

JAN 25 2006

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. Not
5 withstanding any provision to the contrary, the department has
6 the duty as foster custodian or permanent custodian to ensure
7 that children living under its care have the following rights
8 protected and enforced:

- 9 (1) To be treated with fairness, dignity, respect, and
10 without discrimination because of race, color,
11 religion, disability, sexual orientation, national
12 origin, age, and gender;
- 13 (2) To be free from harassment, corporal punishment,
14 unreasonable restraint, and physical, sexual, verbal,
15 and emotional abuse;
- 16 (3) To live in a safe, healthy, and comfortable home;



- 1 (4) To be properly nourished and provided with clothing
2 that is clean, seasonal, and age and gender
3 appropriate;
- 4 (5) To receive medical, dental, vision, mental health,
5 behavioral health, and drug and alcohol abuse and
6 addiction services that respond to the child's needs;
- 7 (6) (A) To be free from unreasonable searches of personal
8 belongings and mail, including electronic mail;
9 and
- 10 (B) To be free to make and receive confidential
11 telephone calls as reasonable under the
12 circumstances, unless otherwise provided by law;
- 13 (7) (A) To be permitted to visit with and contact family
14 members; provided that the child is given contact
15 information and a means of communication, unless
16 otherwise prohibited by court order; and
- 17 (B) To contact the child's attorney and members of
18 the child's children and youth services team.
- 19 (8) To be permitted to participate in religious
20 observances and activities and attend religious
21 services of the child's preference or the religion of
22 the child's family of origin or culture as may be



- 1 reasonably accommodated, or to refrain from such
2 religious practices;
- 3 (9) To maintain and reflect the child's culture as may be
4 reasonably accommodated.
- 5 (10) To receive an appropriate education consistent with
6 the laws of this State, including the right to have
7 the opportunity to participate in extracurricular,
8 cultural, and personal enrichment activities that are
9 reasonably available, accommodated, and consistent
10 with the child's age and developmental level;
- 11 (11) (A) To work and develop job skills at an age-
12 appropriate level, consistent with the laws of
13 this State and as may be reasonably accommodated;
14 and
- 15 (B) To receive appropriate life skills training to
16 prepare for independent living;
- 17 (12) To attend court hearings relating to the child's case
18 and to have the opportunity to be heard;
- 19 (13) To have confidentiality maintained consistent with the
20 laws of this State;
- 21 (14) To have any kinship resource or previous foster parent
22 of the child be considered as the preferred placement



1 resource if such placement is consistent with the best
2 interest of the child and the needs of other children
3 in the kinship residence or foster parent's home;

4 (15) To be permitted to exercise parental and decision-
5 making authority over his or her own child and to
6 reside with his or her own child if the foster child
7 has a child of his or her own, if appropriate and as
8 may be reasonably accommodated, unless prohibited by
9 order of court; and

10 (16) (A) To have the opportunity to contact the department
11 confidentially and to make complaints regarding
12 alleged violations of the child's rights; and

13 (B) To be free from harassment and retaliation
14 regarding such actions."

15 SECTION 2. New statutory material is underscored.

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

17

INTRODUCED BY:

Greg L. Hoan
Sharon Chun Oakland
Will Espo
Rosalyn H Baker
Anna Mercedes K...
Carol Fukushima

Chun-Chun
Hal Gish
D. D. J...



SB221

Report Title:

Foster Children; Bill of Rights

Description:

Establishes a Foster Children's Bill of Rights.

