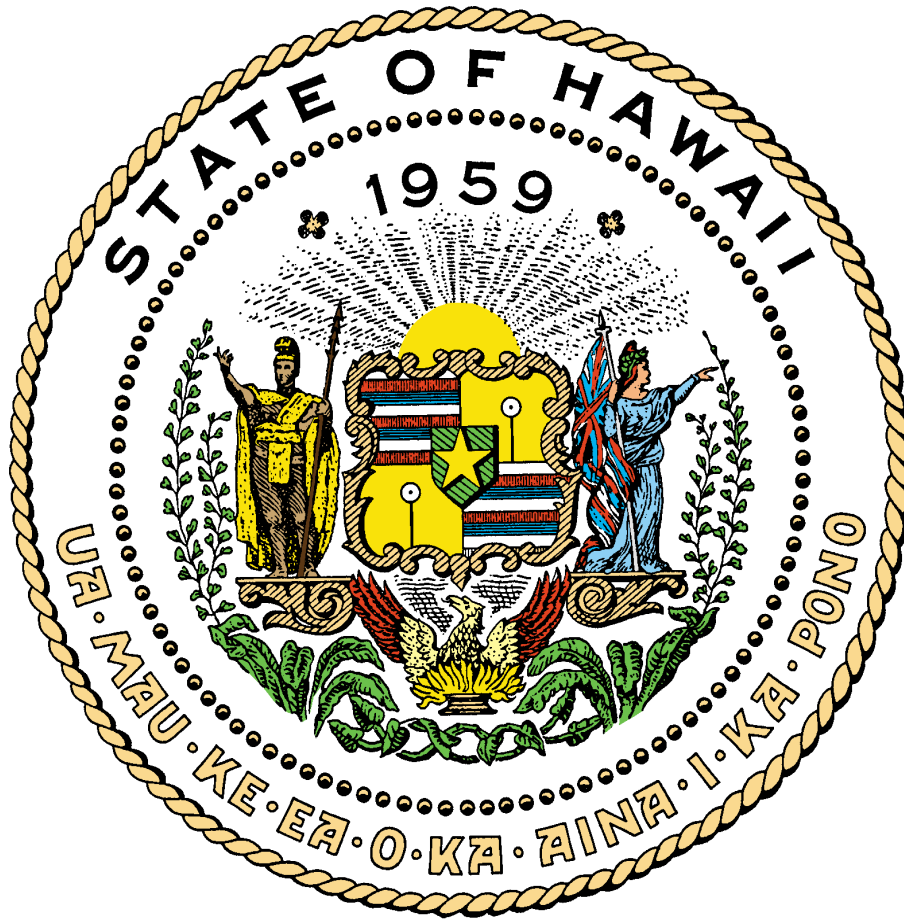
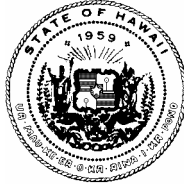


# A GUIDE TO CHILD WELFARE SERVICES



State of Hawaii  
Department of Human Services  
Social Services Division  
Child Welfare Services Branch

NEIL ABERCROMBIE  
GOVERNOR



PATRICIA McMANAMAN  
DIRECTOR

BARBARA A. YAMASHITA  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

January 2013

Aloha,

The principal goals of the Child Welfare Services Branch are to maintain: 1) Child safety; 2) Child well-being; and 3) Children in a long-term stable home with stable relationships.

The Child Welfare Services Branch (CWSB) developed the *Guide to Child Welfare Services* to better serve you and your family, and to answer common questions about Branch operations and staff responsibilities.

The CWSB staff is committed to strengthening families, keeping children with their birth families, and supporting parents to provide a safe, stable, and nurturing family home. However, if it is necessary to remove your child from the family home to ensure safety, staff will make every reasonable effort to locate absent parents, to search for both maternal and paternal relatives. Staff also will search for siblings/half-siblings, kin, and family friends for possible foster placement and connections, and try to keep your child in the same school/community.

When a child cannot be safely returned to the family home within a reasonable time frame, as defined by State and federal laws, CWSB case managers must finalize a permanent placement for your child. This can include adoption or legal guardianship. Permanent placement with relatives is the CWSB's first priority for all foster children in this situation.

