents:

The authority for the Department to release information to foster parents to assist the foster parent to provide services to the child is currently in statute, section 346-10, HRS. Departmental rules, section 17-920.1-8, specify foster parents as individuals to whom the Department may release information.

2. Page 79, Paragraph 3:

Re: statement that if Part E funds do not go back directly to the affected Part E programs, the agency can apply to transfer these funds to Part B:

Only a portion of unexpended IV-E funds can be transferred. Hawaii's portion of about \$83,000 for FFY 89 (\$115,000 for FFY 88), was transferred for use in child welfare services by the Department.

3. Page 97, Paragraph 6:

Re: the need to improve court prereview reports which need to track specific requirements:

The case plan submitted to the Court includes the report (Safe Home Guidelines) and the Service or Permanent Plan. Guideline #3 documents the child's placements/appropriateness of the placements; the service/permanent plan documents services to the child/foster parent, permanent placement goal, the time frame for achievement.

4. Page 97, Paragraph 3; Page 98, Paragraph 6; Page 104, Paragraph 4:

Re: Hawaii's not attempting to comply with federal review requirements for children not under the Department's placement responsibility or under chapter 587 and the loss of available federal funds as a result:

We fully agree that all children deserve case planning and review. We read these paragraphs to refer to children under the placement responsibility of an agency other than the Department of Human Services (DHS). We understand that federal matching funds are not available. Only if DHS had placement

Attachment

responsibility and contracted with another agency to provide case management services could matching be claimed.

5. Page 109, Paragraph 5:

Re: the lack of policy implementing federal requirements for case planning and review focusing on independent living:

DHS rules (policy) are in place which address independent living: section 17-943-5, section 17-945-11. We agree that these are not sufficient and need expansion. An Independent Living program is needed.

6. Page 122, Independent Living:

Re: \$25,00 training resources, \$100,000 community services federally reimbursable with Independent Living Grants:

Hawaii was eligible for approximately \$11,000 in federal Independent Living funds in FFY89. These funds have been claimed.

ATTACHMENT 3

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

January 22, 1990

In reply, please refer to:
File:

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OFFICE OF THE AUDITOR
STATE OF HAWAII

Mr. Newton Sue
Acting Legislative Auditor
State of Hawaii
Office of the Auditor
465 South King Street, Room 500
Honolulu, Hawaii 96813

Dear Mr. Sue:

The report on Foster Care in Hawaii is very comprehensive and extensive with good recommendations to help improve the system in the State. It identifies specific needs and quantifies goals to be reached on a specific time table to much improve the circumstances of the target population over a reasonably short period of time. Importantly, it identifies how a substantial portion of the needed funding might be obtained. We hope this report will create a major opportunity to define responsibilities and identify strategies for effective and efficient delivery of services to this important and vulnerable target population. An interdepartmental structure to systematically address issues on foster care is certainly warranted and the Department of Health will be most willing to participate actively in any task force or committee for such purpose.

In relation to the Department of Health's Child and Adolescent Mental Health Division, the following comments are prompted:

1. The Department of Health would like to be proactive in efforts to better the plight of the target population of this report. Where legally appropriate, responsibilities should be sought and not avoided on behalf of these youngsters. The national organization of state mental health directors has on agenda an initiative which would assure that all children removed from families of origin and all at risk of such removal have access to mental health resources as needed.

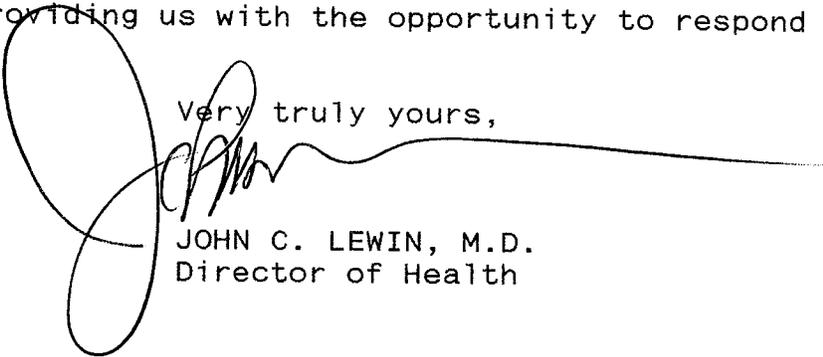
2. Foster care within the Department of Health (DOH) concerns the Developmental Disabilities Division (DDD) and the Child and Adolescent Mental Health Division. A thorough review needs to be made of the legal basis for which such responsibilities are shouldered. Consistent with the findings of this review, department-wide policies and procedures need to be developed concerning intake procedures, monitoring, promotion of adoption or return to family of origin as appropriate and alternate placement when neither adoption or return to family of origin are appropriate. It is suggested that, immediately, a task force be formed to examine these matters and the relationship of the Department of Health to the Department of Human Services and the Judiciary when dealing with such clients. Who is responsible for what needs to be clear.
3. The report makes clear that in many instances therapy and training are needed for clients, families of origin, placement families and families who will adopt. In-so-far as the Child and Adolescent Mental Health Division is the appropriate governmental department to assume these responsibilities, four major problems need to be faced:
 - a. A lack of sufficient personnel positions assigned to the Children's Teams and an inability to fill and keep filled such positions when they are assigned (teams are each overwhelmed by responsibilities emanating from the DOE-DOH agreement to provide service to children in special education).
 - b. Present funding is inadequate to accomplish these goals.
 - c. Existing personnel and funding procedures are time-consuming and inflexible.
 - d. Consistent with the report, a major information system needs to be created (or possibly the existing system significantly upgraded) to monitor service plans and delivery and document activities.

