

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
SOCIAL SERVICES DIVISION  
CHILD WELFARE SERVICES BRANCH

**NOTICE OF PUBLIC HEARING**

Pursuant to sections 91-3 and 92-41, Hawaii Revised Statutes, notice is hereby given that the Department of Human Services will hold a public hearing to consider proposed amendments to an existing rule, and new rules for the Social Services Division, Child Welfare Services Branch, for the purpose of conforming to federal and state statutes. Brief descriptions of the proposed rules are listed below:

**CHAPTER 17-1602, HEARINGS**

This chapter is being adopted to establish the administrative provisions of the hearing process for the Child Welfare Services Branch. The chapter is based upon chapter 17-602.1, "Hearings", of subtitle 6 of title 17, Hawaii Administrative Rules. This new chapter includes information regarding the responsibilities of the department to the applicant, recipient, or claimant, as well as the rights of individuals to contest department decisions. Brief descriptions of the proposed rule sections are listed below.

1. §17-1602-2, Definitions: This section provides definitions as used in the chapter, including the following:
  - A. Adverse action;
  - B. Authorized representative;
  - C. Child welfare services;
  - D. Claimant;
  - E. Confirmed;
  - F. Recipient; and
  - G. Request for hearing.
2. §17-1602-3, Informal review: This section provides a claimant with the opportunity to request an informal review from the Child Welfare Services (CWS) Branch. It further specifies a request for informal review does not toll or suspend the time period within which to request a hearing.
3. §17-1602-4, Right to a hearing: Clarifies that every claimant shall be provided an opportunity for a hearing if dissatisfied with any adverse action.
4. §17-1602-5, Rights of the claimant: Provides the claimant or authorized representative's right to examine the case record, present the case independently or with assistance.

5. §17-1602-6, Request for hearing: Provides a ninety-calendar day timeline and requirements for a request for hearing, as well as the denial criteria if the deadline is not met.
6. §17-1602-7, Responsibility of the CWS Branch units: This section explains the responsibility of the CWS units to assist and advise the claimant, review the requests for hearings, and maintain contact with the claimant prior to the hearing.
7. §17-1602-8, Responsibility of the hearing office: Specifies the responsibilities of the hearing office to review the hearing request, inform the claimant of their rights related to a hearing, and provide a written notice of the hearing to the claimant or authorized representative.
8. §17-1602-9, Denial or dismissal of a request for hearing: This section specifies that the department shall not grant a hearing for matters that are the result of federal or state law, loss of funding to the department, withdrawal of a request for hearing by the claimant, or matters falling under the provisions of chapter 587A, Hawaii Revised Statutes, that have been heard in family court or are pending before the family court.
9. §17-1602-10, Status pending hearing decision: This section specifies the conditions under which child welfare services payments shall be continued pending a hearing decision.
10. §17-1602-11, The hearing: This section clarifies that:
  - A. The claimant has the burden of proof, in the hearing unless the hearing is to contest a confirmation by the department that an individual has been found to be a perpetrator of abuse or neglect, in those hearings the burden of proof shifts to the department.
  - B. The degree of proof is the preponderance of the evidence.
  - C. The claimant or their authorized representative is required to appear at the hearing.
  - D. The claimant is entitled to an interpreter if requested.
  - E. The claimant is required to provide the department all evidence that will be used at the hearing, including the names of witnesses.
  - F. The decision of the hearing office shall be based on testimony and evidence and review of the applicable statutes and department rules.
11. §17-1602-12, Group hearings: Allows the department to consolidate a series of claimants' hearing requests.
12. §17-1602-13, Hearing decision: Contains the timeframe requirements for the hearing officer to provide the hearing decision to the claimant and department.

13. §17-1602-14, Hearing decisions pending over one hundred and twenty days: This section has requirements for aid paid pending a hearing decision.
14. §17-1602-15, Recovery of aid paid pending a hearing decision: This section explains how the department recovers aid paid pending if the hearing decision sustains the termination, suspension, or denial of child welfare payments.

A public hearing will be held on:

**Monday, July 14, 2025, at 9:00 a.m.**

This will be a virtual event using Microsoft Teams. There are two ways to participate in the public hearing: virtually online via the internet or by telephone conference call, or by written testimony. All interested persons are invited to attend the public hearing and present relevant information to state their views relative to the proposed rules either verbally or in writing for the department to consider.

Virtually online via Internet or Telephone Conference Call: Persons may present live video testimony via the internet or verbal testimony via telephone, during the virtual public hearing. To virtually participate in the hearing, a computer with internet access, video camera and a microphone, or a telephone, is required. To attend, please email your request, at least 48 hours prior to the hearing date above, to [CWS.HAR@dhs.hawaii.gov](mailto:CWS.HAR@dhs.hawaii.gov) to receive the weblink to attend the virtual hearing via Microsoft Teams. In your email request, please include your email address, full name, and telephone number. A confirmation will be sent to you with instructions, the meeting link, and a call-in telephone number.

Written Testimony: Should written testimony be presented, one (1) copy of the written testimony shall be provided to the presiding officer at the public hearing or within seven working days (7) before the hearing to:

**Department of Human Services  
Social Services Division  
Child Welfare Services Branch  
1010 Richards Street, Room 216  
Honolulu, Hawaii 96813**

If written testimony would be provided without attending the public hearing, written testimony must be received by 4:30 p.m. on Monday, July 14, 2025.

A copy of the proposed rules will be mailed at NO COST to any interested person who requests a copy by writing to:

**Department of Human Services  
Social Services Division  
Child Welfare Services Branch  
1010 Richards Street, Room 216  
Honolulu, Hawaii 96813**

OR by calling (808) 586-5680. The proposed rules may also be accessed via the Internet at <http://humanservices.hawaii.gov/admin-rules-2/proposed-rules/>.

If you need any auxiliary aid/service or other accommodation due to a disability, or visual or hearing impairment, please contact as soon as possible, (808) 586-5680. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.



RYAN I. YAMANE  
DIRECTOR