The CWSB staff hopes this guide is helpful to Hawaii families. If you have further questions, please contact your child's social worker.

Patricia McManaman  
DHS Director

## **TABLE OF CONTENTS**

What is Child Welfare Services and What does the Child Welfare Services Branch do?	3
What is the Definition of Child Abuse and Neglect?	3
How does CWS Receive a Report of Child Abuse and Neglect?	3
Can I find out who filed the Report?	3
What happens during an Assessment?	4
Does the CWS social worker have a Right to enter my Home?	4
Can the CWS social worker Interview my Child without my Consent?	4
What are my rights during the CWS Assessment?	4
What is an Advocate?	4
Will the Police get Involved?	4
Will my Child get Taken Away from Me?	5
What happens after my Child is released to the temporary Foster Custody of CWS	5
What happens if CWS determines my Home Not Safe and my child must remain in Foster Custody?	5
Does Foster Custody mean my child is in Foster Care Placement?	5
Which CWS Programs and Services will help My Family?	6
What is a Case Plan?	6
What can I do if I disagree with the CWS Assessment?	6
How can I be sure that CWS records contain my comments and suggested corrections?	7
Can I get my name Removed from the CWS Database?	7
Do I need a Lawyer?	7
What is a Family Court Hearing?	7
How does CWS protect my Child's Rights?	8
What if I do not agree with the Family Court Order?	8
How does "Termination of Parental Rights" Impact Me?	8
Can I get my child back after losing my Parental Rights?	8

Can I visit my child after losing my Parental Rights?	9
How can I get more information?	9
Glossary of Terms	10

**Appendices** (These documents also are posted on the website)

1) Bilingual or Sign Interpreter Services	11
2) Administrative Hearing Information	12
3) Administration Hearing Application	15

## **What is Child Welfare Services? What does the Child Welfare Services Branch do?**

The Department of Human Services (DHS), Child Welfare Services (CWS) Branch, has a long history of supporting and protecting families, and working within the child care system. The CWS provides services to children and their families when the children are reported to have been abused and/or neglected, or to be at risk for abuse and/or neglect. These services include child protection, family support, foster care, adoption, independent living, and licensing of resource family homes, group homes, and child placement organizations.

The mission of the Child Welfare Services Branch (CWSB) is to ensure the safety and permanency of children in their own homes or, when necessary, in out-of-home placements. When a child cannot be safely returned to the family home within a reasonable time frame, the CWSB proceeds with a permanent placement for the child through adoption, legal guardianship, or other long-term substitute care. The Child Welfare Services Branch maintains offices on the islands of Oahu, Hawaii, Kauai, Maui, Molokai, and Lanai.

## **What is the Definition of Child Abuse or Neglect?**

Child abuse and neglect is described as harm, risk for child abuse and neglect, or threatened harm to a child. Child abuse or neglect also includes physical abuse or neglect, medical neglect, psychological abuse or neglect, inadequate care and supervision, sex abuse, or giving a child illegal drugs. The law requires parents to provide their children with a safe family home, free from child abuse and/or neglect.

Refer to the [Hawaii Revised Statutes \(HRS\) Chapter 587A](#), which defines child abuse and neglect in more detail.

## **How does CWS receive a report of abuse or neglect?**

Any person who believes that a child has been or may be abused and/or neglected can report their concerns to CWS or the local police department. The law requires certain individuals to report child abuse and/or neglect. These mandated reporters include doctors, nurses, people in other health-related professionals; employees or officers of schools; employees in social, medical, hospital, or mental health services, including financial assistance; employees or officers of any law enforcement agency; and individual providers or employees or officers of any child care facility.

Mandated reporters who knowingly fail to report abuse or neglect, or knowingly fail to provide additional information, or who prevent another person from reporting such an incident, shall be guilty of a petty misdemeanor. A person who has been convicted of a petty misdemeanor may be fined or sentenced to imprisonment for a definite term as determined by the court. For more information on mandated reporters, refer to [HRS Chapter 350](#).

## **Can I find out who filed the report?**

The CWSB does not identify individuals who file alleged child abuse and neglect reports. According to [HRS Chapter 350-1.4 \(b\)](#), staff must make every reasonable, good-faith effort to maintain the confidentiality of the individual who makes a child abuse report. The name of the individual may only be released if the individual agrees, or by court order.

