

Hawaii v. Parental Rights

# Racial Disparities Vex Hawaii's Child Welfare System. Can They Be Fixed?

The causes are complex, but Native Hawaiian and Pacific Islander parents are far more likely to have children removed by the state.

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By Anita Hofschneider    / December 12, 2022

 Reading time: 17 minutes.



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When Nova Ifenuk moved in with her first foster care family a year ago, she felt completely out of place.

Her foster mother was white from the mainland, and Ifenuk felt she didn't understand what it meant to be Chuukese.

“We're Micronesian and to us it felt like she was forcing her culture on us,” said Ifenuk, who is 17 and lived there with her sister.

The home was a far cry from the group shelter, Hale Kipa, where she and her siblings stayed after being removed from their home when their father was reported for abuse.

Ifenuk hadn't wanted to go to the group home, but had liked it more than she expected — the kids there were mostly Polynesian and Micronesian like her.



**'Hawaii V. Parental Rights' Special Series**

Our ongoing series examines

the state's process for removing children from their parents, including why, in 85% of cases, it's done without a court order.

***This project is supported by the Fund for Investigative Journalism.***

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Research shows removing children from their homes, even temporarily, can cause long-term trauma. That's one reason why child welfare systems nationally have been under increasing scrutiny for disproportionately taking away children from Black and Native families, which can sever their connections with their communities.

Critics question whether many of the removals are necessary, especially in light of data showing neglect is far more often the reason for removals than physical or sexual abuse. Many

say child welfare systems impose surveillance and suspicion on low-income parents of color who instead could benefit from support.

“The current system is broken. It doesn't work,” says Alexandra Citrin, a senior associate at the national nonprofit [Center for the Study of Social Policy](#). “We are at a real point of reckoning.”

Nationally, Indigenous children face high rates of being removed from their families, and Hawaii is no exception. Nearly every year for the past decade in Hawaii, Native Hawaiians and other Pacific Islanders have had among the highest rates of children removed from their homes after parents are accused of abuse or neglect.

It's a problem that doesn't seem to be abating — in 2011, the rate of Indigenous Pacific child victims was 6.6 per 1,000 children, according to federal data. In 2020, that rate was even higher: 9.9 per 1,000 children.

That's twice as high as the rate for white children and five times the rate for Asian children in Hawaii, the federal reports say.

The latest 2021 data from the state shows the problem persists. Last year, Hawaiian and part-Hawaiian children made up 33% of the state population but nearly 45% of children in foster care. Pacific Islander children made up just 5% of the population but nearly 10% of foster children.

“We can’t just accept that this is how it’s meant to be,” says Laurie Tochiki, who leads the nonprofit [Epic ‘Ohana](#) that works closely with Child Welfare Services to help provide services to Hawaiian families.



Laurie Tochiki, executive director of Epic ‘Ohana, is an attorney who has been working on child welfare issues for 40 years.

Service providers and advocates for parents and children in Hawaii say the reasons for the disparities are varied and complex: above-average poverty rates and higher rates of drug abuse; cultural and linguistic barriers; historical trauma from the ongoing legacy of colonization; racism, both explicit and implicit.

Ke‘ōpū Reelitz, director of early learning and health policy at the [Hawaii Children’s Action Network](#), says stress wrought by repeated exposure to adversity can drive abuse and neglect.

“You don’t have to be a monster to wake up one day and do something,” Reelitz said. The former spokesperson for the Department of Human Services hasn’t been involved personally with child welfare but knows what it’s like to be one paycheck away from not making the rent.

“As a Native Hawaiian parent, you feel like you’re not set up to thrive,” she said.

## Poverty And Historical Trauma

To Venus Rosete-Medeiros, executive director of the nonprofit Hale Kipa that serves Hawaii youth and children, the root of the problem is poverty.

Pacific communities in Hawaii are more likely to be impoverished than Asian or white communities. A 2018 state study found that Hawaii families on average experienced a 7.7% poverty rate. That rose to 12.6% for Native Hawaiians, 17.9% for Samoans, 21.9% for Tongans and 46.2% for Marshallese families.

Rosete-Medeiros says the constant stress of struggling to pay for housing, child care and other necessities makes it difficult for parents to be present for their children and can lead to poor coping mechanisms and ultimately abuse or neglect.

“People think it’s, ‘Oh, they’re drug addicts or they’re just violent,’ but that’s not the number one driver,” she said.

