
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
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§587- Foster children's bill of rights. The department
5 has the duty as foster custodian or permanent custodian to
6 ensure that children living under its care have the following
7 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 circumstances, so as to provide appropriate care for
2 the child. Prior to placement, foster care providers
3 shall verbally receive information relating to any
4 serious medical, emotional, and behavioral problems of
5 the child. Within seven days of placement, foster
6 care providers shall receive written information
7 explaining the child's relevant medical and social
8 history. The written information shall include:

9 (A) A statement of why the child was removed from the
10 child's parents' care;

11 (B) A statement of the child's past instances of
12 abuse or neglect in the child's home or previous
13 foster care placements;

14 (C) Pending and past juvenile adjudications or
15 charges;

16 (D) Current school information;

17 (E) Past history of behavioral problems;

18 (F) Current therapy and any known mental health
19 diagnoses;

20 (G) Complete medical records in the department's
21 physical custody;

1 (H) A statement of the child's cultural and family
2 background; and

3 (I) To the extent possible, information about the
4 child's interests, hobbies, likes and dislikes,
5 special possessions or practices, or any other
6 unique characteristic of the child.

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

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

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

- 1 (7) The right, following an adoption, to supervised
2 in-person contact and telephone or mail correspondence
3 with the child's parents and siblings, as provided in
4 the adoption decree;
- 5 (8) The right to direct contact with social workers,
6 guardians ad litem, and probation officers. Children,
7 foster parents, and guardians ad litem shall be
8 informed of changes in social worker assignments and
9 provided contact information for any new social worker
10 within forty-eight hours of a change;
- 11 (9) The right to submit letters or testimony through the
12 child's court-appointed guardian ad litem, at any
13 court hearing or trial, and the right to attend at
14 least one review hearing each year and speak with the
15 family court judge;
- 16 (10) The right to attend religious activities and services
17 of the child's choosing, and the right to refuse to
18 attend any religious activities or services;
- 19 (11) The right to maintain a personal bank account and
20 manage personal income, consistent with the child's
21 age and development, unless prohibited due to safety
22 or health concerns;



1 order or when the child is threatened with harm. The
2 department shall provide a written explanation of the
3 child's removal to the child and the child's former
4 foster care provider within seven days of the child's
5 removal;

6 (15) The right to early identification of family members
7 interested in serving as foster care providers or in
8 permanent custody of the child. The department shall
9 conduct an ohana conference within three months of the
10 child's removal from a foster care provider for the
11 express purpose of identifying interested family
12 members. The department shall contact, in writing,
13 both maternal and paternal relatives that can be
14 identified for this conference;

15 (16) The right to stability of placements, as far as
16 practicable. Current foster care providers shall be
17 considered the presumptive choice for adoption, legal
18 guardianship, or permanent custody of any child who is
19 in the permanent custody, insofar as the child agrees,
20 of the department and has been placed in the foster
21 home for more than one year. Prior to the removal of
22 a child in the permanent custody of the department who



1 has been placed with a foster care provider for more
2 than one year, the department shall prove to the
3 family court by a preponderance of the evidence that
4 removal is in the best interests of the child, unless
5 there are immediate concerns for the child's safety.
6 If the removal is due to immediate concerns for the
7 child's safety, the department, within seven days of
8 the child's removal, shall prove to the family court
9 by a preponderance of the evidence that removal is in
10 the best interests of the child; and

11 (17) The right to life skills training and a transition
12 plan starting at age fourteen to provide adequate
13 transitioning for foster children aging out of the
14 foster care system.

15 The department shall provide every foster child with a copy
16 of the Foster Children's Bill of Rights when the child is placed
17 under the foster custody of the department; provided that the
18 child is of sufficient age and capacity to read and understand
19 the rights.

20 The family court shall have the authority to issue any
21 necessary orders sua sponte, or upon motion of the guardian ad
22 litem, to the department, the department of health, or the



Report Title:

Foster Children; Bill of Rights

Description:

Establishes a foster children's bill of rights. (SD1)

