



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Thursday, February 28, 2019, 10:30 am

State Capitol, Conference Room 211

By

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WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1464, S.D.1, Relating to Judicial Proceedings.

Purpose: Establishes certain positions in the Department of the Attorney General and Judiciary responsible for the preparation, filing, defense, and adjudication of assisted community treatment petitions, related guardianship petitions, and other legal filings. Appropriates funds. (S.D.1)

Judiciary's Position:

The Judiciary offers comments on this bill, which establishes and funds one permanent full-time Social Worker IV position in the Office of The Public Guardian (OPG) and a district family court judge. The Judiciary supports additional positions and funding, as we recognize the importance of assisting the vulnerable population of individuals with severe mental illness. While we appreciate these positions, we would not want them to supplant the positions and related funding requests in the Judiciary's budget bill.



Our sole concern rests with the practical aspects of limiting the clientele served by the additional OPG position. Currently, OPG serves twelve clients who may be classified as “severely mentally ill.” This bill provides for an additional social worker whose caseload would be those twelve cases. Unfortunately, the rest of OPG’s social workers would continue to carry caseloads averaging 80 wards per guardian/social worker. Because of the restriction placed upon the new social worker’s duties, new or current wards who are not severely mentally ill, but also equally in need of services through OPG, could not be assigned to the new social worker.

We would ask that this bill recognize the need for managerial flexibility in achieving an equitable distribution of work and optimal use of OPG’s limited human resources. Such flexibility will also allow for better services to the target population if, as anticipated by this bill, that population of OPG clients increases significantly. As the bill recognizes, those with severe mental illness require a disproportionately higher degree and higher number of community services. Lack of flexibility may result in one social worker bearing an impossible burden.

We respectfully request the same flexibility for the OPG guardian as that of the judge described in Section 5 of this bill – specifically, that the duties of the new social worker position may include guardianships for wards who are not severely mentally ill, but equally requiring services.

Thus, we respectfully request the Committee to adopt similar additional language (underlined and bolded) at page 6, quote beginning at line 10 of Senate Bill No. 1464, S.D. 1:

“... 2020-2021 for one permanent full-time equivalent (1.00 FTE) social worker IV in the office of the public guardian who shall be dedicated to working with individuals with severe mental illness who are under a guardianship where the office of the public guardian is the named guardian; including coordinating with private service providers and other interested parties; **and provided that the social worker may work with other wards as assigned by the office of the public guardian without prejudice to the work required under this section.**”

Again, we applaud the intent of this bill and appreciate the provision of additional judicial and staff positions, as well as funding for these positions, to assist the Judiciary in providing this very important service for our community.

Thank you for the opportunity to submit testimony on this measure.