



**Representative
MICHAEL Y. MAGAOAY**
State Capitol, Room 432
Honolulu, HI 96813

2009 LEGISLATIVE UPDATE OCTOBER 2009

Caring for Our Keiki and Kupuna

Dear Friends and Neighbors:

I am pleased to share with you one of the accomplishments of the 25th Legislature. Despite the formidable challenges posed by the current economy, the work of the Legislature and the people of Hawaii during this past session resulted in legislation that responds to the people's needs, including measures protecting our health care.

In this issue, are questions and answers commonly asked regarding our health care system, affecting many of us in these tough economic times. I hope that this issue on [Caring for our Keiki and Kupuna](#) will answer some of your questions.

Please keep in touch with me about your concerns. Feel free to send me an e-mail at repmagaoay@capitol.hawaii.gov, fax me at 586-6381 or call me at 586-6380. Your participation in the democratic process is essential, if we are to continue to produce good laws and make our government work for the people. I look forward to working with you in the future, and thank you for the privilege of serving you in the House of Representatives.

Sincerely,

Michael Y. Magaoay
Vice Speaker

Preventing Child Abuse and Neglect

Q: The Healthy Start Program helps to prevent child abuse and neglect. Did the Governor cut this program from the budget because of the State's budget deficit?

A: Healthy Start was entirely cut from the Executive Budget that the Governor proposed for the next two fiscal years. However, to maintain the crucial services provided by this program, the legislature passed a balanced budget that included funds for Healthy Start. (Act 162, SLH 2009)

Q: How does Healthy Start work?

A: It's a voluntary program designed to prevent child abuse and neglect during the critical, formative years of early childhood, from birth to three years of age. Program providers try to screen every woman who gives birth in the state for child abuse risk factors. At-risk new mothers are offered home visits to improve parenting and problem-solving skills.

A key feature of the program is the presence of a child advocate in the home, who can mentor parents and catch the early signs of abuse, neglect, and threatened harm, before the incidents escalate or become chronic.

Q: How many people does the program serve?

A: The 25-year-old program serves about 4,000 families a year. About half of the families drop out of the program within the first year, and about 20% stay longer than two years.

Q: Has Healthy Start been successful?

A: It has been very successful. Of those who stay in the program longer than a year, 99% have NO reports of child abuse. Hawaii's Healthy Start is a model for similar programs nationally.

Q: With the Governor's cut, How much will Healthy Start receive for the coming year?

A: About \$1.5 million in federal TANF money. The cut will close down Healthy Start programs statewide. Only two programs will remain. In connection with program cuts this year, some of the nonprofit organizations providing Healthy Start services have already laid off 112 employees.

Fortunately, the appropriations for Enhanced Healthy Start will not be affected.

Q: What is Enhanced Healthy Start?

A: The primary difference between Enhanced Healthy Start and Healthy Start is in the families served by the programs.

Healthy Start families cannot be involved with Child Welfare Services (CWS), the state agency that investigates reports of child abuse or neglect. Healthy Start, unlike Enhanced Healthy Start, is a purely voluntary program administered by the Department of Health (DOH).

Enhanced Health Start is administered by the Department of Human Services (DHS). Program participants must have become involved with CWS through a report of child abuse or neglect. They are referred to Enhanced Healthy Start by CWS, or by the Voluntary Case Management Program, which provides services to help families at moderate risk for child abuse or neglect, avoid becoming further involved in the CWS system.

Protecting Children from Abuse or Neglect

Q: I've heard that cases of domestic abuse are rising because of the stress caused by the bad economy. How do we protect children from an abusive family home?

A: That is the mission of the CWS. The program investigates reports of child abuse or neglect, and to ensure the safety of the child, may recommend placement of the child in out-of-home care, which includes temporary foster care and temporary guardianship.

CWS also identifies the services the family needs, and the steps that the family must take to provide a safe family home for the child. When a child cannot be safely returned to the family within a reasonable time, CWS proceeds with permanent placement of the child through adoption, legal guardianship, or other long-term care alternatives.

