



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 15, 2006

Ms. Joan E. Ohi, Commissioner
Administration on Children, Youth and Families
Department of Health and Human Services
1250 Maryland Avenue, S.W., 8th Floor
Washington, D.C. 20024

Dear Commissioner Ohi:

The State of Hawaii certifies:

1. The State received the FFY 2005 Child Abuse and Neglect Basic State Grant and continues to comply with the requirements stipulated in Section 106(b) of the Act.
2. The State has maintained a State multidisciplinary task force on children's justice.
3. The State has adopted or continues to progress in adopting recommendations of the State Task Force or a comparable alternative to such recommendations.
4. The State will make such reports to the Secretary as may reasonably be required, including an annual report on how assistance received under this program was expended throughout the State, with particular attention to the areas described in paragraphs (1) through (3) of Section 107(a).
5. The State will maintain and provide access to records relating to activities under CJA.
6. The State will participate in at least one federally initiated CJA meeting each year that the grant is in effect and is authorized to use grant funds to cover travel and per diem expenses for two CJA representatives (plan coordinator and task force chairperson) to attend the meeting.

Enclosed is the original and one copy of Hawaii's Application for FFY 2006 Children's Justice Act State Grant Funds. If there are any questions, please contact Gibby Fukutomi at (808) 586-5702.

Sincerely,

 Acting Governor
LINDA LINGLE

Enclosure

Hawaii's Application for FFY 2006 Children's Justice Act State Grant Funds

State of Hawaii
Department of Human Services
May 2006

Application for FFY 2006 Children's Justice Act State Grant for Programs Related to the Investigation and Prosecution of Child Abuse Cases

This constitutes the State of Hawaii application for FFY 2006 Children's Justice Act (CJA) State Grant funds. The estimated allocation for Hawaii is \$107,127.

Applicant agency: State of Hawaii
Department of Human Services
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Honolulu, Hawaii 96809

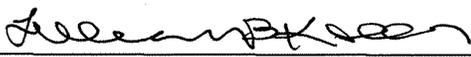
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Submitted by:


LILLIAN B. KOLLER, Esq.
Director, Department of Human Services
State of Hawaii

Federal Grant Purpose and Required Submissions

According to federal instructions, CJA funds are to be used for programs to reform State systems and improve the processes by which States respond to child maltreatment cases, particularly child sexual abuse and exploitation, suspected child maltreatment-related fatalities, and maltreatment cases involving children with disabilities or serious health-related problems. The funds are to enable States to deal more effectively with both the child victim and the offender, and to limit additional trauma to the child victim and the victim's family.

To be eligible for CJA funds, States must be eligible for the Child Abuse Prevention and Treatment Act (CAPTA) Basic State Grant and are required to establish and maintain a multidisciplinary task force on children's justice. The Children's Justice Task Force is to be comprised of representatives from specified, selected disciplines involved in handling child abuse and neglect cases.

The Task Force is to review and make policy and training recommendations regarding methods to better handle these cases, with the expectation that it will result in reduced trauma to the child victim and the victim's family, while ensuring fairness to the accused.

Required submissions:

- A report of the Task Force review, evaluation and policy and training recommendations
- An annual performance report
- Description of the activities to be assisted with the CJA funds the State is applying for
- Documentation that State has established/maintained a Children's Justice Task Force
- Governor's Certification Letter and other certifications

Task Force Review and Evaluation of Law, Policy and the Investigative, Administrative and Judicial Handling of Cases of Child Abuse and Neglect, and Its Policy and Training Recommendations

The Children's Justice Task Force has five county-based committees that meet once a month and holds statewide meetings once every six months to conduct continuous performance review and review of the system's investigative, administrative and judicial handling of cases of child abuse and neglect. The focus has been on intra-familial child sexual abuse cases.

Hawaii's Statewide Assessment (SWA) Report for the 2003 Child and Family Services Review (CFSR) was the vehicle utilized by the Task Force for a comprehensive review of the investigative, administrative and judicial handling of cases of child abuse and neglect. As a result of the review, the following Child Welfare Reform initiatives have and are being aggressively pursued in Hawaii's two-year Child Welfare Program Improvement Plan (PIP) for the period beginning July 2004 through June 2006, in order to achieve measurable improvements in child safety, permanency and well-being:

- Development and implementation of a **Differential Response System (DRS)**, by prioritizing intake referrals and working with community-based organizations to meet the need for family strengthening services or voluntary case management services as an alternative to Child Welfare Services (CWS) intervention.
- **Revamped CWS confidentiality rules** to make it easier to legally and appropriately share information and coordinate efforts between the department and others to ensure the safety, permanency and well-being of children.
- Because a commitment to differential response requires greater attention to the process of assessment and decision-making, Hawaii is being assisted and trained by the National Resource Center on Child Maltreatment (NRCCM) for development and implementation of **intake, safety, risk and needs assessments that will be used by CWS staff and community partners to ensure consistency of assessment and provision of appropriate family intervention based on a competent assessment.**
- **Expansion of community-based services** so that there are expanded alternative ways of responding to family and children's needs, thereby focusing CWS intervention on high priority response while ensuring that

there are intervention and service options for those families who do not present safety issues, but can benefit from voluntary services to mitigate risk in the home.