## What happens during the assessment?

A CWS social worker is assigned to assess the report and to determine if the child has been abused or neglected and/or is at imminent risk of abuse or neglect. The social worker will gather as much information as possible by talking to you, the child, other family members, and if necessary, others in the community including neighbors, school administrators, and pediatricians. Determination of the report as confirmed, not confirmed, or unsubstantiated, must be made within 60 days of the report being accepted for assessment.

## Does the CWS social worker have a right to come to my home?

CWS is required by law ([HRS Chapter 350](#), [HRS Chapter 587A](#)) to take immediate appropriate action on all reports of child abuse and neglect. To do this as fairly and thoroughly, the CWS social worker must talk to you and your family. He or she may need to come to your home. The CWS social worker also may need to talk to teachers, doctors, relatives or neighbors to complete the assessment.

## Can the CWS social worker interview my child without my consent?

Yes. [HRS Chapter 587A-11 \(2\)](#) allows the CWS social worker to interview the child without the presence or prior approval of the child's family or guardian.

## What are my rights during the CWS assessment?

You have a right:

- To know the allegations of child abuse and/or neglect
- To know if the report of child abuse and/or neglect is confirmed, unconfirmed or unsubstantiated
- To know what action, if any, CWS will take
- To hire an attorney
- To have an advocate

## What is an Advocate?

An advocate is a relative, a friend, or someone from your community, whose support you want during your involvement with CWS. The advocate does not need to be an attorney. You have the right to ask CWS to invite your advocate to participate in your CWS case. If your case goes to Family Court, you also have the right to ask the Family Court to invite your advocate to participate in the court's proceedings.

## Will the police get involved?

Child abuse and neglect reports are made to CWS or to the police department. CWS forwards all reports to the police, who then determine if they will conduct a criminal investigation. The police department may investigate with the CWS social worker or conduct its own investigation.

## **Will my child be taken away from me?**

If law enforcement determines a child is unsafe in the family home, an officer will remove the child and release them to the temporary custody of CWS for foster care placement.

Law enforcement officers are the only ones with the legal authority to remove a child from his/her family home. CWS does not possess this authority.

## **What happens after my child is released to the temporary foster custody of CWS?**

Immediately after a child is removed from his/her family home and placed in the temporary custody of CWS, caseworkers have three working days to assess the safety of your home. If CWS determines your home is safe, your child will be returned to you by the third working day. For more information refer to *“What happens during the assessment?”*

## **What happens if CWS determines my home is not safe and that my child must remain in foster custody?**

Foster custody is a legal status defined by HRS [Chapter 587A-4](#), and means that with the agreement of the legal custodian, a child is placed outside of the family home. Foster custody also can be assigned if the court determines the child’s family is not presently willing and/or able to provide the child with a safe home, even with the assistance of a service plan. For more information refer to *“What is a case plan?”*

CWS may ask parents to sign a Voluntary Foster Custody Agreement that allows their child to remain in foster custody. During that same period CWS works with the parents to identify services needed to make the home environment safe for the child’s return. Parents who sign the Voluntary Foster Custody Agreement have the right to verbally cancel or terminate the agreement, and to ask for their child to be returned. CWS must either return your child to you, or seek law enforcement intervention to ensure the child remains in CWS custody.

CWS also may file a temporary foster custody petition with Family Court. Once a petition is filed in Family Court, a hearing will be scheduled within two (2) working days following the date the temporary foster custody petition is filed.

## **Does foster custody mean my child is in foster care placement?**

Yes. The primary goal of CWS is to maintain the child safely in the family home. When this is not possible, your child will be placed in foster care. CWS staff will make every effort to place your child with your relatives or family friends, who are able to meet foster home licensing requirements as foster parents for the child. You will be permitted to visit with your child, unless CWS and/or Family Court determine that visitation is not in your child's best interest. In this case, you would be asked to provide names of individuals who can help transport the children or supervise the visits.

