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# A BILL FOR AN ACT

RELATING TO FOSTER CHILDREN.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Chapter 587, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4 "§587- Foster children's bill of rights. The  
5 department has the duty as foster custodian or permanent  
6 custodian to ensure that children living under its care have the  
7 following rights protected and enforced:

8 (1) The right to live in a safe and healthy home, free  
9 from physical, sexual, emotional, or other abuse;

10 (2) The right to receive adequate and healthy food,  
11 adequate clothing, medical care, dental and  
12 orthodontic care, corrective vision care, and  
13 appropriate mental health services;

14 (3) The right to be placed with foster care providers who  
15 have received standardized pre-service training and  
16 appropriate ongoing training ensuring that the  
17 providers have the appropriate knowledge and skills to  
18 provide for the child's needs;



1        (4) The right to be placed with foster care providers who  
2        have been adequately informed of the child's  
3        circumstances, so as to provide appropriate care for  
4        the child. Prior to placement, foster care providers  
5        shall verbally receive information relating to any  
6        serious medical, emotional, and behavioral problems of  
7        the child. Within seven days of placement, foster  
8        care providers shall receive written information  
9        explaining the child's relevant medical and social  
10       history. The written information shall include:  
11       (A) A statement of why the child was removed from the  
12       child's parents' care;  
13       (B) A statement of the child's past instances of  
14       abuse or neglect in the child's home or previous  
15       foster care placements;  
16       (C) Pending and past juvenile adjudications or  
17       charges;  
18       (D) Current school information;  
19       (E) Past history of behavioral problems;  
20       (F) Current therapy and any known mental health  
21       diagnoses;

1           (G) Complete medical records in the department's  
2                           physical custody; and

3           (H) A statement of the child's cultural and family  
4                           background.

5           The foster care provider shall keep all such  
6                           information in strict confidentiality. Provision of  
7                           such information to a foster care provider shall not  
8                           have any effect on the information's legal  
9                           confidentiality.

10                       The department shall develop a checklist to  
11                       document the time and date that such information was  
12                       submitted to a new foster care provider and furnish  
13                       the information to the family court in its reports on  
14                       safe family home guidelines submitted pursuant to  
15                       section 587-40 at the following review hearing;

16           (5) The right, while in foster care, to supervised in-  
17                           person contact and telephone or mail correspondence  
18                           with the child's parents and siblings, unless  
19                           prohibited by court order;

20           (6) The right, following an adoption, to supervised in-  
21                           person contact and telephone or mail correspondence



1           with the child's parents and siblings, unless  
2           prohibited in the adoption decree;

3           (7) The right to direct contact with social workers,  
4           guardians ad litem, and probation officers;

5           (8) The right to submit letters or testimony through the  
6           child's court-appointed guardian ad litem, at any  
7           court hearing or trial, and the right to attend court  
8           hearings at the discretion of the family court judge  
9           considering the emotional and mental health of the  
10          child;

11          (9) The right to attend religious activities and services  
12          of the child's choosing, and the right to refuse to  
13          attend any religious activities or services;

14          (10) The right to maintain a personal bank account and  
15          manage personal income, consistent with the child's  
16          age and development, unless prohibited due to safety  
17          or health concerns;

18          (11) The right to attend school and participate in  
19          appropriate extracurricular activities, and if a child  
20          is moved during a school year, the right to complete  
21          the school year at the same school, if practicable;



- 1        (12) The right to have foster care providers actively  
2        involved in the child's pending child welfare case.  
3        Foster care providers shall receive notice of review  
4        hearings, including the date and time, location,  
5        docket number, and purpose of the hearing, and shall  
6        be entitled to participate in the proceedings as a  
7        party for any child under the provider's care, and at  
8        the first review hearing following the removal of a  
9        child from the provider's care. Foster care providers  
10       shall have the right to submit any relevant letters or  
11       documents to the court at any hearing in which the  
12       providers are entitled to participate;
- 13       (13) The right to have the child's foster care providers  
14       receive reasonable notice before the child is removed  
15       from a provider's care, except in cases of a court  
16       order or when the child is threatened with harm. The  
17       department shall provide a written explanation of the  
18       child's removal to the child and the child's former  
19       foster care provider within seven days of the child's  
20       removal;
- 21       (14) The right to early identification of family members  
22       interested in serving as foster care providers or in



1 permanent custody of the child. The department shall  
2 conduct an ohana conference within six months of the  
3 child's removal from a foster care provider for the  
4 express purpose of identifying interested family  
5 members. The department shall contact, in writing,  
6 both maternal and paternal relatives that can be  
7 identified for this conference;

8 (15) The right to stability of placements, as far as  
9 practicable. Current foster care providers shall be  
10 considered the presumptive choice for adoption, legal  
11 guardianship, or permanent custody of any child who is  
12 in the permanent custody of the department and has  
13 been placed in the foster home for more than one year.  
14 Prior to the removal of a child in the permanent  
15 custody of the department who has been placed with a  
16 foster care provider for more than one year, the  
17 department shall prove to the family court by a  
18 preponderance of the evidence that removal is in the  
19 best interests of the child, unless there are  
20 immediate concerns for the child's safety. If the  
21 removal is due to immediate concerns for the child's  
22 safety, the department, within seven days of the



1 child's removal, shall prove to the family court by a  
2 preponderance of the evidence that removal is in the  
3 best interests of the child; and

4 (16) The right to life skills training and a transition  
5 plan starting at age fourteen to provide adequate  
6 transitioning for foster children aging out of the  
7 foster care system.

8 The family court shall have the authority to issue any  
9 necessary orders sua sponte, or upon motion of the guardian ad  
10 litem, to the department, the department of health, or the  
11 department of education, to ensure that these rights are upheld,  
12 if such orders are in the child's best interests."

13 SECTION 2. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.



HB 2052  
HD1

**Report Title:**

Foster Children; Bill of Rights

**Description:**

Establishes a Foster Children's Bill of Rights. (HB2052 HD1)

HB2052 HD1 HMS 2006-1728