- Development and clarification of current policies and procedural guidelines on **visitation and preserving connections**.
- Implementation of **case reviews** and **supervisory reviews** and open evaluation processes for ongoing performance management and continuous improvement.
- Enhanced **core and advanced training** programs to recruit and retain a qualified workforce with the necessary specialized skills and knowledge for this complex field of integrated practice and to address cross-training needs for integrated practice.

Since 2003, the Task Force has continued to review and assess some of the Child Welfare Reform Initiatives pursued under the PIP, and the implications for the investigative, administrative and judicial handling of child abuse and neglect cases, with a particular focus on the handling of intra-familial child sexual abuse cases. Highlighted below are the 6 major issues and recommendations identified by the Task Force from its current review:

1. **Issue:** Interagency Coordination and Cross-Training Needs

The Child Welfare Services (CWS) training plan identifies the Children's Justice integrated, cross-systems training program for child sexual abuse as the key core and advanced training components for those handling child sexual abuse cases. CJA funds are critical for continued support and maintenance of this cross-systems training program.

Recommendations:

- a. Continue to use CJA funds to meet interagency coordination and cross-system training needs of those involved in the investigation and handling of child sexual abuse and serious physical abuse cases in civil and criminal proceedings, and to ensure that those involved have the competencies and skills to minimize trauma for the child victim while assuring fairness to all parties.
- b. Continue to support mandatory basic training for child sexual abuse investigators.
- c. Continue to allow the Task Force interagency committees in each county to determine training priorities to be funded because of differences between Urban Honolulu needs and that of rural Neighbor Island counties.
- d. Continue to support specialized training for certified nurses as Sex Assault Nurse Examiners (SANE) to increase system capacity for conducting and ensuring reliable, quality forensic medical examination, especially in underserved, rural counties.
- e. Continue to fund sex abuse investigator team meetings and peer tape reviews for practice review and learning.

2. **Issue:** Sexually Reactive Children and Youth Who Exhibit Sexualized Behavior

The Sex Offender Management Team (SOMT), established under State law, HRS 353E, is responsible for a comprehensive interagency approach to sex offender treatment and management, including standards and guidelines for service provision.

In addition to implementing standards for the management of adult sex offenders, there is a need to standardize the delivery of services to children/youth with sexualized behavior across the State through design and implementation of standards and guidelines for the management of juvenile sex offenders as well as for juveniles and families seeking intervention regarding sexually abusive behavior disclosed through self-report or evaluations.

In SFY 2005, there were 57 "*juvenile sexual offenders*" (non-adjudicated, active CWS), some under age 12, served by CWS child sexual abuse treatment providers.

There is concern regarding the consistency and quality of treatment programs for sexually reactive children and for youth who exhibit sexualized behavior. This variability affects investigative, administrative and judicial outcomes for children.

Recommendation: In collaboration with SOMT, move towards a statewide system of collaboration with standards and guidelines for the management and treatment of children/youth with sexualized behavior.

3. **Issue:** Visitation Policy

Child Welfare Services (CWS), as part of its reform efforts, issued a policy directive affirming that all children in out-of-home placement (under voluntary, court-ordered and permanent custody of the Department of Human Services) shall maintain connections, including but not limited to, face-to-face visits, phone calls, letters, cards, school functions, church service, and/or family celebrations with their birth parents and siblings who are not placed with them, other family members, and their family support network.

The purpose of the policy directive is to focus on face-to-face visits and to clarify procedures to ensure that safe and appropriate visits are provided to children in out-of-home care. Visits are to promote positive, safe and non-blaming connections between the child, his/her parents, caregivers, siblings or other important people in the child's life. In all cases, especially sex abuse, safety is paramount and shall be considered in structuring the visits.

Permitting or withholding visits shall never be used as reward or punishment for the parent or the child.

Visits shall occur in the least restrictive, most home-like setting or natural family events, including but not limited to, school activities, sport events or religious services, and not at CWS offices unless a closely supervised, structured, and monitored environment is warranted to maintain the child's safety.

The Hawaii Court Improvement Project (CIP) sponsored in May 2006 a facilitated discussion on parental visits for children in foster care where there has been intra-familial sexual abuse. Task Force members have participated in the review of the policy directive. CIP will compile comments in a report that will be considered by CWS in preparing its final visitation guidelines.