## Which CWS Programs and Services will help Me and My Family?

CWS provides services and referrals to help strengthen families. They include:

- Family Conference or ‘Ohana Conference
- Parenting education
- Support groups
- Individual, marital, or family counseling
- Mental health services through a Department of Health partnership
- Substance abuse treatment
- In-home support and outreach
- Child care
- Emergency help with food, clothing, or rental deposit
- Domestic Violence treatment services
- Child Development Assessments
- Foster care

Your CWS social worker can provide you with a list of available resources in your area. The CWS makes every reasonable effort to secure the services that you and your family need.

## What is a case plan?

When services are needed, you and CWS will develop a case plan (like a road map) that identifies services to help your family create a safe home environment for your child. Case plans are made with your input and include:

- Goals to be accomplished and why;
- Services you and your family need;
- How and by whom services are to be given;
- Your responsibilities as well as CWS, and others (e.g., foster parents) participating in the case plan;
- A manageable timeline to complete the goals; and
- Consequences if the services are not completed or the goals are not achieved.

## What if I disagree with the CWS assessment?

If your case is not involved with Family Court, you can request to speak with the social worker’s supervisor or administrator, and you can also request an Administrative Hearing. A sample Administrative Hearing Request Form is Appendix 2 at the back of this Guide.

If your case is involved with Family Court, you can share your concerns with the court



## How can I make sure that CWS records include my comments or suggested corrections?

The CWSB encourages you to submit your comments or corrections in writing. Your written documentation will be included in the CWS record. If your case is involved with Family Court, the CWSB also encourages you to submit your written documentation to the court.

## Can I get my name removed from the CWS database?

HRS Chapter 350-2 (d) permits the CWSB to maintain a database of reported child abuse or neglect cases; with the understanding the data will assist in future risk and safety assessments. If CWS confirms child abuse or neglect, the record may appear on an employment background check, or when applying for work as a resource caregiver or a childcare provider.

Names can be removed under certain circumstances. HRS Chapter 350-2 (d) requires the CWSB to remove or expunge your name from the database, if 1) the child abuse report is unsubstantiated (found to be frivolous or made in bad faith), or 2) if the Family Court dismissed the Department's petition arising from the child abuse report.

If CWS does not confirm child abuse or neglect, the information is entered into the Department's database to help with future risk and safety assessments. The report will not appear in employment background checks, or when applying for work as a resource caregiver or a childcare provider.

## Do I need a lawyer?

You have the right to consult a lawyer on your own at any time during CWS' involvement with your family. You are responsible for all associated fees.

- If your case goes to Family Court, the CWSB encourages you to fill out the Family Court's application for a lawyer. The Family Court will decide if you are eligible for a court-appointed attorney. Otherwise, you may hire and pay for your own attorney.
- If you have an advocate, you have the right to ask CWS to invite them to participate in your CWS case. If your case goes to Family Court, you have the right to ask the Family Court for permission to have your advocate participate in the court proceeding.

## What is a Family Court hearing?

CWS submits a petition to the Family Court when caseworkers determine a family cannot or will not do what is necessary to ensure the safety of a child. A hearing before a judge determines if there is sufficient reason for the State to intervene on your child's behalf. The CWS case worker will inform you when a petition is filed with Family Court. Family Court will provide the forms needed to apply for a court-appointed attorney.

## How does CWS protect my Child's Rights?

If a Family Court proceeding is required, the child will be appointed a guardian ad litem (GAL) or Court Appointed Special Advocate (CASA) to protect your child's interests during the legal proceedings.

## What if I do not agree with the Family Court's order?

**Please review this simplified version of the appeal process. It is not intended as legal advice. If you decide to appeal a court's decision, the CWSB strongly recommends that you consult an attorney to assist you with the process.**

- If you disagree with the Family Court's order and you want to appeal it, you **MUST** file a "Motion for Reconsideration" within 20 calendar days from the date of the court's order. **Calendar days include weekends and holidays.**
- If the Family Court denies the "Motion for Reconsideration" and you want to appeal further, you **MUST** file a "Notice of Appeal" with the Family Court within 30 calendar days from the date of the court's initial order.
- The Intermediate Court of Appeals or the Supreme Court will review your case to determine if the Family Court's order was correct.
- If the Intermediate Court of Appeals decides your case and you disagree with the decision, you have 30 days to file a "writ" (similar to a motion) with the Supreme Court requesting a review of the Intermediate Court of Appeal's decision.
- If the Supreme Court decides your case and you disagree with the decision, a "Motion for Reconsideration" must be filed within 10 calendar days with the Supreme Court.