(None of the above problems are insurmountable - they each need considerable attention if the target population is truly to be served.)

4. The report suggests strongly that an interagency mechanism is needed to deal with these matters. The State Cluster system located in the Department of Health is now fully functional and, with the imminent hiring of 5 Systems Managers to be located around the state, can aid temporarily in dealing with these changes. The State Cluster can also suggest a model and provide recent experience to facilitate establishment of such a mechanism.
5. The report suggests the Office of Youth Services be made a part of the State Cluster system. The Department of Health concurs.
6. The report recognizes that DOH services children in foster care through the Child and Adolescent Mental Health Division and the Developmental Disabilities Division. However, the Department of Health statistics only recognize the 16 therapeutic homes of the Mental Health Division which are operated through purchase of services contract with a private agency. DDD's cases are lumped together with the private agencies. The DDD is authorized to recruit and license foster homes by Department of Human Services and there are 34 licensed foster homes under its jurisdiction. It is difficult to understand why the DDD foster homes were not recognized under DOH. The names of the foster homes under DOH/DDD were provided to the surveyors and all the DOH foster parents' responses in figures 3.1 and 3.2 on pages 39 and 41 are from DDD foster homes.

Thank you for providing us with the opportunity to respond to this major report.

Very truly yours,



JOHN C. LEWIN, M.D.
Director of Health

ATTACHMENT 4

JOHN WAIHEE
GOVERNOR



~~HAROLD FALK~~
~~DIRECTOR~~

GEORGE IRANON
~~DEPUTY DIRECTOR~~
ACTING DIRECTOR

STATE OF HAWAII
DEPARTMENT OF CORRECTIONS
677 Ala Moana Boulevard, Suite 700
Honolulu, Hawaii 96813
January 23, 1990

NO. 90-4133

RECEIVED

JAN 25 8 46 AM '90

OFFICE OF THE AUDITOR
STATE OF HAWAII

Mr. Newton Sue, Acting Legislative Auditor
State of Hawaii
Office of the Auditor
465 So. King Street (Room 500)
Honolulu, Hawaii 96813

Dear Mr. Sue:

Thank you for allowing the Department of Corrections (DOC) the opportunity to review the draft of your office's report entitled, "Study of Foster Care in Hawaii." Although our Department uses foster care on a very limited scale, our review has shown the report to be well researched and the recommendations to be sound. As such, I would like to offer my support to those recommendations.

In particular, I would like to comment on the recommendation made in Chapter 5 concerning the transfer of the Family Court foster care program to the Office of Youth Services (OYS) (page 71, as discussed in pages 65-66). In January 1989, the Juvenile Justice Interdisciplinary Committee (JJIC) presented its findings concerning youth services to the Hawaii State Legislature. A continuing theme of their report was that the fragmentation of services to juveniles over many executive and judicial agencies impacts on the State's ability to provide those services in a timely and coordinated fashion. Not only does this lack of coordination prove to be costly, but also creates gaps in the system that allows some youth to slip through. The JJIC recommended that the way to resolve this problem was to create a single agency to be responsible for and provide these services.

The 1989 Hawaii State Legislature responded to those recommendations by creating the Office of Youth Services (Act 375, SLH 1989). Under the heading of "Finding and Purpose," the law states that "a single entity is needed to serve as a central intake agency, and to coordinate the delivery of services, and provide a continuum of programs to eliminate gaps and provide a clear sense of responsibility and accountability for youth services." In order to realize that mandate, it is now incumbent upon the Legislature to begin the transfer of appropriate responsibilities and functions scattered throughout the public sector and consolidate them in the Office of Youth Services. The transfer of the Family Court foster care program to OYS is necessary step in that direction.

Mr. Newton Sue
January 23, 1990
Page 2

Again, thank you for allowing us to comment on your report. Should you have any questions concerning this letter or other issues involving juvenile corrections, please do not hesitate to contact Martha Torney at 548-3630.