Recommendation: Continue to review and provide input into the development and implementation of the CWS visitation guidelines to maintain connections between children in out-of-home care and their Ohana, for child sexual abuse cases.

4. **Issue:** Intake

In October 2004, with further clarification in April 2006, CWS issued a policy clarification that reports of alleged harm between children when parents or foster parents take appropriate protective measures once they become aware of the alleged harm will not be accepted for CWS services.

When the legal and physical custodial parent fails to take protective measures to ensure the child's safety, cases are to be generated for physical neglect with the legal and physical custodial parent or foster parent identified as the alleged perpetrator. Children are not to be registered as perpetrators.

Reports of alleged harm between children where parents took appropriate, protective measures once they became aware of the alleged harm are to be referred to appropriate community services.

Reports of alleged harm between children where foster parents took appropriate, protective measures once they became aware of the alleged harm are to be referred to their licensing workers for support and services.

Recommendation: Continue to review what happens to reports of alleged harm between children (e.g. *sibling sexual abuse*) not accepted for CWS services and work towards a better plan to provide services.

5. **Issue:** Compassion Fatigue/Secondary Trauma

Those involved in handling child sexual abuse cases are at significant risk for secondary trauma. Turnover is often high in this field of practice due to ongoing stress. For workers continuing in their job after they have been traumatized, the quality and quantity of their work may suffer. Turnover brings down morale, increases the workload for remaining staff, adversely affects the continuity of care for children, and adversely affects formation of a cohesive, high functioning workforce/work team. Workers need a forum to discharge their emotions and opportunities to heal, recover and rejuvenate.

Recommendation: Encourage organizations to support workers handling child sexual abuse cases through secondary trauma prevention, e.g., conduct stress debriefings and support these efforts through CJA sponsored training.

6. **Issue:** Protection of Treatment Records of A Sex Abuse Child Victim

A motion was filed for service provider Catholic Charities Child Sexual Abuse Treatment Program (CSATP) to prevent a child sexual abuse victim's treatment record from being submitted into criminal court. The motion was denied but led way for other legal issues to rise and ultimately prevent the child's record from being submitted into court. It was considered a landmark decision that may impact other child sexual abuse cases.

Recommendation: Support legal work to protect child sexual abuse victim treatment records from being submitted into criminal court. The Task Force will need to look deeper into the issue to assess the need for such information, identify necessary safeguards to protect the child victim from further trauma/harm, and analyze the impact on conviction.

Annual Children's Justice Program Performance Report

A Performance Report is included for the period January 2005 – December 2005 on the outcomes, impact and/or progress of Hawaii's CJA funded activities for the following CJA required improvement categories:

1. **Improve the investigative, administrative and judicial handling of CAN cases**
 - Particularly child sexual abuse and exploitation cases
 - Suspected child maltreatment fatalities
 - Cases involving a potential combination of jurisdictions, such as:
 - Interstate
 - Federal – State
 - State – Tribal

in a manner that reduces additional trauma to the child victim and the victim's family, while ensuring procedural fairness to the accused.
2. **Test innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in CAN cases, particularly child sexual abuse and exploitation cases, including performance enhancement of court-appointed attorneys and guardians ad litem for children, while ensuring procedural fairness to the accused.**
3. **Reform state laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation, while ensuring fairness to all affected persons.**

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The Hawaii Department of Human Services (DHS) applies for, receives the Federal CJA funds, and contracts with two nonprofit entities to administer use of the funds in accordance with the priorities set by the Children's Justice Task Force and for the maintenance of the Task Force.

Background Information:

Hawaii's Children's Justice Program is a statutorily mandated program (Hawaii Revised Statute Chapter 588) of the State Judiciary. The mission of the Program is to provide for the special needs of children as witnesses by promoting coordination for appropriate investigation, treatment and legal processes to prevent unnecessary trauma to children and ensure justice for children and their families.

Specifically, the Program is to:

- Develop, achieve and maintain interagency and inter-professional cooperation and **coordination in the investigation and case management of intra-familial and extra-familial child sexual abuse and serious physical child abuse cases.**
- **Facilitate in an impartial manner the professional gathering of information** by public and private agencies and their (service) providers **for court proceedings involving child victims and witnesses.**
- **Reduce to a minimum the number of interviews of child sexual abuse victims so as to minimize re-victimization.**
- **Provide for a multidisciplinary team and case management approach** focused first on the child victim's needs and conditions; second, on the family members who are supportive of the child and whose interests are consistent with the best interests of the child; and third, on law enforcement and prosecutorial needs.
- Coordinate the therapeutic and treatment program for child sexual abuse victims and their families.
- Provide for the training and continuing education of skilled professional interviewers of child sexual abuse victims.
- Serve as the focus of information and referral for child sexual abuse programs.