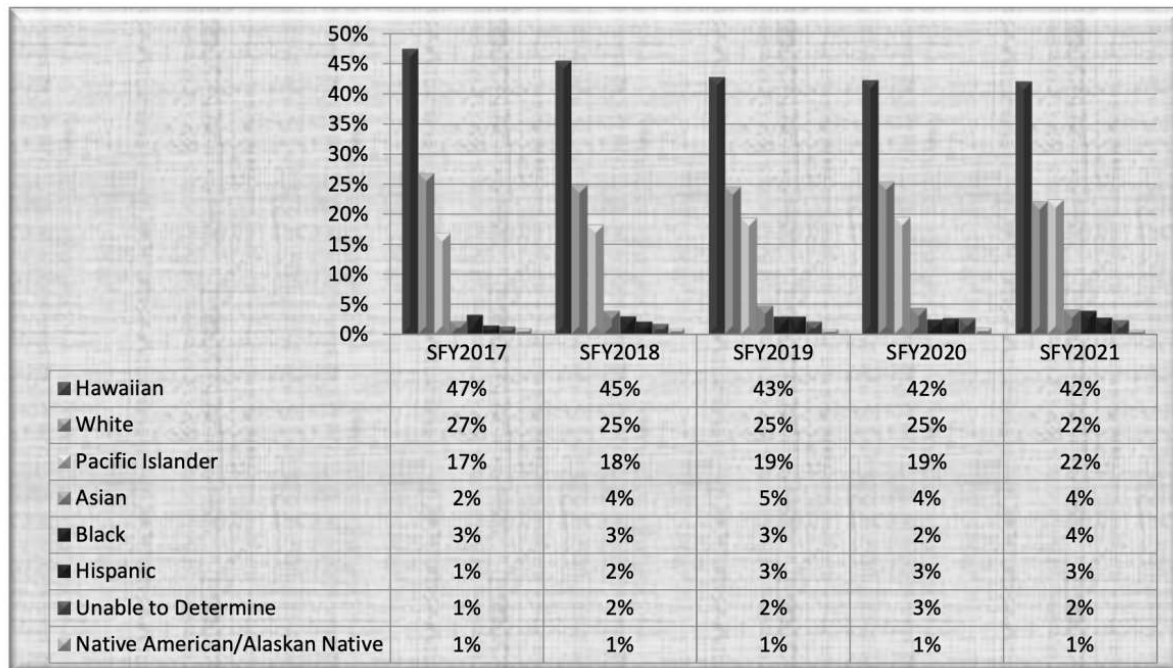
In Hawaii, low-income families are disproportionately involved in child welfare, but the state emphasizes that poverty and homelessness do not equal abuse or neglect.

According to Child Welfare Services, the reasons that Native Hawaiian children are removed from their homes are the same as Hawaii families in general: last year, in most cases of confirmed victims, the state determined that parents had an “inability to cope with parenting responsibility” or

displayed an “unacceptable child rearing method.” More than a third of the time, drug abuse was a factor. In less than 5% of cases, “inadequate housing” and “heavy continuous child care responsibility” were cited.

Still, Rosete-Medeiros says the most consistent factor she sees among the families she works with is poverty.

Figure 36: Grouped Ethnicity Percentage Distribution of Children in Foster Care Aged 0-5, SFYs 2017-2021 [Chart]



Data Course: DHS, CPSS C12 ZZZ Child Removal Data SFY2021

The state’s data book breaks down trends by race and ethnicity for young children in foster care.

“I think if families could work one job and they had a livable wage and they weren’t so stressed out all the time they would have more time for their kids and they would give their children the attention that they deserve,” Rosete-Medeiros said.

Another factor is that higher poverty rates lead to more Native Hawaiians and other Pacific Islanders receiving food stamps, general assistance and other government social safety net services.

Exposure to such programs — whose workers are required by law to report suspected abuse or neglect — can make it more likely families come to the

attention of child welfare workers.

“Public professionals are far more likely to report maltreatment than are private professionals who serve a more affluent, paying clientele,” writes Dorothy Roberts, an author and professor who specializes in racial disparities in child welfare nationally.

Tochiki from Epic ‘Ohana agrees poverty is a factor in involvement in child welfare but says it’s inextricably linked to colonization and racism, such as the legacy of nuclear testing in the Marshall Islands, the overthrow of the Hawaiian Kingdom and the dispossession of Hawaii’s Indigenous people from their land, language and culture.

In many ways, Western government systems have failed her Hawaiian community, says Rosete-Medeiros.