Sincerely,

A handwritten signature in black ink, appearing to read "George Iranon", with a large, stylized flourish at the end.

George Iranon
Acting Director

YSO/MTT
[doc #0551y]

ATTACHMENT 5

JOHN WAIHEE
GOVERNOR

WAYNE MATSUO
EXECUTIVE DIRECTOR



STATE OF HAWAII
OFFICE OF YOUTH SERVICES
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

January 17, 1990

To: Mr. Newton Sue
Acting Legislative Auditor
Office of the Auditor

Through: Winona Rubin *WR*
Director
Department of Human Services

From: Wayne Matsuo
Executive Director
Office of Youth Services

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OFC. OF THE AUDITOR
STATE OF HAWAII

Thank you for providing the Office of Youth Services (OYS) the opportunity to review and comment on the draft report "Study of Foster Care in Hawaii." The report is comprehensive and well presented and I am sure it will be very useful in the improvement of foster care in Hawaii. It is significant that an audit of such broad scope and complexity has also resulted in a very practical document.

Since the OYS currently has no administrative responsibility in the operation of foster care in Hawaii we restrict our comments to the references and recommendations made in the report to the possible future role of the OYS in the administration of a consolidated foster care system.

First, we concur with the interpretation of the legal mandate by the legislature to the OYS to "...lay the foundation for a consolidation of a wide variety of programs within the office." Foster care would logically be one component in the continuum of services the OYS is to provide.

Second, as the report acknowledges, the continuum and organization of the OYS has yet to be established. In the interim, the OYS would be pleased to participate in the "interdepartmental cluster and any other interagency management and policy bodies which emerge" as recommended by the report.

Mr. Newton Sue
January 17, 1990
Page two

We are convinced that the common goal of all agencies involved in foster care in Hawaii is the concern for the best interests of Hawaii's children. The OYS will work with all concerned agencies in the pursuit of that goal.

Thank you again for allowing our review and comments.



Wayne Matsuo
Wayne Matsuo
Executive Director

WM:ly

ATTACHMENT 6

JOHN WAIHEE
GOVERNOR



LYNN N. FALLIN
DIRECTOR

STATE OF HAWAII
OFFICE OF THE GOVERNOR
OFFICE OF CHILDREN AND YOUTH
P. O. BOX 3044
HONOLULU, HAWAII 96802

January 22, 1990

Mr. Newton Sue
Acting Legislative Auditor
Office of the Auditor
465 S. King Street, Room 500
Honolulu, Hawaii 96813

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OFC. OF THE AUDITOR
STATE OF HAWAII

Dear Mr. Sue:

Attached please find a copy of our comments relative to the Study of Foster Care in Hawaii.

We were impressed by the report, especially considering the limited time which was available for the study. Let's hope that it helps to improve our system of care for Hawaii's foster children!

My staff enjoyed the opportunity to work with your office.

Please call Jeanne Reinhart at 548-2272 if you have any questions about our remarks.

Very truly yours,

A handwritten signature in cursive script that reads "Lynn N. Fallin".

Lynn N. Fallin
Director

Attachment



STATE OF HAWAII
OFFICE OF THE GOVERNOR
OFFICE OF CHILDREN AND YOUTH
P. O. BOX 3044
HONOLULU, HAWAII 96802

COMMENT ON THE STUDY OF FOSTER CARE IN HAWAII

The Office of Children and Youth was pleased to be invited to review the Study of Foster Care in Hawaii, a report conducted under the direction of the National Child Welfare Resource Center for Management and Administration, University of Southern Maine, as authorized by Act 394 of the regular legislative session of 1989.

Historically, this Office has been concerned about the state of Hawaii's foster care system and actively lobbied to have a comprehensive study funded by the legislature.

If the decade of the nineties is to be dedicated to the strengthening of Hawaii's families, we must be sensitive to the State's own role as the official family for the children legally in its care. Further, we must dedicate ourselves to strengthening our agencies so that they can render the best possible services to the children in State care.

In general, we were very impressed with the foster care study. It is comprehensive and, for the most part, accurate. The recommendations are well thought out and achievable, given adequate resources.

COMMENTS:

On page "i" of the Executive Summary, it states, "The remaining 10 percent totally outside the jurisdiction of DHS are both placed and paid for by the DOH....." Technically, DHS pays the board payments for the children in DOH foster care.

On page "iii" of the Executive Summary the following statement appears: "Despite the recent substantial increase in board payments afforded to foster parents, DHS had fewer licensed homes in June 1989 than June 1988." It should be noted that the foster board increase alluded to here did not take effect until July 1, 1989.

Family Court does not have a foster care program. The Judiciary's foster care program is housed in the Program Services Branch of the Office of the Administrative Director of the Courts.