The program brings together a multidisciplinary team of professionals to coordinate their activities for improved investigation and handling of child sexual abuse and serious physical child abuse cases in order to minimize additional trauma for child victims and their families while ensuring fairness to all affected persons.

The State Legislature established the Children's Justice Program, then known as Hawaii Children's Advocacy Center (CAC), in 1986 under the State Judiciary to ensure a fair and neutral process for handling reports of child sexual abuse. The intent was to protect the rights of all persons involved – the victims and the alleged perpetrator.

Prior to the creation of CAC, the justice system was geared towards the needs of adults, not the needs of children. The Judiciary established the program to open courthouse doors to children as witnesses. Specially trained professionals conduct developmentally appropriate forensic interviews, videotapes are made instead of written statements, and a special children's waiting room has been created in the Circuit Court, First Circuit (Oahu) for children who will be testifying.

In 2001, new legislation changed the program's name from CAC to Hawaii Children's Justice Program. The legislation also expanded the program to include serious physical child abuse as well as child sexual abuse.

There is a Children's Justice Center (CJC) in each county jurisdiction; two in Hawaii County. The Centers provide a warm, home-like setting where children can feel comfortable and safe as possible while being interviewed about child sexual abuse and serious physical child abuse. Working together at the Center to coordinate efforts to help child victims and their families are:

- DHS Child Welfare Services (CWS)
- County Police Departments
- Departments of the Prosecuting Attorney
- Victim Witness Assistance Programs
- Department of the Attorney General
- Crisis counseling and medical services
- Treatment providers
- Armed Services (military)
- Federal Bureau of Investigations (FBI)
- Community volunteers

After a report of child abuse is made to the proper authorities (CWS and/or the County Police), a child is brought to the Center by a protective family member, friend, or agency staff to be interviewed by specially trained professionals. Follow-up meetings with the child and other professionals are held in the familiar surroundings of the Center.

Each interview room is designed for children of different age groups and has a viewing area to minimize the number of people in the room with the child. A videotape is made of the interview to reduce the need to re-interview the child.

The County Police, FBI or the proper military investigations authority are responsible for investigation of reported intra- and extra-familial child abuse cases. CWS is responsible for assessment/investigation of intra-familial child maltreatment cases and investigation of reports alleging institutional abuse, or child maltreatment in childcare and foster care settings. Trained staff from these agencies work as a team at the Center to conduct the interview.

CWS on Oahu has two dedicated specialty units - a specialized assessment unit handling assessment/investigation of intra-familial child sexual abuse reports and institutional abuse reports, and a specialized ongoing case management unit for intra-familial child sexual abuse cases. The rural Neighbor Islands do not have specialty units or workers dedicated to handling child sexual abuse or institutional abuse investigations.

If the abuse has occurred within 72 hours, the child is taken as soon as possible for a forensic medical examination with a specially trained professional. In underserved rural counties, trained and certified Sexual Assault Nurse Examiners (SANE) may conduct the forensic examination.

DHS may bring a case to Family Court if it appears to be in the best interest of the child. The County Police determines whether a case will be sent to the Prosecutor's Office for possible criminal action. Once a case is at the Prosecutor's Office a Deputy Prosecuting Attorney and a Victim Witness Counselor are assigned to the case. Both are also specially trained to help the child and family go through the court process in as supportive a manner as possible.

The Hawaii Children's Justice Task Force is comprised of the interagency and inter-professional team members in each county jurisdiction who are responsible for coordination and improved handling of child sexual abuse and serious physical child abuse cases – cases where the overlay of civil and criminal actions require that the professionals involved be knowledgeable and skilled in assessing and addressing the special needs of the child victims and their families in order to minimize trauma and re-victimization of child victims during the investigative, civil and criminal process.

The Task Force is independent of and works with the Judiciary's Children's Justice Program to improve interagency coordination, investigation and handling of child sexual abuse and serious child physical abuse cases by prioritizing and directing the use of CJA Grant funds for its intended purpose. The Task Force priority has been three-fold:

- (1) Use CJA funds to meet interagency coordination and cross-system training needs of those involved in the investigation and handling of child sexual abuse and serious physical abuse cases in civil and criminal proceedings, and to ensure that those involved have the competencies and skills to minimize trauma for the child victim while assuring fairness to all parties.
- (2) Support mandatory basic training for child sexual abuse investigators.
- (3) Allow the Task Force interagency committees in each county to determine training priorities to be funded because of differences between Urban Honolulu needs and that of rural Neighbor Island counties.