“When you go back in time, we had a very healthy and vibrant way of living as Kanaka Maoli,” she said. “And then today, look at where we’re at now. Hawaiians are at the top of every system that we have here in Hawaii: incarceration, drug abuse, child abuse.”

Traditionally in Hawaiian culture, families hanai or adopt their loved ones’ children if needed. Westernization largely supplanted that, imposing the formal child welfare system.

“The family was part of that decision, the elders were part of that decision,” Rosete-Medeiros said. “It wasn’t the government deciding.”

## ‘We Don’t Understand’

That’s how it still works in the Marshall Islands where Emma Kurashige grew up.

Kurashige, who manages conferences for families involved in child welfare at Epic ‘Ohana, finds herself explaining to Marshallese and Chuukese parents

what the child welfare system is.

“Many are like, ‘We don’t understand, that’s our child, they have no right in even taking our child away from us,’” she said.

Once children are taken away by child welfare officials, it’s not easy to get them back. Parents must navigate an often confusing system in order to prove that they’re complying with state requirements or risk permanently losing their kids.

Joshua Franklin, a Native Hawaiian father on Hawaii island, remembers signing a service plan requiring him to attend mandatory classes and take random drug tests.

Child Welfare Services [posts a list of parents’ rights on its website](#), but at the time, Franklin said he wasn’t aware of his. Meeting the requirements of his service plan was difficult as he made his living as a car salesman and couldn’t leave in the middle of a sale. Once he missed a drug test because he was working.

That doesn’t surprise Kurashige, who says many parents she works with are unaware of their rights and struggle to comply with state-imposed service plans. Pacific Islander parents often must attend counseling sessions with therapists who don’t speak their languages or go to mandatory classes taught in English.

The state can provide interpretation to parents upon request. In the first half of 2022, the state paid nearly \$14,000 for interpretation in less than 200 instances across child and adult protective services.



Joshua Franklin is a Native Hawaiian father on the Big Island.

But parents often don't know they have a right to interpretation, Kurashige said, and even when interpreters are called, families are sometimes ashamed of airing their emotions and experiences to a therapist through someone from their small community.

As Franklin found, completing service plans is another hurdle, with families forced to take time off of work that they can't afford to miss.

"I do find that not only with our islanders but with just any family, it's so hard to navigate ... when is their parenting class, what day is it on, where do they need to be, when is the next court hearing?" Kurashige said. "I find it so amazing when families are able to reunify because they really have to work extra hard for that."

## Community Collaborations

After 40 years of working on child welfare issues, Tochiki sympathizes with Hawaii social workers, who are often faced with huge caseloads and emotionally challenging situations. The child welfare agency is criticized both for removing children too quickly but also when they don't remove children fast enough.

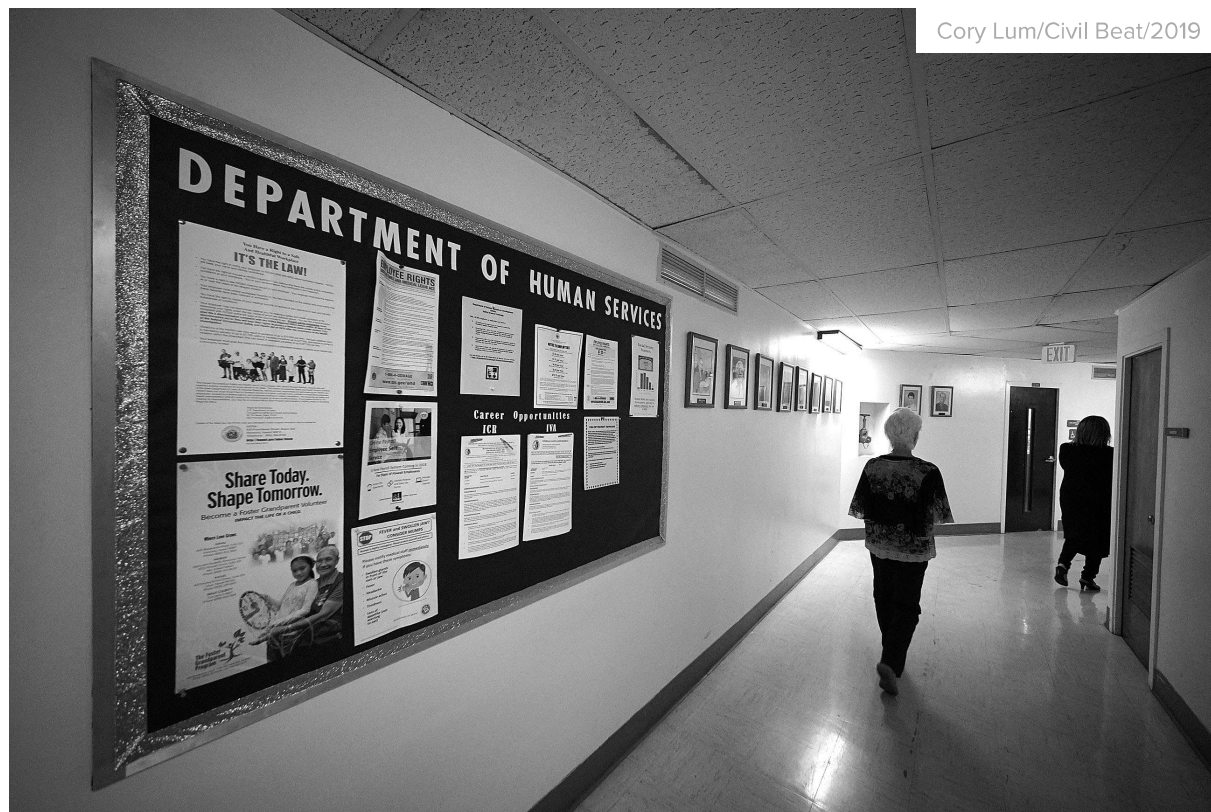
"They are so understaffed, there is no way to win," said Tochiki, who added she appreciates what she sees as CWS's growing awareness of the needs and voices of the children and the parents caught up in the system.