## What does "termination of parental rights" mean?

The termination of parental rights is a legal decision. It means Family Court determined that despite creating a case plan, you could not provide a safe family home for your child within a reasonable period of time. That timeframe is not to exceed two years from the date your child was first placed in foster custody.

Once your parental rights are terminated, the Family Court places your child under the Department's permanent custody. Your child will be placed in an alternate permanent placement such as adoption or custody of another caretaker.

## Can I get my child back after losing my parental rights?

According to [HRS Chapter 587A-34](#), if your parental rights were terminated, your child has been under the permanent custody of DHS for at least 12 months, and your child has not been adopted or placed in the permanent custody of another caretaker, the DHS or the child's guardian ad litem can file a Motion to reinstate your parental rights. You must show DHS and the Family Court that you have made extraordinary changes in your life and are now ready to assume care of your child. The Court will review your Motion to decide if you are ready to care for your child.

## Can I visit my child after losing my parental rights?

The Department strongly supports maintaining permanent connections with birth parents. However, if your child has been adopted or placed in the permanent custody of another caregiver, the child's caregiver has the right to decide if you can visit with your child.

According to [HRS Chapter 587A-33 \(5\)\(d\)](#), if your child has not been adopted or placed in the permanent custody of another caregiver, you may be allowed to visit your child only if DHS, the child's guardian ad litem, and the Family Court determine the visit is in your child's best interest. You may contact the Department to request contact with your child.

## How can I get more information?

Your assigned CWS social worker is the best person to contact for more information about your casework, and to answer any remaining questions.

You also can visit the [Department of Human Services](#) website to review [Hawaii Administrative Rule \(HAR\) 17-1610](#), which pertains to CWS. Hawaii Revised Statutes (HRS) [Chapter 350](#) and [Chapter 587A](#) pertain to child abuse and neglect. Click on these links or view the Statutes in the reference section of your state library.

The statewide toll-free **Child Abuse and Neglect Reporting Hotline is 1-800-494-3991**. (On Oahu, call **832-5300**.) The Hotline is staffed 24 hours a day, seven days a week, 365 days a year.

## Glossary of Terms

**Advocate** – A person who supports you during your involvement with CWS

**Assessment** – A report that requires a social worker to gather information about you and your family by talking to you, your children and other family members. The CWS has 60 days to decide if the report is accepted

**Case Plan** – A roadmap that helps identify services your family needs to provide a safe home for your child. The client and the case manager create the case plan together

**Court Appointed Special Advocate (CASA)** - An individual appointed by the Court to protect the best interest of the child during the legal proceedings

**Database** – An organized collection of data that is related to the situation

**Guardian ad Litem (GAL)** – An individual appointed by the court to protect the best interest of the child during the legal proceedings

**Imminent** – Something that is about to happen; forthcoming

**Motion for Reconsideration** – A document filed with the Courts when you disagree with the Family Court order and want to appeal it

**Notice of Appeal** – A document filed if Family Court denies the Motion for Reconsideration, and you want to appeal further

**Termination of Parental Rights** – This is a legal decision. It means Family Court determined that despite creating a case plan, you could not provide a safe family home for your child within a reasonable period of time. That timeframe is not to exceed two years from the date your child was first placed in foster custody. Once your parental rights are terminated, the Family Court places your child under the permanent custody of the Department of Human Services/CWS. Your child will be placed in an alternate permanent placement such as adoption or custody of another caretaker.

**Writ** – A document filed when if you disagree with the Intermediate Court of Appeals or Supreme Court decision. You must file a writ (similar to a motion) within 30 days of the Court order