Achievements:

- Continued to fund **mandatory basic training for new child sexual abuse investigators** in CWS and the County Police Departments:
 - **General Dynamics of Child Sexual Abuse Training:** This one-day training is provided annually through the Judiciary's Children's Justice Program. Participation is mandatory for new child sexual abuse investigators in CWS and the County Police Departments.
 - **Forensic Interview Training:** This three-day training is mandatory for County Police and CWS child sexual abuse investigators. The training is hosted/coordinated by the Judiciary's Children's Justice Program. It teaches investigators how to do forensic interviews of children utilizing the Children's Justice Program Interview Guidelines. It covers developmentally appropriate guidance for interviewing preschoolers, school-age children and adolescents.

It covers disclosing and non-disclosing children, assessing child development, competency, etc.

AS A RESULT, every year on a regular basis, all new child sexual abuse investigators- CWS and County Police - have received basic training for core knowledge, competencies and skills for improved coordination and handling of child sexual abuse cases in efforts to minimize trauma for child victims and ensure fairness to all parties.

- Continued to fund **cross-training for improved interagency coordination** and handling of child sexual abuse and serious child physical abuse cases
 - **General Dynamics of Child Sexual Abuse Training:** This is a basic training focused on child victims. It includes assessing sexual behavior, what is normal, what is not, signs and symptoms (acute/chronic), the sexual assault exam, impact of abuse, the accommodation syndrome, etc. Though participation is mandatory for child sexual abuse investigators in CWS and County Police Departments, it is also open to any professional that deals with sexual abuse, including community volunteers. There are about 100 participants annually. Most are new to their respective jobs. This includes judges in the civil and criminal courts, law enforcement (County police and FBI), military, prosecuting attorneys, CWS, parent attorneys, guardians ad litem (GAL), volunteer guardians ad litem (VGAL), mental health providers, medical providers, school teachers, other educators (e.g., school counselors), churches, etc.
 - Annual **Advanced Training** on Comprehensive Assessment and Treatment of Adolescents Who Sexually Offend.
- Continued to fund **Sex Abuse Investigator Team Meetings and Peer Tape Reviews:** Each month the CJC hosts/coordinates a Sex Abuse Investigator Team Meeting. The team consists of specialized investigators – CWS, police, deputy prosecutor, crisis therapist from the Sex Abuse Treatment Center (SATC), CJC consultants (psychologists who are forensic interviewers). Depending on the agenda, others may be invited, e.g. medical providers, forensic medical examiners. There is a business part of the meeting that includes issues that impact the investigation/handling of child sexual abuse/assault cases. Training is often provided and other professional are invited as appropriate.

Peer Tape Review is when a tape of a child victim interview is shared and an experienced forensic interviewer facilitates discussion. Studying the interviews provides both learning/teaching moments and opportunities for analysis and to advance practice.

AS A RESULT, interagency investigative team members are continually enhancing and perfecting their specialized knowledge, competencies, skills and consciousness of the special needs of child victims in the investigation, civil and criminal process.

- Continued to support specialized training for certified nurses as **Sex Assault Nurse Examiners (SANE)** to increase system capacity for conducting and ensuring reliable, quality forensic medical examination, especially in underserved, rural counties.

AS A RESULT, underserved rural Neighbor Island counties have increased capacity to conduct and ensure reliable, quality forensic examination in a manner sensitive and appropriate to the needs of child victims.

- Continued to provide the Task Force's county-based interagency committees with flexibility in determining and funding training needs and priorities consistent with the CJA Grant purpose and mission.

AS A RESULT, training is standardized and integrated to have system-wide impact, while flexible to allow for county differences.

- Funded legal work. Kimberly Towler, Esq., provided legal work for service provider Catholic Charities Child Sexual Abuse Treatment Program (CSATP) to protect the treatment records of a child sexual abuse victim. The ruling/decision in the criminal case, regarding the release of confidential information gathered through the course of helping young victims deal with the trauma intra-familial child sexual abuse, was important to the Task Force as a system improvement issue to prevent further trauma for the child victim by the criminal court process.

Proposed Use of FFY 2006 CJA Funds

A description of the system reform/improvement activities to be pursued with anticipated FFY 2006 CJA funds. The estimated FFY 2006 allocation for Hawaii is \$107,127. Hawaii received \$110,663 in FFY 2005.

[NOTE: Federal instructions emphasize that supporting CAN prevention programs or treatment services is not an appropriate use of CJA funds.]