Improving Temporary Guardianships

Q: *There are two types of out-of-home care for children—foster care and temporary guardianships. What’s the difference?*

A: Foster care is temporary out-of-home care, a short-term alternative on the way toward determining a permanent placement for the child. The permanent placement can be reunification with the family, adoption, or a permanent guardianship. A guardian is a person appointed by a court to be legally responsible for another person or their property or both.

Temporary guardianship may be ordered by the court in some situations, such as when a parent is ill or will be out of state for an extended period of time. This year the Legislature extended the authorized length of a temporary guardianship to one year. (Act 6, SLH 2009)

Protecting the Elderly

Q: *In our difficult economy, are more of our kupunas becoming victims of financial exploitations?*

A: Unfortunately yes. But a new law passed by the 2008 Legislature will help to protect them (Act 154, 2008). The new law, which took effect on July 1, 2009, improves Hawaii’s Adult Protective Services Act. The Act protects the elderly and disabled from abuse, including physical, psychological, sexual abuse, financial exploitation, caregiver neglect and self-neglect.

Q: *Who is a vulnerable adult?*

A: Vulnerable adults are persons who because of mental, developmental, or physical impairment are unable to: Communicate or make responsible decisions about their own care or resources; Carry out or arrange for essential activities of daily living; or Protect themselves from abuse.

If you believe that a vulnerable adult is suffering from abuse, including financial exploitation, report the abuse to DHS. The new law will allow DHS to investigate the situation and if necessary, obtain an order of protection from the courts.

Supporting Family Caregivers

Hawaii leads the nation in longevity. Nationally, between 1990 and 2007, the number of elderly aged 57 and older increased 42%. In Hawaii during the same time, the same group increased 113%. By 2020, one of every four individuals in Hawaii will be 60 or older.

Q: *Would more health care and caregivers be needed for the elderly in the near future?*

A: Yes. Age is the single most important factor in understanding the need for health care. There is a clear relationship between age and the prevalence of chronic conditions, and the elderly are the likeliest users of health care resources.

Q: *Despite the economy, was the 2009 Legislature able to do anything to address this need?*

A: Yes. The Legislature passed a law supporting family caregivers.

It allows individuals to receive unemployment benefits if they leave employment for a compelling family reason, including the need to care for a family member because of illness or disability. Act 171, 2009.

Other compelling family reasons include the need to escape domestic or sexual violence and the need to move to a place where it would be impractical to commute to work because of a change in a spouse's employment.

Licensing Home Care Agencies

Q: Are there any businesses that provide health and other kinds of care for elderly people who would want to receive care in their own homes for a fee?

A: Home care businesses provide health care and other services in the client's own home and are an expanding part of the health care market. Home care encompasses a broad range of services including private-duty nursing, rehabilitation therapy, social, personal care and companion services.

Q: Is home care an insurance benefit?

A: Home care is not a routine benefit of health insurance plans and is usually purchased directly by clients or their families with personal funds.

Q: Does anyone but the client or the client's family oversee home care providers to make sure they are competent or ethical?

A: Home care providers are not regulated by the government, but they should be, not only because of the services these business provide but also because they provide these services in the client's home, to a client who may be physically or mentally disabled. Government regulation would ensure that the provider has the necessary skills and training to provide home care, and would allow us to screen necessary skills and training to provide home care, and would allow us to screen for providers that have criminal records indicating that they cannot be trusted.

To protect consumers of home care services, the Legislature this year required home care providers to be licensed by the Department of Health. (Act 21 SSLH 2009) The department must adopt rules to protect the health, safety, and civil rights of home care clients through licensing. The law will sunset on June 30, 2014, to allow the Legislature to evaluate the licensing program and make any needed changes.

***Contact Representative
Michael Magaoay***

**State Capitol, Room 432
Honolulu, HI 96813**

586-6380 (Office) 586-6381 (Fax)

repmagaoay@capitol.hawaii.gov

**Legislative Website:
www.capitol.hawaii.gov**