Most reference to the DOH program concerned the Therapeutic Foster Homes Program of the Mental Health Division. It should be noted that the program operated by the Developmental Disabilities Division is both larger and older than the therapeutic fostering program.

It would be most helpful if a table of contents and an index could be added to the study.

On page 2, the definition of foster care should be expanded to include its responsibility to provide reunification services and not focus exclusively on permanency planning.

Page 33 mentions "working partnerships among foster parents, birth parents, potential adoptive parents, children and the agencies." It would have been useful to have had some guidance on the "how to's" of setting up the partnerships mentioned here.

Pages 37-38 talk about foster parent training and preparation. More specifics would have been useful. Should a set amount of training be a requirement for licensure? How many hours of training are recommended on an annual basis?

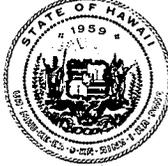
Page 42 addresses the need for respite and child care to allow foster parents to participate in case reviews and training. It should also have included child care for foster parents who wish to participate in foster parent association activities. Association activities should also be added to the list of reimbursable expenses listed on page 47, paragraph "d".

On page 43, the statement is made that: "Persons interviewed both within DHS and from other agencies commented on the poor quality of DHS's foster homes." Without citing specific areas of needed improvement, this statement is more damning than useful!

And, finally, on page 49, the listing of foster care services should also include services to foster parents.

ATTACHMENT 7

JOHN WAIHEE
GOVERNOR



WARREN PRICE, III
ATTORNEY GENERAL

CORINNE K. A. WATANABE
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
STATE CAPITOL
HONOLULU, HAWAII 96813
(808) 548-4740
FAX (808) 523-0814

January 24, 1990

RECEIVED
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OFC. OF THE AUDITOR
STATE OF HAWAII

Mr. Newton Sue
Acting Legislative Auditor
State of Hawaii
465 South King Street, Room 500
Honolulu, Hawaii 96813

Dear Mr. Sue:

Re: Comments Concerning The Recommendations Set Forth in
the Draft Report: Study of Foster Care in Hawaii

Thank you for this opportunity to comment upon the extensive recommendations set forth in the above referenced draft report. Due to the relatively short period of time available for reviewing the in-depth study, these comments are submitted on a preliminary basis.

This department is in full agreement with the recommendations which specifically address this office and are set forth at page 111 in section 2, subsections h, i, and j. The recommended actions can only assist this office in accelerating our current efforts to achieve the goal of working with the Department of Human Services and the Family Court in establishing the most efficient and effective system for handling child protective proceedings.

Concerning the numerous recommendations regarding amendments to the existing statutes, it is noted that the majority of these amendments are not required, though they would clarify legislative intent. The actions they would mandate are currently available under existing statutes. It is respectfully submitted that merely amending a statute does not

Mr. Newton Sue
January 24, 1990
Page 2

guarantee that existing policies and procedures will improve. Along with the amendment must come the necessary resources and training in order to actually accomplish its intended purpose. Moreover, an amendment which requires more of an already overburdened system without also providing additional assistance, will merely serve to undermine the system's ability to succeed.

A good example of this is the "reasonable efforts findings" which are endorsed by the authors of the draft report and are certainly consistent with the existing language of HRS Chapter 587. Actually, HRS § 587-53(c) and (d) currently mandate that the initial temporary foster custody hearing "shall" be continued if the court requires further information or investigation concerning whether the child should remain in temporary foster custody. While not utilizing the specific language of the Public Law 96-272, the Child Protective Act currently may properly be read to require more than a mere finding of whether "reasonable efforts" have or have not been made but, rather, to require that the court direct such efforts to be made prior to the conclusion of the temporary foster custody hearing. It is important to recognize that a statutory requirement of a mere finding as to whether "reasonable efforts" have or have not been made, will not result in a dramatic change or immediate impact unless the system is provided with the capability to make such reasonable efforts.

However, an influx of resources and training would very likely result in the necessary changes in policy and procedure even without a statutory amendment. There is virtually no one working in the system who would not jump at the opportunity to provide more and better assistance to the children and their families, if such an alternative was actually available. We do wish to emphasize, however, that this office could not be more convinced that the current system needs to make every "reasonable effort" very early in a case. Appropriate services directed both at prevention and reunification need to be available prior to or at the latest at the very outset of the child protective case. We support any statutory amendments which will serve to enhance the potential for actually increasing the system's ability to achieve that goal.

The author's recommendation at page 110, section 1, subsection a, concerning permanent custody would require a statutory amendment to achieve the alternatives of guardianship under HRS Chapter 587 or adoption with parental contact. While we do not necessarily agree that the statute has played a

Mr. Newton Sue
January 24, 1990
Page 3

primary role in causing delay in adoptions, we do agree that further clarification in the area of permanent custody and adoption could be beneficial. Again, the real solution lies in increased resources and training.