Projects to Improve the Investigative, Administrative and Judicial Handling of Child Abuse and Neglect Cases, Particularly (1) Child Sexual Abuse and Exploitation, as well as (2) Cases Involving Suspected Child Maltreatment-Related Fatalities, and (3) Cases Involving a Potential Combination of Jurisdictions, in a Manner Which Reduces Additional Trauma to the Child Victim and the Victim's Family, While Insuring Procedural Fairness to the Accused.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
Support mandatory specialized training for investigators and integrated cross-system training for improved interagency coordination and handling of child sexual abuse and serious physical abuse cases to minimize trauma for the child victim and re-victimization while assuring fairness to all parties.	\$ 107,127*	CWS, police, deputy attorneys general, prosecutors, judges, medical examiners, parent and child attorneys, GALs, VGALs, hospital/health professionals, counselors, service providers (50 - 200)	(1) Support mandatory training for child sexual abuse investigators (CWS and County Police); (2) Support specialized cross-training for those handling child sexual abuse and serious physical abuse cases in investigation, civil and criminal proceedings.	50 - 200 workers, in multi-disciplines, will have a common frame of understanding, and enhanced knowledge and skills to improve handling of child sexual abuse and serious physical abuse cases.	Trained, qualified workforce with specialized multidisciplinary knowledge and skills to coordinate and effectively handle child sexual abuse and serious physical abuse cases across systems.

Project to Establish Experimental, Model or Demonstration Programs to Improve the Prompt and Successful Resolution of Civil and Criminal Court Proceedings or to Enhance the Effectiveness of Judicial and Administrative Action in CAN Cases, Particularly Child Sexual Abuse and Exploitation Cases, Including Performance Enhancement of Court-Appointed Attorneys and Guardians Ad Litem for Children, and Which Also Ensure Procedural Fairness to the Accused.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
Rural counties, like Kauai County, will have trained/certified forensic nurse examiners for child sexual and physical abuse investigations.	(Included in above cost projection.)	Registered nurses	Underserved rural counties to determine level of support for Sexual Assault Nurse Examiner (SANE) training and equipment of forensic examination rooms appropriate to needs of child victims.	Certified forensic nurse examiners in rural counties.	Improved capacity in rural counties to perform physical assessment/examination; locate, collect, preserve, package and document forensic evidence; present expert testimony in court, when necessary.

Project to Undertake Activities to Reform State Laws, Ordinances, Regulations, Protocols and Procedures to Provide Comprehensive Protection for Children from Abuse, Particularly Sexual Abuse and Exploitation, While Ensuring Fairness to All Affected Persons.

Project Objective:	Funding	Target Group	Approach	Results Expected	System Impact
Annual review, recommendations and advocacy for system improvement	(Funding included in cost at top)	Hawaii Children's Justice Task Force	Monthly interagency group meetings. Task Force meetings for annual review.	Policy and training recommendations.	Consistent system review mechanism for continuous improvement.

Required Documentation That Hawaii Continues to Maintain A Multidisciplinary Task Force on Children's Justice

Documentation (TABLE 1) that the State has established and maintained a multidisciplinary task force on children's justice, composed of professionals with knowledge of and experience with the criminal justice system and the system handling child maltreatment cases, particularly child sexual abuse and exploitation, suspected child maltreatment-related fatalities, and maltreatment cases involving children with disabilities or serious health-related problems.

The documentation serves to verify that the following disciplines are represented:

- Law enforcement community
- Criminal court judge(s)
- Civil court judge(s)
- Prosecuting attorney(s)
- Defense attorney(s)
- Child advocate(s) [Attorney(s) for children]
- Court Appointed Special Advocate (CASA) representative(s), where such programs are in operation
- Health professional(s)
- Mental health professional(s)
- CPS agencies
- Individual(s) experienced in working with children with disabilities
- Parent group representative(s).

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES					
DISCIPLINES	First Name	Last Name	Position	Experience	Area
Law Enforcement Community	Chad	Fukui	Captain - Criminal Investigations Division	Many years of investigative experience	Hawaii
	Dean	Pigao	Lieutenant, Kauai Police Department	Many years of investigative experience	Kauai
	Darrell	Johnson	Lt, Maui Police Dept.	Many years of law enforcement experience	Maui
	Danny	Lopez	Lieutenant, Honolulu Police Department, Criminal Investigations Division	Many years of experience in child sex crimes investigations	Oahu
Criminal & Civil Court Judges	Bode	Uale	Family Court Judge, First Circuit	Many years of experience as a family court judge	Oahu
	Benjamin	Gaddis			Hawaii
Prosecuting Attorney(s)	Howard	Shiroma	Deputy Attorney General (DAG)	Handles child abuse cases	Hawaii
	Mary Anne	Magnier	Family Law Division Supervisor, Dept of Attorney General	Many years of experience as a deputy attorney general handling child abuse cases	Oahu
	Jean	Ireton	Career Criminal & Sexual Assault Division Chief, Honolulu Department of the Prosecuting Attorney	Many years of experience as a deputy prosecuting attorney; per diem judge	Oahu
	Charlene	Iboshi	Office of the Prosecuting Attorney	Many years of prosecutorial experience	Hawaii
	Benjamin	Acob	1st Deputy, Maui Prosecutor's Office	County prosecutor's office	Maui