<p>This is an important notice from the Department of Human Services (DHS), [program/ office] . Please call XXX-XXXX. When you call, you will be asked what language you speak and your call will be put on hold for an interpreter. You can also call 1-888- 764-7586 for all DHS services.</p>	<p>English</p> 
<p>這是一封從人類服務部 ( DHS ) [program/office] . 發出的重要通知。請致電 XXX - XXXX。打電話時，你將會被詢問你所講的語言需要，然後您的通話將被擱置直至聯絡到翻譯服務。您也可以撥打 1-888 - 764 - 7586 諮詢所有 DHS 的服務。</p>	<p>Cantonese</p> 
<p>Ei auchchean esinesin seni ewe putain Human Services (DHS) (program/office) . Kose mwochen kokkori xxx-xxxx. Fansoun omw kokko, epwe wor epwe eisinuk menni kapas kopwe nounow choon chiaku ren. Ka pwan tongeni kokkori 1-888-764-7586 ren meinisin peekin aninnis seni DHS.</p>	<p>Chuukese</p> 
<p>Ceci est une lettre importante de Department of Human Services (DHS) (program/office) . S'il vous plaît, téléphonez xxx-xxxx. Lorsque vous téléphonez, quelqu'un vas demander a vous demander quelle langue vous parlez, et votre appel sera mis en attente pour un interprète. Vous pouvez aussi téléphoner au 1-888-764-7586 pour tous les services de DHS.</p>	<p>French</p> 
<p>Dies ist eine wichtige Benachrichtigung von der Abteilung Menschlicher Dienste (DHS), [program/office] . Bitte Anruf XXX-XXXX. Wenn Sie rufen, werden Sie gefragt werden, welche Sprache Sie sprechen, und Ihr Anruf wird auf Wartestellung für einen Dolmetscher geschaltet werden. Sie können 1-888-764-7586 für alle DHS Dienste auch rufen..</p>	<p>German</p> 
<p>He ho'olaha ko'iko'i k(e)ia mai ka 'Oihana Lawelawe Kanaka (DHS), [program/office] . E 'olu'olu e kelepona mai i xxx-xxxx. Ke kelepona 'oe, e ninau 'ia ana 'oe he aha kau 'olelo 'oiwi a laila e kalli 'oe a loa'a ke kanaka mahele 'olelo. Hiki pu la 'oe ke kelepona i 1-888-764-7586 no na lawelawe a pau a ka 'Oihana Lawelawe Kanaka (DHS).</p>	<p>Hawaiian</p> 
<p>Daytoy ket importante nga surat nga naggapu iti Department of Human Services (DHS), [program/office] . Pangaasi nga tawagan yo iti xxx-xxxx. Nu umawag kayo, saludsuden da nu anya iti panagsasao yo ket urayan yo nga maiyalfatiw iti tawag yo iti Intepreter. Mabalin kayo nga umawag iti 1-888-764-7586 para kadagiti amin nga serbisyo iti DHS.</p>	<p>Ilocano</p> 
<p>ハワイ州人道的奉仕局 (略称DHS) [program/ office] からの大切な通知です。この番号 XXX-XXXX にお電話された時に、貴方がどの言語を話されているかを聞かれます。通訳に接続されるまでしばらくお待ちください。DHS のどのサービスにも、この電話番号 1-888 - 764 -7586 で対応いたします。</p>	<p>Japanese</p> 
<p>이것은 인간 서비스부 에서 보내는 중요한 편지입니다. (DHS) 이편지에 명시 되어있는 번호로 전화를 하십시오. 전화를 하면 당신이 사용하는 언어를 물어것이고 그언어의 통역인에게 연결 될것입니다. DHS 서비스를 받기위해 1-888-764-7586 으로 전화할수 있습니다. 이것은 인간서비스부에서 보내는 중요한 편지입니다. (program/office) and XXX- XXXX로 전화를 하십시오. 전화를 하면</p>	<p>Korean</p> 