The question of "adoption with parental contacts" is an especially sensitive issue that should be carefully studied and addressed by a statutory amendment.

The increased use of guardianships in child protective proceedings is something which should be approached carefully because of the real potential for unintentionally misleading parents and inadequately protecting children. The system needs to be safeguarded from unintentionally failing to make it clear that the practical ramifications of a guardianship may not vary greatly from those of a termination of parental rights in that, although the child cannot be adopted, the natural parents may well not have future visitation or even contact with their child. Another problem inherent in guardianship is that the guardian may not fully appreciate that the natural parents are not to be entrusted with the custody of the child in the future without a court order. Indeed, experience has shown that guardians, especially family members, may decide after a couple of years to return the child to the care of the natural parents from whom the child was removed.

It is not this office's position that guardianships should never be used. Indeed, they are currently utilized in cases where the parents agree and guardianship is deemed to be in the best interest of the child. However, if guardianship is to be used more, it should be carefully defined by statute to assure that natural parents fully appreciate the consequences of agreeing to guardianship. Further, if future visitation is a fair expectation, then it should be treated as a right which the natural parents will be assured access to the courts to protect. The statute should also provide that the guardianship should be reviewed at a minimum of once a year to ensure that the children are still being properly cared for by the court-ordered guardian. Lastly, if contested guardianships are contemplated, the issue of burden of proof should be considered. The current standard of preponderance of the evidence may be too low, given the importance of the issue.

To comment briefly on the Technical Issues Relating to Legal Protection, set forth in Appendix B, it is agreed that the Department of Human Service's investigative powers should be addressed and reflected in a statutory amendment to either

Mr. Newton Sue
January 24, 1990
Page 4

HRS Chapters 350 or 587, whichever is deemed to be most appropriate. Concerning the recommendation to redefine imminent harm (page 5), we would strongly suggest that there be further consideration as to the terminology to be utilized if indeed it is determined that the existing definition is actually a problem.

The recommendation at page 6 concerning establishing a requirement that specific facts be admitted as a prerequisite to jurisdiction in the child protective proceeding is an issue which should be carefully studied prior to changing the current statute or procedure. It is important to remember that often the very reason the family is in court is because the parents are denying that they have hurt their child or that their family suffers from the specific problems which have been alleged. Such denial does not normally dissipate as a result of the discussion in the waiting room of the family court. Their problems, including denial, can only be addressed over time, by the treatment services which are set forth in the service plan. The purpose of the child protective proceeding, which is to facilitate communication and cooperation between the family and the social worker in order to assist the family in resolving their problems, is often hindered by the adversarial processes of the legal system. This situation is likely to be further aggravated by any insistence upon specific admissions prior to jurisdiction.

Further complicating this scenario is the very real problem that in making specific admissions, the alleged perpetrator might be admitting to a serious crime, especially in a sex abuse case. We would have a serious concern that to change the current statute and practice in this area would result in less agreements, more trials, and less overall success.

Actually, the problem which the "specific facts" recommendation seeks to address could be better remedied by requiring that the proposed services be agreed upon prior to jurisdiction being established. If the parents do not agree with the proposed services, then and only then would a trial be appropriate. It would also greatly enhance the system's ability to achieve understanding and agreement with the parents if the court were to be given adequate resources in order to conduct in-depth settlement conferences in cases where the parents (who should always have access to an attorney) are struggling with the system's offer of help.

Mr. Newton Sue
January 24, 1990
Page 5

Lastly, the confusion underlying the point discussed in the section concerning the Criteria for Family Court Intervention for Maltreated Children at page 7, is something which we simply do not understand. The literal language of Chapter 587, HRS, as well as the legislative history, indicates an absolute intent on the part of the legislature that threatened harm be an independent basis upon which jurisdiction may be predicated. To suggest otherwise, would be to say that the system has to wait until a child has been actually harmed before he or she could be protected. While jurisdiction premised solely upon threatened harm is not extensively utilized, it is the only basis upon which to protect the newborn infant from the parent who has not harmed that infant but has previously injured or killed his siblings, or from the mentally ill parent who states that he intends to kill the infant but who has never done anything to actually harm the infant, or to protect the sibling in the sex abuse case who has not yet been abused but has reached the age at which each of the child's sisters were sexually abused by the perpetrator, or to protect the infant who was born addicted to cocaine, etc. These children could not be protected prior to their being harmed but for the existence of the jurisdictional basis of threatened harm.