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES	First Name	Last Name	Position	Experience	Area
	Thalia	Murphy	Deputy Prosecuting Attorney	Many years of experience handling child sexual abuse cases	Oahu
Defense Attorney(s)	Catherine	Valenti	Attorney	Represents parents in child abuse cases	Kauai
Child Advocates [Attorneys for Children]	Catherine	Valenti	Guardian Ad Litem (GAL)	Attorney experienced in representing children or parents	Kauai
	Elizabeth	Poole	GAL	Attorney experienced in representing children	Kauai
	Annabel	Murray	Volunteer Legal Services Hawaii	Attorney experienced in representing children	Oahu
Court Appointed Special Advocate (CASA) Representatives	Robert	Brede	Judiciary Voluntary Guardian Ad Litem (VGAL) Program Manager	Heads the Judiciary VGAL (CASA) Program on Oahu	Oahu
	Gail	Nakamae	Program Specialist, Judiciary	Heads the Judiciary VGAL program on Maui - VGAL training; contracting, etc.	Maui
Health Professionals	Michelle	Gildener	Sex Assault Nurse Examiner (SANE)	SANE Program at Kona Hospital	Hawaii
	Phoebe	Lambert	Big Island Coalition Against Physical and Sexual Assault	Started SANE Program in East Hawaii; former Director of Nursing at Hilo Medical	Hawaii
	Linda	Briscoe	SANE	SANE	Kauai
	Debby	Wiley	Department of Health (DOH) Public Health Nursing	Public health nurse, West Hawaii	Hawaii

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES					
	First Name	Last Name	Position	Experience	Area
	Dr. Victoria	Schneider	Pediatrician, Kapiolani CARE Program	Specializes in forensic medical examination for child abuse cases	Oahu
Mental Health Professionals	Keli	Acquaro	Branch Chief, DOH Children and Adolescent Mental Health Division (CAMHD)	Children's mental health services experience	Hawaii
	Rachel	Guay	Family Court Liaison Branch Administrator, DOH CAMHD	Children's mental health services experience	Oahu
CPS Agencies	Peggy	Hilton	Child Welfare Services (CWS) Section Administrator for East Hawaii	CPS social worker, unit supervisor; and section administrator	Hawaii
	Conny	Santana	CWS Section Administrator for West Hawaii	Many years CWS social work and administrative experience	Hawaii
	Gail	Takasugi-Ignacio	CWS Section Administrator	Many years CWS social work and administrative experience	Kauai
	Steve	Maenaka	CWS Section Administrator	CWS worker, unit supervisor and section administrator	Maui
	David	Kam	CWS unit supervisor	Supervises specialized sex abuse case management unit	Oahu
	Hinda	Diamond	CWS unit supervisor	Supervises specialized sex abuse assessment unit	Oahu

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES	First Name	Last Name	Position	Experience	Area
	Barbara	Service	CWS unit supervisor	Supervises permanency unit; many years of CWS social work and unit supervision experience	Oahu
	Kayle	Perez	CWS Special Services Section Administrator	Oversees specialized sex abuse assessment and case management units	Oahu
Individual(s) Experienced in Working with Children with Disabilities	Dennis	Kajikawa	School Counseling Specialist, Department of Education (DOE)	Outreach counselor; high school principal; DOE lead liaison for child abuse; current oversight responsibilities include school counselors, high risk counselors (IDEA & 504) and school social workers	Oahu
	Jill	Yoshimatsu	Director, Mokihana Project	Over 20 years of classroom, school administration, and related services coordination experience for special education children with mental health needs	Kauai
Parent Group Representatives	Iris	Mountcastle	Queen Liliuokalani Children's Center (QLCC), Maui/Lanai Unit Manager; Licensed Social Worker	25 years child welfare experience	Maui
	Gwen	Costello	U.S. CINCPAC Surgeon's Office, Family Advocacy Division	47 years pediatric nursing; 26 year child protection/military family advocacy programs; military representative	Oahu

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES					
	First Name	Last Name	Position	Experience	Area
Others	Phyllis	Shinno	Victims Assistance Unit, Office of the Prosecuting Attorney	Many years of experience in victim assistance	Hawaii
	Lena	Lorenzo	Program Director, Victim Witness Assistance Program	Liaison between victims and deputy prosecuting attorney/advocate	Maui
	Elaine	Lucas	Supervisor, Victim Witness Kokua Services, Sex Assault and Juvenile Offender Division	Supervises victim counselors handling felony sexual assault	Oahu
	Sharon	Naksone	Probation Supervisor, Adult Probation	Many years of experience with Judiciary	Kauai
	Zachary	Higa	Adult Probation	Many years of experience with Judiciary	Hawaii
	Rodney	Maeda	Family Court Administrator, Third Circuit	Many years of experience with Judiciary	Hawaii
	Kurt	Fukuda	Juvenile Sex Offender Supervisor, Family Court, First Circuit	Many years of experience with the Judiciary	Oahu
	Glennard	Fong	Program Specialist, Office of the Chief Court Administrator	Many years of experience with the Judiciary	Oahu
	Sandra	Kato	Program Specialist, Office of the Chief Court Administrator	Many years of child abuse-related experience	Oahu