<p>这是一封从人类服务部 ( DHS ) : [计划/办公室] (program/office) 发出的重要信件。请致电 xxx - xxxx . 打电话时，你将会被询问你所讲的语言需要，然后您的通話將被擱置直至聯絡到翻譯服務。您也可以拨打 1-888-764- 7586 咨询所有DHS的服务。</p>	<p>Mandarin</p> 
<p>Kojela in im elap an aurok im ej itok jen ra eo an department of Human Services (DHS), [program/office] ,juoij im call e XXX-XXX. Ne kwoj call, renej kajitok lbbem kain kajin rot eo koj kenono kake im renej likit kwe ilo hold ak kottar non e ri okok eo enej uak. Komaron bareinwot call e lok 1-888-764-7586 non aolepen ra ko ilo DHS services eo.</p>	<p>Marshallese</p> 
<p>O se fa'asilasilaga ta'ua lenei mai le Ofisa o le Human Services (DHS), [program/office] ,Fa'amolemole vala'au mai i le numera xxx-xxxx . A e vilil mai, o le a fesili atu po'o le a le gagana e te mo'omia, ona tu'u sa'o lea o lau telefoni i se tagata e mafai ona fesoasoani ia te oe. E mafai fo'i ona e vala'au i le numera lea, 1-888-764-7586 mo nisi 'au'aunaga mai le Ofisa o le Human Services.</p>	<p>Samoan</p> 
<p>Este es un aviso importante de la Sección de Servicios Humanos (DHS), [program /office] ,Por favor llame XXX-XXXX . Cuando usted llama, usted se preguntará qué idioma usted habla y su llamada se pondrá en espera para un intérprete. Usted también puede llamar 1-888-764-7586 para todos los servicios de DHS.</p>	<p>Spanish</p> 
<p>Ito ay mahalaga na sulat na galing sa Department of Human Services(DHS). [program/office] . Mangyaring tawagan ang xxx-xxxx. Kung kayo ay tatawag , tatanungin kung ano ang iyong wika at hintayin ninyo hanggat may sumagot na tagasalin. Pwede ninyong tumawag sa 1-888-764-7586 para sa lahat ng serbisyo sa DHS.</p>	<p>Tagalog</p> 
<p>Ko e tohi mahuinga' eri, mei he Potungae Ngaue ma'ae Kaka (DHS)-[program/office] . Fakamolemde 'o ta mai kihe XXX-XXXX . I he taimi teke telefoni mai ai, 'e'eke atu pe koe ha 'ae lea 'oku ke lea 'aki, pea 'e kole atu lea keke tatali 'koe 'omia ha taha ke fakaburu lea. Te he lava pe foki 'o telefoni kihe fika ko 'eni. 1-888-764-7584 fekau'aki moe ngaahi ngaue tokoni koba 'ae DHS.</p>	<p>Tongan</p> 
<p>Đây là một thông báo quan trọng từ Bộ Dịch vụ Nhân sinh (DHS). [chương trình / văn phòng (program/office) . Xin vui lòng gọi XXX-XXXX . Khi bạn gọi, bạn sẽ được hỏi những gì bạn nói ngôn ngữ và cuộc gọi của bạn sẽ được giữ lại trong một thông dịch viên. Bạn cũng có thể gọi 1-888 - 764-7586 cho tất cả các dịch vụ DHS.</p>	<p>Vietnamese Việt Nam</p>
<p>Kini importante nga sulat gikan sa Department of Human Services (DHS), [program/office] . Palihug tawagi ang XXX-XXXX . Sa imong pagtawag, ikaw pangutan-on kun unsa ang imong pinulongan ug ang imong tawag ilang ipahulat para sa usa ka taghugad sa pinulongan. Mahimo usab nga imong tawagan ang 1-888-764-7586 para sa tanang mga serbisyo sa DHS.</p>	<p>Visayan</p> 