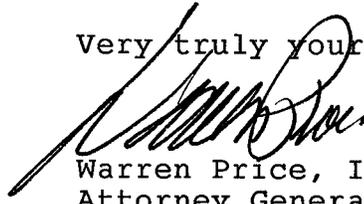
Moreover, the purpose of the civil child protective proceedings, it is really to deal with cases where families have problems which result in their child being subject to threatened harm. A review of the cases which are brought to court would establish that while there are cases that are based solely upon threatened harm, where there has been no actual harm to the child, there are no cases which are based solely on harm where there is no threatened harm to the child. The reason for this is that if there is no risk of the child being harmed in the future, then there is no need for child protection services to be involved with the family and/or for court involvement. Thus, if we were forced to choose between retaining harm or threatened harm as the basis for jurisdiction in the child protective proceeding, which we are not, we would have to chose threatened harm. Thus, we strongly urge that any confusion which may exist concerning the crucial importance of threatened harm as a jurisdictional basis be addressed in such a manner that will ensure that no such potentially life threatening confusion exists in the future.

While this office will have further comments on each of the recommendations which have legal implications for the state, we have sought to make preliminary comments on those

Mr. Newton Sue
January 24, 1990
Page 6

points in the draft report which we determined to be of most concern. We look forward to the future discussion, effort and action which we are confident will flow from the study and will serve to benefit the children and their families in our community as well as the dedicated people who work each day in the child protective system.

Very truly yours,



Warren Price, III
Attorney General

WP/KE:sn
5636C

ATTACHMENT 8



Office of the Administrative Director of the Courts
The Judiciary • State of Hawaii

Post Office Box 2560 Honolulu, Hawaii 96804

January 25, 1990

RECEIVED

JAN 26 1 14 PM '90

OFFICE OF THE AUDITOR
STATE OF HAWAII

Mr. Newton Sue
Acting Auditor
Office of the Auditor
465 S. King Street, Room 500
Honolulu, Hawaii 96813

Dear Mr. Sue:

The attached comments were provided by the Family Court in response to a Study of Foster Care in Hawaii.

We appreciate the opportunity to respond to this study and if we can provide any additional information please feel free to contact me at 548-4605.

Sincerely,

Irwin Tanaka
Administrative Director
of the Courts

cc: Senior Judge Daniel G. Heely, Family Court

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RECEIVED
JUDICIARY STAFF
ATTORNEY'S OFFICE

JAN 22 2 23 PM '90

DANIEL G. HEELY
Senior Judge
KENNETH K.M. LING
Director

ADM. DIRECTOR
OF THE COURTS

STATE OF HAWAII
FAMILY COURT
FIRST CIRCUIT
P. O. BOX 3498
HONOLULU, HAWAII 96811-3498

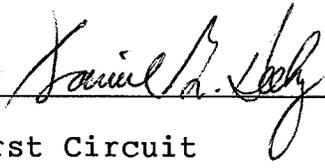
DISTRICT FAMILY JUDGES

ARNOLD T. ABE
DARRYL Y.C. CHOY
EVELYN B. LANCE
LINDA K.C. LUKE
MARJORIE HIGA MANUIA
TOGO NAKAGAWA
MICHAEL A. TOWN
FRANCES Q.F. WONG

January 22, 1990

TO: Dr. Irwin Tanaka
Administrative Director of the Courts

THROUGH: Abelina Shaw
Staff Attorney

FROM: Daniel G. Heely 
Senior Judge
Family Court, First Circuit

SUBJECT: Draft Report on a Study of Foster Care in Hawaii

The following comments are being provided for your consideration to submit to the Office of the Auditor as our response to the above named study.

The Family Courts are extremely impressed by the thorough and inclusive nature of this report which contains appraisals of court policies and operations as well as specific recommendations to modify or revise existing practices and relevant statutes.

We concur with the areas in the study addressing the Family Courts. These issues have also been of concern and much contemplation for us. We wish to state that the Family Courts have already initiated action to explore the feasibility of implementing some of these recommendations. These include: requesting two judicial positions for the Family Court, First Circuit; exploring the possibility of continuity in the assignment of judges; requiring judges to make reasonable efforts findings; establishing reasonable income and asset requirements for court appointed counsel; considering the possibility of contracting legal services for representation of parents; and training of judges. The Family Courts will remain attentive to these and other recommendations enumerated in the study.

Memo to Dr. Tanaka
January 22, 1990
Page 2

There are two areas in the study however, which we would like to have corrected. The Judiciary's foster home program, the Foster Parenting Program, is identified in the organizational chart on page 13, and throughout the context of the study, as being a program in the Family Court system. The Foster Parenting Program is a section of Program Services which is under the office of the Administrative Director of the Courts. Secondly, page 101, first paragraph refers to prereview meetings conducted in the Third Circuit. This should be changed to the Second Circuit.

In addition, we wish to comment on the reference to limited legal support available to volunteer guardian ad litem on page 109. It is our understanding, that in the First Circuit, two experienced family law attorneys are retained for consultation and representation.

