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Attorneys for Defendant
RACHAEL WONG, DrPH, in her official
capacity as the Director of the Hawaii
Department of Human Services

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

PATRICIA SHEEHEY, PATRICK
SHEEHEY, RAYNETTE AH CHONG,
individually and on behalf of the class of
licensed foster care providers in the state of
Hawaii,

Plaintiffs,

vs.

RACHAEL WONG, DrPH, in her official
capacity as the Director of the Hawaii
Department of Human Services,

Defendant.

CIVIL NO. CV13-00663 LEK-KSC

**DEFENDANT'S FIRST
SUPPLEMENTAL RESPONSE TO
PLAINTIFFS' SECOND SET OF
INTERROGATORIES TO
DEFENDANT RACHAEL WONG**

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DEFENDANT RACHAEL WONG**

Defendant Rachael Wong, DrPH, in her official capacity as the Director of the Department of Human Services (“Defendant”), hereby supplements her Response to Plaintiffs’ Second Set of Interrogatories to Defendant Rachael Wong (the “Request”).

GENERAL OBJECTIONS

1. These responses are made based upon the best information available to Defendant as of the date of this response. Discovery and investigation are ongoing, and Defendant reserves the right to further supplement this response, and to make use of, or introduce as evidence at trial, any information produced or disclosed to Plaintiffs or discovered through discovery or investigation subsequent to the date of this response.

2. Defendant objects to the Request and each individual interrogatory to the extent that they ask for the disclosure of privileged communications, information that is protected work product, and information concerning documents and tangible things prepared in anticipation of litigation or trial.

3. Defendant objects to each interrogatory to the extent that it is unreasonably burdensome, oppressive or vexatious in that the information

requested would be of little or no relevance to the issues in this action and would place an unreasonable and oppressive burden on the Defendant in expenditure of cost, time and money.

4. Defendant objects to each interrogatory that is so broad, uncertain and unintelligible that Defendant cannot determine the nature of the information sought, and to which Defendant is therefore unable to respond.

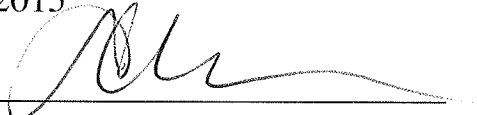
5. Defendant does not concede that any of her responses will be admissible evidence at trial. Further, Defendant does not waive any objections, whether or not stated herein, to the use of such responses at trial.

6. Defendant does not waive any of her original objections to the Request, but rather incorporates and re-asserts each and every objection in her original response to the Request.

7. By way of this First Supplemental Response, Defendant supplements her original responses to Interrogatory Nos. 4, 5, 6, and 7 based on clarifications of the intent of those Interrogatories provided by Plaintiffs' counsel. Defendant has re-stated each of those Interrogatories in light of the clarifications.

8. With regard to Interrogatories 8 and 9, counsel will further confer on those after a supplement to the responses to Interrogatories 1 and 2 is completed.

DATED: Honolulu, Hawai`i, May 7, 2015



DONNA H. KALAMA
DANA A. BARBATA
Deputy Attorneys General

Attorneys for Defendant
RACHAEL WONG, DrPH, in her
official capacity as the Director of the
Hawaii Department of Human
Services

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 4

Identify the number of Hawaii licensed foster care providers who currently receive basic foster care maintenance payments under Title IV-E of the Social Security Act.

Objection: Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as written, is confusing and vague in its incorporation of the term “foster care providers” as that term is defined by the Request, is vague as to time in that “currently” is undefined, and the number of children in foster care is always in flux.



Donna H. Kalama

After discussing this Interrogatory with Plaintiffs’ counsel, Defendant understands Plaintiffs to be asking for the following information:

Modified Interrogatory No. 4: Identify the number of Hawaii IV-E claimable foster children for the following time periods:

- A) July 1, 2013 to June 30, 2014
- B) July 1, 2014 to February 28, 2015

Without waiving her objections to the original interrogatory, Defendant responds to the modified interrogatory as follows:

- A) July 1, 2013 to June 30, 2014: 1019
- B) July 1, 2014 to February 28, 2015: 907

Interrogatory No. 5

Identify the number of persons who currently receive adoption assistance payments from HDHS under 42 U.S.C. § 673(a)(3).