The state has also been expanding its community partnerships. Both Epic 'Ohana and Hale Kipa are part of a hui called Nā Kama a Hāloa formed four years ago to help improve outcomes for Native Hawaiians in the foster care system.

Among the group's members is the Lili'uokalani Trust, a multi-million dollar charitable fund dedicated to orphans and destitute children. The trust made a commitment to decrease the overrepresentation of Native Hawaiian children in foster care in its most recent strategic plan.



Daisy Hartsfield, administrator of the social services division at the Department of Human Services, said she appreciates how generational trauma among Hawaiian families can drive disparities, and said that's one reason why the state has partnered with groups like Nā Kama a Hāloa.



The Department of Human Services' Child Welfare Services branch has been expanding its collaborations with Native Hawaiian organizations.

“That is a significant change that I can share, that CWS is collaborating and partnering with these different agencies to serve these families by looking at a cultural perspective and trying to meet the families where they're at,” Hartsfield said.

Such meaningful partnerships are important, says Citrin from the Center for the Study of Social Policy, who thinks that Hawaii's intentional engagement with such organizations stands out among other states.

“Solutions that work are grounded and rooted in community and that's where we should really focus our attention,” she said.

That's not the only area where Hawaii is doing well. Nationally, experts recommend having social workers and foster parents reflect the communities most affected by child welfare interventions.

In 2021, 45% of foster parents were Hawaiian, on par with the percentage of Hawaiian children in foster care, and 28% of child welfare staffers identified as Hawaiian. The state has also done a better job in recent years of placing children with relatives. Ifenuk, the 17-year-old, remembers state workers asking if she had family she could live with before sending her to Hale Kipa.

Still, there's room to improve. The same state data also found Hawaiian children are staying in foster care longer and were less likely to be reunified with their families last year, ending up instead in adoptions or guardianships.

The state didn't report having any Marshallese or Chuukese child welfare staff last year. The number of foster parents from those communities lags, too.

Hawaii also doesn't have any cultural programs that qualify as evidence-based under the rules of a 2018 federal law that funds efforts to prevent children from getting into the system.

Hartsfield said the agency is working on collecting evidence for such programs and continues to monitor disparities affecting all communities. In March, Child Welfare Services also implemented training for new hires to teach social workers about Hawaiian culture and disparities.

## More Support For Families

But critics of the agency say a lot more can be done. Franklin says when he was questioned by a CWS social worker in 2013, he felt confused and exhausted by a barrage of questions related to his identity as mahu, Hawaii's third gender.

“I told her I’m mahu and she goes, ‘Oh, so you’re prostituting yourself? Are you a cross-dresser?’” Franklin recalls.

The state has been working to improve awareness of LGBTQ issues among its staff but Franklin says he felt the experience exposed a glaring lack of awareness of Hawaiian culture.