We are grateful for the opportunity to respond to this important study and affirm our stand to continue to work with the other departments involved to improve services to children in foster care.

ATTACHMENT 9



Office of the Administrative Director of the Courts
The Judiciary • State of Hawaii

Post Office Box 2560 Honolulu, Hawaii 96804

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January 26, 1990

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JAN 26 1 14 PM '90

OFFICE OF THE AUDITOR
STATE OF HAWAII

Mr. Newton Sue
Acting Legislative Auditor
Office of the Legislative Auditor
465 S. King Street, Ste. 500
Honolulu, Hawaii 96813

Dear Mr. Sue:

Attached for your review is the Judiciary's response to the foster care study. The comprehensive report has been both enlightening and extremely helpful to our Family Court and Foster Parenting Programs.

Although the report makes reference to the Family Court foster home program, foster care services in the Judiciary is administratively separate. We have therefore, requested both divisions to submit their own responses to the study, as each is concerned with different issues in the report. You have our full cooperation to provide any supplementary comments or further clarification as needed.

We extend our appreciation to the Legislature and your Office for the initiation and coordination of this most important study of our State's foster care system.

Sincerely,

Irwin Tanaka
Administrative Director
of the Courts

Enclosure



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JAN 26 9 03 AM '90

Office of the Administrative Director of the Courts
The Judiciary • State of Hawaii

Post Office Box 2560 Honolulu, Hawaii 96804

ADMINISTRATOR
OF THE COURTS

January 25, 1990

TO: Dr. Irwin Tanaka,
Administrative Director of the Courts

THROUGH: Abelina Shaw,
Staff Attorney

FROM: Earl J. Yonehara,
Program Services Administrator

Nancy Donnelly, Program Manager,
Foster Parenting Program

SUBJECT: RESPONSE TO DRAFT REPORT ON STUDY OF
FOSTER CARE IN HAWAII

The attached comments are provided for submission to the Office of the Auditor as our program response to the above study.

We were extremely impressed with the magnitude of the study, given the short time frame and absence of a comprehensive data base system of children in foster care. The program concurs with most of the findings and recommendations contained in the study. There are however, four (4) areas which we feel need clarification and/or our concerns pointed out.

The first relates to coordination, or the lack thereof, among foster care providers. The second issue is having centralized controls over who enters the system vested with the Department of Human Services. The third area concerns the recommendation that the Foster Parenting Program be transferred to the newly established Office of Youth Services. The last area concerns the proposed expansion of the role of the Foster Parenting Program as a principle non-institutional resource.

We thank you for the opportunity to respond to the study. You have our commitment to fully cooperate with all departments and agencies involved in order to meet the goal of improving our foster care system and services to children in foster care. Please call me at local 8434 or Ms. Donnelly at local 2001 should you have any further questions.

JUDICIARY FOSTER PARENTING PROGRAM RESPONSE TO
"THE STUDY OF FOSTER CARE IN HAWAII"

Issue #1:

"...LITTLE OR NO COORDINATION AMONG THE FOSTER CARE PROVIDERS AND A GOOD DEAL OF COMPETITION FOR RESOURCES, PARTICULARLY FOSTER FAMILY HOMES." (page i)

It should be pointed out that there is and has been coordination among the foster care providers in the following ways:

- THE FOSTER PARENTS SUPPORT GROUP- representatives from foster care agencies, the Hawaii State Foster Parents Association and the Office of Children and Youth has provided:
 - joint recruitment of foster parents
 - coordination of foster parents training
 - provision of foster parent training for foster parents from all agencies
 - involvement in legislation relating to foster care
- THE JUVENILES IN PLACEMENT COMMITTEE- representatives from agencies providing foster care, shelter, group homes, treatment facilities, Office of Children and Youth, the Attorney General's Office:
 - shares information relating to out-of-home care programs and to youth in general
 - is involved in legislation relating to youth and out-of-home care
- THE HAWAII STATE FOSTER PARENTS ASSOCIATION- foster parents and agency representatives from agencies involved in foster care:
 - involvement in legislation relating to foster care
 - fund raising and development of programs needed by foster children and foster parents
 - obtaining needed resources for foster children and foster parents
- INFORMAL COORDINATION BETWEEN AGENCY STAFF-
 - referral and sharing of foster parent applicants
 - borrowing and lending of foster homes between agencies

What is needed to further enhance coordinated efforts among agencies is a centralized information system about children needing foster homes as well as, children in out-of-home care. Such a data base system would be an important tool in the monitoring and tracking of children at-risk for, and those in placement.

More inter-agency coordination is needed in the areas of recruitment and training. Difficulties in coordination include:

- Differences in the amount of payments, payment policies and services to foster parents and foster youths make sharing of foster homes difficult.
- Procedures for lending and borrowing of foster homes are confusing and difficult because of the lack of an agreed upon policy between agencies relating to policies and procedures for lending and borrowing of foster homes.