Objection: Defendant objects to this interrogatory on the grounds that it is vague and ambiguous as written, and is vague as to time in that “currently” is undefined.



Donna H. Kalama

After discussing this Interrogatory with Plaintiffs’ counsel, Defendant restates the interrogatory as follows:

Modified Interrogatory No. 5: Identify the number of IV-E claimable adoptive children for whom DHS makes adoption assistance payments for the following time periods:

- A) July 1, 2014 to February 28, 2015
- B) Month of February 2015

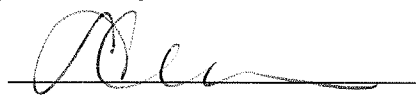
Without waiving her objections to the original interrogatory, Defendant responds to the modified interrogatory as follows:

- A) July 1, 2014 to February 28, 2015: 2968
- B) Month of February 2015: 2822

Interrogatory No. 6

Of the number of foster care providers identified in response to Interrogatory No. 4, identify the percentage of those providers who received additional payments, as described in your Response to Interrogatory No. 1 in addition to the basic foster care maintenance rate.

Objection: Inasmuch as Defendant could not respond to Interrogatory No. 4 based on the objections set forth above, which objections are incorporated herein by reference, Defendant is unable to respond to this interrogatory as well. Defendant further objects on the grounds that this interrogatory is vague and ambiguous, and the requested information is not maintained by DHS in the form requested and DHS has no obligation to generate such information for Plaintiffs.


Donna H. Kalama

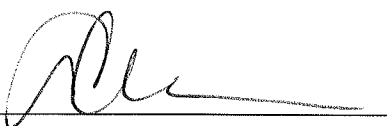
After discussing this Interrogatory with Plaintiffs' counsel, Defendant understands Plaintiffs to be seeking the following information:

Modified Interrogatory No. 6: Identify:

- A) The percent of 4(A) who received additional payments, as described in your Response to Interrogatory No. 1, in addition to the monthly basic board rate.
- B) The percent of 4(B) who received additional payments, as described in your Response to Interrogatory No. 1, in addition to the monthly basic board rate.

Objection: Defendant objects to this request on the grounds that DHS' Child Welfare Services (CWS) Branch does not maintain payment data on each of the payments, benefits, and resources identified in DHS' supplemental response to Interrogatory No. 1, and attempting to obtain that data in a form that could then be used to calculate the requested percentages would be extremely burdensome and time consuming. Defendant further objects to this request as misleading and argumentative to the extent it purports to suggest that if a benefit is not utilized by 100% of all foster children (or their resource caregivers), then the benefit is not available. The use of certain payments, benefits or resources is not appropriate in all circumstances and often depends on the particular needs of the child, the child's

length of stay in foster care, and the resource caregiver's particular circumstances and schedule.



Donna H. Kalama

Without waiving these objections or the objections to the original interrogatory, Defendant responds as follows:

Based on information that is maintained by CWS in its database in the manner (the categories of payments) in which the information is maintained:

A) The percent of 4(A) who received additional payments, as described in your Response to Interrogatory No. 1, in addition to the monthly basic board rate:

- 76.35% received one or more additional payments of the following categories of payments: Difficulty of Care, Clothing, Activity Fees, Medical Supplies, Miles/Bus, Respite, Transportation, Other.
- The percentage by category of payment is as follows:
 - DOC: 31.70
 - Clothing: 70.95
 - Activity Fees: 3.14
 - Med. Supplies: 10.99
 - Miles/Bus: 26.30
 - Respite: 18.74
 - Transportation: 4.51
 - Other: 3.73

B) The percent of 4(B) who received additional payments, as described in your Response to Interrogatory No. 1, in addition to the monthly basic board rate:

- 72.88% received one or more additional payments of the following categories of payments: Difficulty of Care, Clothing, Activity Fees, Medical Supplies, Miles/Bus, Respite, Transportation, Other.
- The percentage by category of payment is as follows:
 - DOC: 31.31
 - Clothing: 67.25
 - Activity Fees: 2.09

- Med. Supplies: 8.60
- Miles/Bus: 19.40
- Respite: 18.30
- Transportation: 3.20
- Other: 2.65

As described in Defendant's supplemental response to Interrogatory No. 1, there are certain benefits that are automatically provided to or for foster children that are not reflected in the percentages set forth above because no application or request for benefits is required. See Defendant's First Supplemental Response to Plaintiffs' First Set of Interrogatories to Defendant Patricia McManaman. These include, for example, Medicaid and liability insurance. These benefits apply 100% of the time. Usage of other benefits not reflected in the percentages set forth above are dependent not just on the particular eligibility requirements of the benefit, but the age, needs and interests of the child and the child's length of stay in foster care, and often the needs of the resource caregiver. Examples include: WIC, school meals, A+, child care subsidies, and enhancement funds. See Defendant's First Supplemental Response to Plaintiffs' First Set of Interrogatories to Defendant Patricia McManaman. Other benefits and resources are provided on a group-wide basis but nevertheless are valuable tools that are part of the overall resources utilized by the State to provide the best outcomes possible for children in out-of-home care. These include, for example, trainings and support groups and the Warm Line. See Defendant's First Supplemental Response to Plaintiffs' First Set of Interrogatories to Defendant Patricia McManaman. As with all of its responses, Defendant reserves the right to supplement this response.

Interrogatory No. 7

Of the number of persons identified in Interrogatory No. 5 as receiving adoption assistance payments, identify the percentage of those persons who receive as adoption assistance payments a monthly amount equal to the basic foster care maintenance rate applicable to the adoptee's age.

Objection: Inasmuch as Defendant could not respond to Interrogatory No. 5 based on the objections set forth above, Defendant is unable to respond to this interrogatory as well. Defendant further objects on the grounds that this interrogatory is vague and ambiguous, and the requested information is not maintained by DHS in the form requested and DHS has no obligation to generate such information for Plaintiffs.



Donna H. Kalama

After discussing this Interrogatory with Plaintiffs' counsel, Defendant restates the interrogatory as follows:

Modified Interrogatory No. 7: What percent of 5(A) receive:

- A) An adoption subsidy exactly equal to the foster care monthly basic board rate for a foster child of the same age
- B) An adoption subsidy less than the foster care monthly basic board rate for a foster child of the same age
- C) An adoption subsidy greater than the foster care monthly basic board rate for a foster child of the same age

Without waiving her objections to the original interrogatory, Defendant responds to the modified interrogatory as follows:

- A) 59.85%
- B) 0.25%
- C) 39.90%

DATED: Honolulu, Hawai`i, May 7, 2015



DONNA H. KALAMA
Deputy Attorney General
Attorney for Defendant
RACHAEL WONG, DrPH, in her
official capacity as the Director of the
Hawaii Department of Human
Services

VERIFICATION

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

LYNNE HANAMI KAZAMA, being first sworn on oath, deposes and says that she has read the foregoing Response on behalf of Rachael Wong, DrPH, in her official capacity as the Director of the Department of Human Services, and that the same are true and accurate to the best of his/her knowledge, information, and belief.

Lynne Hanami Kazama

Printed Name: LYNNE HANAMI KAZAMA

Position: DHS - Assistant Program Administrator

Subscribed and sworn to before me
this 7th day of May, 2015.

Carrie H. Sakaida

Carrie H. Sakaida
Notary Public, State of Hawai'i

My commission expires: 11/2/15

NOTARY PUBLIC CERTIFICATION
Carrie H. Sakaida First Judicial Circuit
Doc. Description, Defendant's First Suppl.
Response to Plaintiffs' Second Set of
Interrogatories to Defendant Rachel Wong
No. of Pages: 12 Date of Doc 5/7/15
Carrie H. Sakaida 5/7/15

Notary Signature Date

