
A BILL FOR AN ACT

RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII
REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS.

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

1 SECTION 1. The legislature recognizes that the safety,
2 permanency, and well-being of a child can best be achieved
3 through sharing information pertaining to the subject child.
4 The legislature also recognizes that the foster parents for a
5 child in an out-of-home placement are critical to the success of
6 the placement and the well-being of the child. As such, the
7 foster parents have an important role to play in providing the
8 court with information and recommendations pertaining to the
9 child who is the subject of the court hearing.

10 The intent of the legislature is to provide foster parents
11 with the opportunity to attend and participate in family court
12 hearings pertaining to a foster child in their care, or formerly
13 in their care, that occur subsequent to the dispositional
14 hearing.

15 The purpose of this Act is to clarify that foster parents
16 shall be named as parties in all child protective act hearings.



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

4 "§587- Notice of hearings. (a) Notice of all hearings
5 shall be served upon the parties and upon the parents. Notice
6 of hearings shall be served by the department upon the parties
7 or parents no less than forty-eight hours before the scheduled
8 hearing. No hearing shall be held until the parties or parents
9 are served.

10 (b) Notice of all hearings subsequent to the section 587-
11 71 dispositional hearing shall be served upon the present foster
12 parent or parents, each of whom shall be entitled to participate
13 in the proceedings as a party. Notice of hearings shall be
14 served by the department upon the present foster parent or
15 parents no less than forty-eight hours before the scheduled
16 hearing. No hearing shall be held until the present foster
17 parent or parents are served. For purposes of this subsection,
18 notice to foster parents may be effected by hand delivery or by
19 regular mail and may consist of the last court order, if it
20 includes the date and time of the hearing.

21 (c) For purposes of this section, "party" or "parties"
22 shall include the foster parents. If in the child's best



1 interests, the department may designate former foster parents as
2 parties."

3 SECTION 3. Section 587-72, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§587-72 Review hearings.** (a) Except for good cause
6 shown, the court shall set each case for review hearing not
7 later than six months after the date that a service plan is
8 ordered by the court and, thereafter, the court shall set
9 subsequent review hearings at intervals of no longer than six
10 months until the court's jurisdiction has been terminated or the
11 court has ordered a permanent plan and has set the case for a
12 permanent plan review hearing[~~;~~ the]. The court may set a case
13 for a review hearing upon the motion of a party at any time if
14 the hearing is deemed by the court to be in the best interests
15 of the child.

16 [~~(b) Notice of review hearings shall be served upon the~~
17 ~~parties and upon the present foster parent or parents, each of~~
18 ~~whom shall be entitled to participate in the proceedings as a~~
19 ~~party. Notice of the review hearing shall be served by the~~
20 ~~department upon the present foster parent or parents no less~~
21 ~~than forty-eight hours before the scheduled hearing. No hearing~~
22 ~~shall be held until the foster parent or parents are served.~~



1 ~~For purposes of this subsection, notice to foster parents may be~~
2 ~~effected by hand delivery or by regular mail; and may consist of~~
3 ~~the last court order, if it includes the date and time of the~~
4 ~~hearing.~~

5 ~~-(e)]~~ (b) Upon each review hearing, the court shall
6 consider fully all relevant prior and current information
7 pertaining to the safe family home guidelines, as set forth in
8 section 587-25, including but not limited to the report
9 submitted pursuant to section 587-40, and:

10 (1) Determine whether the child's family is presently
11 willing and able to provide the child with a safe
12 family home without the assistance of a service plan
13 and, if so, the court shall terminate jurisdiction;

14 (2) Determine whether the child's family is presently
15 willing and able to provide the child with a safe
16 family home with the assistance of a service plan and,
17 if so, the court shall return the child or continue
18 the placement of the child in the child's family home
19 under the family supervision of the appropriate
20 authorized agency;

21 (3) If the child's family home is determined, pursuant to
22 subsection (b) (2) not to be safe, even with the



1 assistance of a service plan, order that the child
2 remain or be placed under the foster custody of the
3 appropriate authorized agency;

4 (4) Determine whether the parties have complied with,
5 performed, and completed every term and condition of
6 the service plan that was previously court ordered;

7 (5) Order revisions to the existing service plan, after
8 satisfying section 587-71(h), as the court, upon a
9 hearing that the court deems to be appropriate,
10 determines to be in the best interests of the child;
11 provided that a copy of the revised service plan shall
12 be incorporated as part of the order;

13 (6) Enter further orders as the court deems to be in the
14 best interests of the child;

15 (7) Determine whether aggravated circumstances are present
16 and, if so, the court shall set the case for a show
17 cause hearing as the court deems appropriate within
18 thirty days. At the show cause hearing, the child's
19 family shall have the burden of presenting evidence to
20 the court regarding the reasons and considerations as
21 to why the case should not be set for a permanent plan
22 hearing; and



1 (8) If the child has been residing outside the family home
2 for twelve consecutive months from the initial date of
3 entry into out-of-home care, set the case for a show
4 cause hearing as deemed appropriate by the court. At
5 the show cause hearing, the child's family shall have
6 the burden of presenting evidence to the court
7 regarding the reasons and considerations as to why the
8 case should not be set for a permanent plan hearing.

9 [~~(d)~~] (c) In any case that a permanent plan hearing is not
10 deemed to be appropriate, the court shall:

11 (1) Make a finding that the parties understand that unless
12 the family is willing and able to provide the child
13 with a safe family home, even with the assistance of a
14 service plan, within the reasonable period of time
15 specified in the service plan, their respective
16 parental and custodial duties and rights shall be
17 subject to termination; and

18 (2) Set the case for a review hearing within six months.

19 [~~(e)~~] (d) If the child has been residing outside of the
20 family home for an aggregate of fifteen out of the most recent
21 twenty-two months from the initial date of entry into out-of-



1 home care, the department shall file a motion to set the matter
2 for a permanent plan hearing unless:

3 (1) The department has documented in the safe family home
4 guidelines prepared pursuant to section 587-25(a), a
5 compelling reason why it would not be in the best
6 interests of the child to file a motion; or

7 (2) The State has not provided to the family of the child,
8 consistent with the time period in the service plan,
9 such services as the department deems necessary for
10 the safe return of the child to the family home;

11 provided that nothing in this section shall prevent the
12 department from filing such motion to set a permanent plan
13 hearing if the department has determined that the criteria in
14 section 587-73(a) are present."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Foster Parents; Attendance at Hearings

Description:

The purpose clarifies notice of hearings requirements and expands opportunities for foster parents to attend and participate in Child Protective Act hearings. (HB2365 HD1)