# **YOUR RIGHTS**

## **ADMINISTRATIVE HEARING CONFIDENTIALITY NON-DISCRIMINATION**

**State of Hawaii  
Department of Human Services**

YOU HAVE A RIGHT TO APPLY FOR AN ADMINISTRATIVE HEARING



## **WHAT IS AN ADMINISTRATIVE HEARING?**

An administrative hearing is an impartial review of the Department's action to deny your application for assistance or to reduce or stop benefits you are receiving; or the Department's failure to make a decision or inform you of the decision within a specified period of time. A hearing officer who was not involved in your worker's decision will review all the facts of your case and will decide if you have been treated fairly. If the hearing officer finds that you were not treated fairly, the Department will correct the action.

The Department must send you a written notice whenever your application for assistance is denied or your financial, childcare, food stamp, medical care, or social service assistance is reduced, suspended, withheld, or stopped.

If you do not agree with the action taken by the Department, you may call your worker, or ask for an informal meeting with the worker's supervisor, or you can request an administrative hearing. Your request for an administrative hearing must be received within 90 days from the date the notice was sent to you otherwise it will be too late for an administrative hearing.

When the Department receives your request for an administrative hearing, the Department must make and implement the administrative hearing decision within 60 days for the Food Stamp program and 90 days for the Public Assistance programs.

When the help you are receiving is stopped or reduced, the notice sent to you will explain the time period in which you must file for an administrative hearing in order for aid to continue until the administrative hearing decision is reached.

## **WHEN TO FILE?**

When you applied for assistance and you were informed that you are not eligible but you disagree.

When the Department has taken more time than the following to process your application: 30 days if you are a food stamp or social service applicant; 45 days if you are applying for medical or financial assistance; 60 days if you are disabled and are applying for medical assistance.

When you are receiving help and you are told that your financial, medical, food stamp and/or social service assistance is being reduced or stopped, and you do not agree with the reasons the Department gave in reducing or stopping your help.

## **HOW TO ASK FOR AN ADMINISTRATIVE HEARING**

You must request an administrative hearing in writing (oral request acceptable for food stamps) on the Department form or any other paper. The request must be received by the Department, your worker, unit office within 90 days of the date of the notice.

## **IS A LAWYER REQUIRED?**

A lawyer is not required. You can bring a friend, relative, minister, or some other person to represent you. If you do not have anyone to represent you but you want help, the worker can give you information about a Legal Aid Office or a community agency, which will provide advice or representation at no cost to you.

If you decided not to have anyone help you, it is a good idea to write down why you do not agree with

the Department's action. In this way you will not forget what you want to say and it will help you to tell your story as clearly as you can.

You are required to appear in person at the administrative hearing unless you informed the Department, in writing, that you will be represented by an authorized representative.

### **WHAT ARE YOUR RIGHTS AT THE HEARING?**

You can examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing.

You can present the case yourself or with the help of other persons.

You can bring witnesses, including an interpreter. If you need an interpreter and do not have one, ask your worker to help you get one.

You and the Department must agree on the people who will be allowed to observe the hearing.

You can tell why you think the Department was wrong.

You can question the worker or the other witnesses of the Department.

### **NON-DISCRIMINATION**

No one shall be excluded from or be denied eligibility for a federally aided assistance program only because of his race, color, age, sex, physical or mental handicap, religious creed, national origin, or political benefits.

If you believe that you have been discriminated against for any of the above reasons, you have a right to file a complaint with the Department of Human Services, Civil Rights Compliance Office, P.O. Box 330, Honolulu, Hawaii 96809. If you wish, your appeal may be taken beyond the Department up to the Federal Government. The address of the Federal Office is, Department of Health and Human Services, Region IX Office of Civil Rights, 50 United Nations Plaza, Room 322, San Francisco, California 94102. For Food Stamps, you may appeal to the Secretary of Agriculture, Washington, D.C. 20250.

### **CONFIDENTIALITY**

State and Federal laws require that the Department cannot release any information about you to anyone without your written permission unless such release is directly related to the administration of the assistance programs, including financial assistance, child support, medical assistance, food stamp benefits, and social services programs, or is needed in specific protective service situation.



FOR DEPARTMENT USE ONLY	
STATE OF HAWAII	Date Request was Received: _____
Department of Human Services, Social Services Division	
<b>CHILD WELFARE SERVICES BRANCH</b>	
Name of Worker and Phone Number:	_____
CWS Unit Name and Address:	_____
_____	_____
_____	_____

**REQUEST FOR ADMINISTRATIVE HEARING**

Print your name and mailing address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I would like an Administrative Hearing because I do not agree with the decision of the Child Welfare Services (CWS) child abuse and/or neglect investigation.

You have the right to identify someone to be your Authorized Representative to represent you in the Administrative Hearing. If this is what you want, complete the sentence below.

I want \_\_\_\_\_ as my  
*print the individual's name and mailing address*

Authorized Representative to represent and act for me in the Administrative Hearing.

**You must sign this form to complete your request for an Administrative Hearing and you must return this form to the CWS unit that is listed above within 90 calendar days of the date of the Notice informing you of your being a confirmed perpetrator if you want an administrative hearing.**

\_\_\_\_\_  
 Your Signature Date

- 1 copy to AAO
- 1 copy to the Client
- 1 copy for the Case Record

Admin Hearing Request relating to CWS investigation - Exp. 12/2005