

**Annual Child Welfare Law Update Conference 2022**  
**Additional Audience Questions and Speaker Responses**

**Francis O'Brien, Counsel for Intervenor:** What term do you propose we use instead of "placement?"

Home; family: anything that does not objectify the child.

**Erin Torres, Deputy Attorney General:** Do you have tips for child welfare social workers regarding demeanor/attitude in court and during trial? For example, what to say or not to say, what to wear/not to wear, when to speak, who to address comments/questions/testimony?

The CWS social worker's demeanor and appearance should always be calm, respectful, and professional. Remember that you are appearing at court as the official representative of the DHS, CWS. When giving testimony, you should only answer questions that are directed to you. If you are asked a question and there is an objection, wait for the court to rule on the objection. Only answer the question if the objection is overruled. If the objection is sustained, you will be asked a different question. If you do not understand a question, ask that it be repeated or rephrased. If you have an urgent comment/question/concern during a hearing or trial, bring it to the attention of the DAG, keeping in mind that the DAG also has an obligation to pay attention to the ongoing proceedings. In that situation, it may be best for you to write a short note to the DAG. If you need help understanding court procedures and rules, contact my office.

**Dr. Kurt Humphrey, Department of Health:** How can child welfare partner better with CAMHD to get children in foster care to become more easily eligible for CAMHD services? It's very hard to get them eligible now. Given the trauma all children in foster care have experienced, could we make them all automatically eligible?

Regarding this question asking about making all CWS foster youth CAMHD eligible: Thank you for this excellent question. This is not the first time this idea has come up and we have given serious consideration to taking the stance that all youth in CWS foster care should be made CAMHD eligible. At this time, we have determined that it is best not to change eligibility criteria in this way. Unfortunately, the eligibility process, cumbersome as it may be sometimes, is actually very important for establishing the presence of a diagnosed mental health condition, comorbid medical and psychiatric conditions, social and psychological factors influencing that condition, and it helps to guide important treatment decisions about types of care and care settings needed to achieve treatment goals. It's important that we know what we are treating and why and not assume there is pathology present when there is none. So we have decided to keep the eligibility process intact for all CWS foster youth.

**Tonia Mahi, Child Welfare Services: Could you please highlight one or two child welfare proud accomplishments from the past year? What went really well?**

Despite significant challenges related to staff capacity, CWS has met, or exceeded, nine of ten data goals related to child safety, permanency, and well-being items during its Child and Family Services Review (CFSR) Program Improvement Plan (PIP). As part of the PIP, CWS staff and its partners developed and completed strategies/interventions to support improved outcomes for children and families, including procedure clarifications and revisions, staff and partner training, supervision enhancement, and CWS collaborations.

Family First Hawaii rolled out in October 1, 2021 and besides rolling out two evidence based interventions which involved training staff and service providers along with the roll out of a web-based Family Services Plan we have created a Lived Experience Advisory Group consisting of birth parents formerly served by CWS to provide feedback on how to improve our system which is exciting because now not only do foster youth have a voice in improving the system but parents now do, too.

**Fern Yoshida, Department of Education:**

**1. Could you discuss some of the challenges and some of the successes with partnering with child welfare regarding educational stability?**

The primary success in partnering with CWS has been the decreased incidences of the common barriers to educational stability that were commonly encountered in the past when children moved placement in foster care. When schools or social workers do come across any barriers in school placement, transportation planning, or immediate enrollment, they reach out to request assistance. The DOE and CWS state points of contact quickly work together to overcome those barriers on a case-by-case basis. The only challenge we face is still not having an agreement for formal data sharing and procedural guidance. But progress is being made and we hope to have those agreements formalized soon.

**2. How will you support children who need face to face in-person services?**

The Hawaii DOE's primary method of delivering education and support services to students remains face-to-face and in-person. Schools provide a multi-tiered system of support that includes mental health services on school campuses with referrals for any services that may not be available on campus.