Increased coordination in recruiting and training of foster families would be beneficial. As different agencies have widely varying budgets for recruitment, those with fewer resources are less able to recruit foster parents. A centralized recruitment budget would help promote more equitable distribution of foster care resources among the agencies needing foster care. Centralized recruitment efforts would also be beneficial in engaging more cooperation from the media, community groups and targeted populations. At the current time, with many agencies asking for help at the same time from the media and others, the resources are being overwhelmed, and contributing to an atmosphere of competition as pointed out in the study. The necessity for targeted recruitment efforts is especially critical in finding foster families for teenagers and difficult-to-place children. Most foster families, if given a choice, would choose to take on younger and easier to manage children, a problem DHS is currently experiencing.

The training of foster parents also varies greatly from agency to agency, depending on budgets, time and knowledge of staff, and the opportunity to use training money to send foster parents to training outside of the agency. For example, one state agency has contracted for training of foster parents in the past but has limited it to only foster parents in its agency. Other state and private agencies often open up their training to foster parents from other agencies. However, the responsibility of informing foster parents of such training is left to the respective agencies where consistency of follow through has been lacking. There is also much training offered in the community relating to parenting and foster parenting. Again, the problem is that its availability is often not communicated to the foster parents, and/or agencies may not have the resources to pay for such training. Staff time and effort would be saved with coordination of training because of the universal problem of getting foster parents to attend. If training were centralized, the combined resources could be used to increase the training opportunities for foster parents. Centralized foster parent training could also be duplicated in different geographic areas as well as on the neighbor islands for the convenience of the foster parents.

Issue #2:

"THE DEPARTMENT OF HUMAN SERVICES SHOULD INSTITUTE CONTROLS OVER WHO ENTERS FOSTER CARE THROUGH THE LICENSED AGENCIES, HOW LONG THEY STAY IN CARE AND WHAT THEIR PROGRAMS OR SERVICES SHOULD BE." (page i)

The current licensing state agency has difficulty meeting their own department's foster care needs. More staff resources and an information network would need to be established if the department is to assume this function. The idea of centralized control is important for system accountability. However, the controlling agency must first work with existing public and private agencies in developing a record-keeping standard and systemwide guidelines for foster care screening, removal and placement, pre- and post-placement case planning, support services, placement review and termination of placement.

Issue #3:

"... IT (the report) RECOMMENDS THAT THE FAMILY COURT FOSTER CARE PROGRAM BE PLACED UNDER THE JURISDICTION OF THE OFFICE OF YOUTH SERVICES. EVENTUALLY THE STATE MAY CONSIDER CONSOLIDATING ALL FOSTER CARE PROGRAMS UNDER ONE AGENCY." (page ii)

The recommendation that the Family Court foster care program be placed in the Office of Youth Services (OYS) may be premature. Its primary mission, role and responsibilities in the area of foster care has yet to be defined. If the Office of Youth Services will be providing out-of-home placement services, including foster care, will the same level of commitment and priority to providing foster care services for youths under the jurisdiction of the Family Court be assured? The Foster Parenting Program was developed because of the lack of foster care services for youths--especially for law violating and status offending youths--through the Department of Human Services or any other agency.

These difficult-to-place youths require targeted efforts and focused attention if the foster care needs of the Family Court are to be addressed. An organizational transfer of the foster care services to another agency outside of the Judiciary is not as great a concern as the assurances of continued services in the implementation of any foster care service plan for the affected agencies--including the courts. If consolidation of foster care programs under one agency is proposed, would the various agencies needing foster care for their clientele be assured of adequate placement resources? Under what agency would the consolidation occur? If under an existing agency, what assurance would there be that current problems would not be perpetuated?

NOTE: The Foster Parenting Program in the Judiciary is administratively separate from the Family Court.

Issue #4:

THE ROLE OF THE FAMILY COURT FOSTER CARE PROGRAM (FOSTER PARENTING PROGRAM) AS THE PRINCIPLE NON-INSTITUTIONAL RESOURCE (FOR INSTITUTIONALIZED JUVENILE OFFENDERS) AND THE CONSOLIDATION OF THE FOSTER PARENTING PROGRAMS ON ALL ISLANDS UNDER ONE ADMINISTRATION. (page 66)

Concerns:

- If the Foster Parenting Program is to be responsible for providing placement resources for youths in addition to the youths under court jurisdiction for which it is currently responsible, more staff will be needed on all islands.

- If the Foster Parenting Program is to be administered under the Office of Youth Services statewide, additional staff will especially be needed for Maui and Kauai as the Foster Parenting Programs on these islands are coordinated by a staff person with multiple program responsibilities.