
A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

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

1 SECTION 1. The legislature finds that when a child is
2 removed from the family and placed in foster custody, the
3 department of human services is not required by law to perform a
4 diligent search to locate relatives of the child for the purpose
5 of placement despite the family's desire.

6 The purpose of this Act is to require the department of
7 human services to make a good faith effort to locate relatives
8 of a child who is about to be placed in foster care for the
9 purpose of assessing the feasibility of placing the child into
10 the foster custody of a member of that extended family.

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

14 "§587- Foster custody; placement with extended family;
15 required procedures. (a) Except as described in subsection
16 (f), upon assuming temporary foster custody of a child under
17 this chapter, the department shall make a good faith effort to
18 locate and identify members of the child's extended family to



1 assess the feasibility of placing the child into the foster
2 custody of a member of that extended family.

3 To meet the good faith requirement, the department shall:

4 (1) Within seventy-two hours of the child's placement in
5 temporary foster custody:

6 (A) Make diligent efforts to find and interview known
7 relatives, friends, teachers, and community
8 members who may know of the child's extended
9 family; and

10 (B) Find, identify, interview, and assess known
11 members of the child's extended family to
12 determine the feasibility of placing the child
13 into the foster custody of a member of the
14 child's extended family; and

15 (2) Specify in the petition filed pursuant to section 587-
16 21(b), the procedures used and steps taken to comply
17 with paragraph (1).

18 (b) The department shall make increased use of ohana
19 conferences and other appropriate case consultations to engage
20 extended family members in reunification efforts, permanency
21 planning, and placement decisions. Ohana conferences and other
22 case consultations shall occur after a child is placed in foster



1 custody, if the department determines that the child is likely
2 to remain in foster custody for more than sixty days and
3 potential relatives in the extended family are available for
4 out-of-home placement.

5 (c) The department shall establish a process for ongoing
6 contact with members of the child's extended family who express
7 interest in being considered as a placement resource for the
8 child.

9 (d) If the department decides not to place the child in
10 the foster custody of a relative, the department shall provide
11 documentation as part of the department's safe family home
12 report that clearly identifies the rationale for the decision
13 and corrective action or actions the relative must take to be
14 considered as a viable placement option within the limits of
15 existing statutes and federal requirements.

16 (e) Nothing in this section shall be construed to create
17 an entitlement to services or to create judicial authority to
18 order the provision of services to any person or family if the
19 services are unavailable or unsuitable, or the child or family
20 is not eligible for the services.

21 (f) This section shall not apply to, and shall not be
22 construed to interfere with, a police officer assuming



H.B. NO. 1815

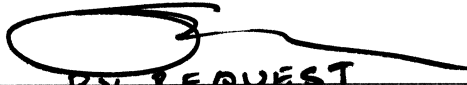
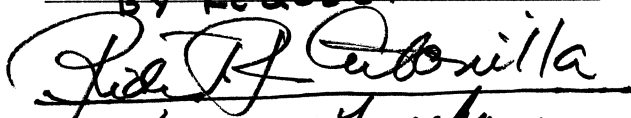
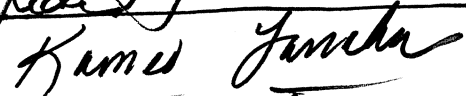
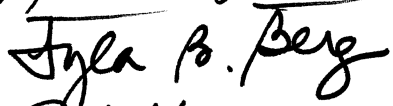

1 protective custody of a child without a court order or
 2 transferring protective custody of the child to the department
 3 under section 587-22."

4 SECTION 3. This Act does not affect rights and duties that
 5 matured, penalties that were incurred, and proceedings that were
 6 begun, before its effective date.

7 SECTION 4. New statutory material is underscored.

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

9

INTRODUCED BY: 
 BY REQUEST





JAN 13 2006



Report Title:

Foster Custody; Relatives; Extended Family

Description:

Requires the department of human services to make a good faith effort to locate, identify, and interview extended family members for possible foster custody placement of a child and to set forth the procedures used and steps taken in this regard in the dependency petition.