**Judge Jessi L.K. Hall:**

- 1. If a foster child talks to the judge and there is a safety concern that arises during that meeting, what do judges do? Do youth know that the DHS is required to provide information to the court before the meeting.**

Either the social worker or the GAL is part of the meeting. As mandatory reporters, we would report the concern to DHS and the GAL, whoever was not in attendance. I am not sure what information DHS is required to provide. If it is the Safe Family Home report, usually the youth is aware that reports are received.

- 2. Can an advocate attend with youth?**

Either the social worker or the GAL is in attendance.

- 3. What kind of things are youth most concerned about when they meet with the judge? What issues comes up most?**

Most youth are just nervous about meeting the judge. Often youth want to know when they will be able to go home, or they want to share where they want to live.

- 4. Who is providing the child abuse training to the family court judges? Is Child Welfare Services involved?**

The CANI training is for family court judges only and organized by the National Council of Juvenile and Family Court Judges (“NCJFCJ”). DHS is not involved with this training.

- 5. Re: Act 290 on room confinement, does that only apply to youth who are detained or incarcerated? Does it speak to DHS resource homes, like foster parents should also not use room confinement or “grounding” of children in foster care?**

Act 290 is for detained youth, it does not apply to RCG homes.

**Karlan Osorio, Child Welfare Services:**

- 1. How to encourage safety for youth who feel unsafe with parents?**

Without any context, I will assume this is a youth who has CWS involvement in some fashion, but still feels unsafe. The most important thing for the youth to do is communicate their concerns to their social worker. This will enable the SW to present the concerns to the court, as well as safety plan with both parents and youth. The youth can then help contribute to the plan and what steps would be needed to ensure they feel safe in the environment (on the event there are no safety factors present that cannot be safety planned around).

**2. How to work with young children who are susceptible to influence and to ensure they are speaking the truth?**

DHS social workers utilize their monthly worker visits to both develop trust and rapport with the children, as well as spend time with them in different venues, to include meeting with them alone, outside of the resource home, in the resource home, and in various other community settings. Many social workers have also been trained in forensic interviewing techniques which assist the social workers in asking non-leading questions while gathering as much information as possible regarding the statements the children are making. Individual therapists and other service providers also engage with the children so there are many opportunities for the children to be heard and encourage them to share what really happened.

**3. How do you protect the youth from cantankerous court hearings?**

Again, this goes back to the social workers having discussions with the youth and prepping them about the possibility of difficult conversations being had during the hearing. The social worker can plan with the youth what actions can be taken if they are struggling, such as leave the hearing or choosing to wait outside. It is an opportunity for the youth to be aware of what is happening in their life as well as have some control of how they choose to respond to the situations occurring around them.

**Melissa Mayo and Anastasia Neumann, HI H.O.P.E.S Board Members:**

**1. How to encourage safety for youth who feel unsafe with parents?**

Children who feel unsafe with their parents but still want to be a part of their case or speak to the judge can meet with the judge separately on another day or another time where they don't interact with parents in person. Perhaps being separated in the courthouse so they don't see one another if they are there during the same timeframe.

**2. How to work with young children who are susceptible to influence and to ensure they are speaking the truth?**

- A child can have a supporter/advocate for them to write things down to present to the court in a safe setting while not being influenced by others who may pressure them to do so.
- Don't automatically assume that something might not be the truth. If they are "covering something up", to dig deeper or gather more info from others to understand what the fears/concerns actually are and why the young child is not comfortable sharing the whole truth or why it is important for them to feel they need to protect someone they care about.
- Providing appropriate emotional and mental health supports.

### **3. How do you protect the youth from cantankerous court hearings?**

- Provide the option to meet with a judge at another date or time.
- Escort the young person/s out of the room if the environment is very negative or unsafe.
- Provide an opportunity for them to share their voice even if something goes wrong during the hearing (ex: written, meeting separately with judge, conveying wishes/thoughts to GAL/CASA, attorney).
- If youth is older (teenager) and witnesses a more adversarial interaction in the courtroom, allow them the option to stay and listen or wait outside so they have a sense of control unless the situation is actually physically unsafe. They know and can handle more than adults think.