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES					
	First Name	Last Name	Position	Experience	Area
	LaVonne	Pironti	Children's Justice Task Force CHAIRPERSON	Mutual Housing Association; 24 year career naval officer; set up pilot program for Navy Family Advocacy overseas; former executive director of Kauai YWCA	Kauai
	Judy	Lind	Director, Children's Justice Program, Judiciary	Many years in Judiciary administration and in managing multidisciplinary child abuse program	Oahu
	Marianne	Okamura	Program Director, Children's Justice Center (CJC), East Hawaii	Judiciary's Children's Justice Program	East Hawaii
	Debbie	DeRoos	Program Director, CJC, West Hawaii	Judiciary's Children's Justice Program	West Hawaii
	Tom	French	Program Director, CJC, Kauai	Judiciary's Children's Justice Program	Kauai
	Patrick	Singsank	Program Director, CJC, Maui	Maui CJC Director since 1993, Judiciary's Children's Justice Program	Maui
	Jasmine	Mau-Mukai	Program Director, CJC	Many years as CPS social worker and trainer	Oahu
	Lucille	Calderon	Program Coordinator, Child and Family Services	Several years in management of programs for families and youth	Kauai
	LaVerne	Bishop	Program Director, Hale Opio	Many years of youth services experience; masters in counseling psychology	Kauai
	Barbara	Mullen	Director, Catholic Charities Child Sexual Abuse Treatment Program (CSATP)	Directs family counseling unit for sex assault and domestic violence	Oahu

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES					
DISCIPLINES	First Name	Last Name	Position	Experience	Area
	Cindy	Shimomi-Saito	Crisis Intervention Program Manager, Sex Abuse Treatment Center (SATC)	Senior social worker in hospital-based rape crisis program	Oahu
	Lena	Lorenzo	Director, Victim/Witness Assistance Division, Dept. of Prosecuting Attorney	Victim assistance	Maui
	Sister Leone	Drexler	Counselor, Catholic Schools	20 years Maui Catholic Schools	Maui
	Jude	Donald	Queen Liliuokalani Children's Center	Assists Hawaiian children and families	Hawaii
	Susie	Akimo	Personal Parenting Assessment, Inc.	For-profit service provider	Hawaii
	Heidi	Koop	Child and Family Services	Child and Family Services	Hawaii
	Wally	Lau	Neighborhood Place of Kona	Family strengthening services	Hawaii
	Catherine	Hawkins	Family Support Services of West Hawaii	Family strengthening services	Hawaii
	Shelly	Delfin	Hale Kipa	Youth services	Hawaii
	Linda	Price	DOE District Education Specialist, West Hawaii Regional Special Education Office	Supervises special education diagnostic personnel	Hawaii
	Mark	Schuster	Bridge House	Substance abuse treatment	Hawaii

Table 1: Hawaii Children's Justice Task Force

Representation by CAPTA Required Disciplines

CAPTA REQUIRED DISCIPLINES					
	First Name	Last Name	Position	Experience	Area
	James	Borden	Administrator, Child and Family Services	Service provider	Hawaii
	Mary	Correa	DOE Complex District Superintendent	Many years of education experience, including handling child abuse	Hawaii
	Fay	Slattery	Program Director, Child and Family Services, Ohana Sex Abuse Treatment Program	Treatment provider	Oahu
	Lorraine	Davis	Quality & Compliance Manager, YWCA	Service provider	Hawaii
	Lucy	Feinberg	Director, Program Services, Maui Family Support Services, Inc.	Many years of experience in CWS and as a community-based service provider	Maui
	Joan	Luzney	Clinical Director, YWCA of Kauai	Many years of treatment, clinical supervision, program development and management experience, specializing in child abuse and sexual violence cases	Kauai
	Susanne	Pearce	Executive Director, Children's Alliance of Hawaii	Advocate	Oahu

Required Certifications

- Governor's certification letter (cover letter)
- Certification regarding lobbying
- Certification regarding drug-free workplace
- Debarment certification
- Certification regarding environmental tobacco smoke

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Signature

Director

Title

Hawaii Department of Human Services

Organization

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set

out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered

transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary
Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this

proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this

proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.