
A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

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 part III to be appropriately
3 designated and to read as follows:

4 "§587- Relatives; foster placement. The department
5 shall provide written responses within forty-five days of an
6 inquiry from a relative as to the relative's potential as a
7 foster placement and if denied, the specific reasons for the
8 denial and an explanation of the procedures for an
9 administrative appeal."

10 SECTION 2. Section 587-2, Hawaii Revised Statutes, is
11 amended by adding a new definition to be appropriately inserted
12 and to read as follows:

13 "Relative" means a person related by blood, lawe hanai
14 parent, or hanai parent, who is willing and able to provide
15 support to the child and the family. As used in this
16 definition, "hanai parent" means an adult other than the natural
17 parent who serves as the child's parent based on written or oral



1 designation by the child or child's relatives. "Lawe hanai
2 parent" means a hanai parent related by blood."

3 SECTION 3. Section 587-24, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

5 "(c) Upon assuming temporary foster custody of a child
6 under this chapter, the department shall place the child in
7 emergency foster care, unless the child is admitted to a
8 hospital or similar institution, while it conducts an
9 appropriate investigation. The department and authorized
10 agencies shall identify all relatives within six months of
11 assuming foster custody of the child."

12 SECTION 4. Section 587-25, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) The following guidelines shall be fully considered
15 when determining whether the child's family is willing and able
16 to provide the child with a safe family home:

17 (1) The current facts relating to the child which include:

18 (A) Age and vulnerability;

19 (B) Psychological, medical, and dental needs;

20 (C) Peer and family relationships and bonding
21 abilities;

22 (D) Developmental growth and schooling;



- 1 (E) Current living situation;
- 2 (F) Fear of being in the family home; and
- 3 (G) Services provided the child;
- 4 (2) The initial and any subsequent reports of harm
- 5 [~~and/or~~] and threatened harm suffered by the child;
- 6 (3) Date(s) and reason for the child's placement out of
- 7 the home, description, appropriateness, and location
- 8 of the placement and who has placement responsibility;
- 9 (4) Historical facts relating to the alleged perpetrator
- 10 and other appropriate family members who are parties
- 11 which include:
- 12 (A) Birthplace and family of origin;
- 13 (B) How they were parented;
- 14 (C) Marital/relationship history; and
- 15 (D) Prior involvement in services;
- 16 (5) The results of psychiatric/psychological/developmental
- 17 evaluations of the child, the alleged perpetrator, and
- 18 other appropriate family members who are parties;
- 19 (6) Whether there is a history of abusive or assaultive
- 20 conduct by the child's family or others who have
- 21 access to the family home;

- 1 (7) Whether there is a history of substance abuse by the
2 child's family or others who have access to the family
3 home;
- 4 (8) Whether the alleged perpetrator(s) has acknowledged
5 and apologized for the harm;
- 6 (9) Whether the non-perpetrator(s) who resides in the
7 family home has demonstrated the ability to protect
8 the child from further harm and to [~~insure~~] ensure
9 that any current protective orders are enforced;
- 10 (10) Whether there is a support system of extended family,
11 including lawe hanai parents and hanai parents,
12 [~~and/or~~] and friends available to the child's
13 family[+] and what attempts have been made to locate
14 and identify extended family, friends, or both;
- 15 (11) Whether the child's family has demonstrated an
16 understanding and [~~utilization~~] use of the
17 recommended/court ordered services designated to
18 effectuate a safe home for the child;
- 19 (12) Whether the child's family has resolved or can resolve
20 the identified safety issues in the family home within
21 a reasonable period of time;



1 (13) Whether the child's family has demonstrated the
2 ability to understand and adequately parent the child
3 especially in the areas of communication, nurturing,
4 child development, perception of the child, and
5 meeting the child's physical and emotional needs; and

6 (14) Assessment (to include the demonstrated ability of the
7 child's family to provide a safe family home for the
8 child) and recommendation."

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Child Protective Act; Relatives

Description:

Requires the Department of Human Services to identify relatives who can provide support to a child involved in child protective proceedings. (HB2707 HD1)