Mahu “is a beautiful part of our culture and who we are as a people,” he said. “I never felt more discriminated against for being Hawaiian in my life.”

He thinks training on Hawaiian culture shouldn’t be limited to new hires but should be required for everyone working at the agency, no matter how long they’ve been there.

Many observers also think families should have options for getting help with parenting, homelessness, substance abuse problems and other issues before their children are taken away.

Tiffany Iiga-Saole wishes she had been given the opportunity to change before losing access to two of her children. In 2016, she told a Hawaii social worker that she sometimes spans her children with a wooden spoon.

At the time, she was a single mother of four living in public housing. Spanking her children as discipline, not in anger, felt normal in her Samoan-Mexican family — it was the same way she was raised by her single mother in Kalihi.

Iiga-Saole said she was willing to change her parenting methods but felt the social worker was overworked and rushing to judgment. She felt keenly aware of her brown skin and dark hair as, she recalls, the social worker explained it was common for people like her to have similar problems.

“Because I lived in housing and was Polynesian, she made this determination against me,” says Iiga-Saole. “I feel 100% that because of the color of my skin and where I lived that they just assumed that either I wouldn’t know any better or couldn’t do any better.”

She felt similarly judged as she later stood before a family court judge, where she recalls the judge assumed she was unemployed and was surprised to hear that she worked as an engineer.

In Hawaii, the state routinely takes children away from families without a court order, despite federal court decisions making it clear that this should only be done in cases in which the child is likely to be harmed in the time it takes to go before a judge.

Hawaii also has one of the highest rates among the states of returning children to parents within 30 days, which experts say is an indication that removal might not have been needed in the first place.



Oahu residents Tom and Laura Lindsey have fostered many children and think there should be more support for biological parents.

Franklin says he got his children back after three months. But even after a short span away, they were changed. They've since stopped speaking in Hawaiian.

Oahu residents Tom and Laura Lindsey think this reflects a system in which parents are guilty until proven innocent and aren't given the support they need. When they agreed to foster four children several years ago, they started receiving monthly checks from the state to support the children — eventually as high as \$700 per child.

The extra \$2,800 per month was a huge help to the Lindseys, especially since they chose to send their children to private school.

But now that the children are grown, Laura wonders whether they would have even needed to go into foster care if their biological mother had gotten drug treatment and received a \$2,800 monthly check to help raise her children.

“Why are you paying me?” Laura says. “When you have kids, especially small kids, you just need help.”

Nonohe Botelho, part of an advocacy group called Hawaii Coalition for Child Protective Reform, feels similarly.

“Instead of removing these children and putting them into foster care with strangers — and sometimes these families never see these children again — why not help them?” she asked.

## Reimagining Child Welfare

Ifenuk, the 17-year-old, switched foster families a few weeks ago and now feels more at home living with Hawaiian foster parents.

The hardest part is being away from her little brother and not knowing when or if she'll be able to see him. She doesn't know much about his current living situation and gets scared reading headlines of children like Isabella Kalua, who was allegedly killed by her adoptive parents in Waimanalo.

But Ifenuk says she's come to terms with being in foster care.

“I think it is a good thing for me,” she said. “The abuse is nonexistent. My grades are improving.”

Nationally, there’s a movement to abolish child welfare systems, given how they disproportionately separate families of color. Hawaii advocates are often more measured, calling for system reforms rather than getting rid of it all together.

Rosete-Medeiros from Hale Kipa thinks more solutions could be found through the formation of a new working group called “Malama Ohana” that would solicit input from families involved in the system and come up with best practices, including Hawaiian cultural practices, to help them. The working group would include representation from Native Hawaiian organizations like Kamehameha Schools and the Office of Hawaiian Affairs.

The idea was part of a bill the Legislature passed this year that would’ve set aside \$8 million for the child welfare agency. But Gov. David Ige vetoed the measure because he believed a provision that involved investigating adoptive families was unconstitutional.

“With Malama Ohana it’s really asking Child Welfare to reimagine what child welfare would look like,” Rosete-Medeiros said. She dreams it could ultimately lead to the funding of resource centers on every island where families can find help before their children are removed.

Tochiki thinks there will always be children who do need to be removed for their safety but believes with more funding and system improvements, that number will be a lot lower than the families involved in the system today.

“We don’t need to take away as many children as we do,” she said. “I’m sure of it.”

*This project is supported by the Fund for Investigative Journalism.*

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