

---

---

# 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, part VI, Hawaii Revised Statutes,  
2 is amended by adding a new section to be appropriately  
3 designated and to read as follows:  
4           "§587-           Foster parents and relatives; limited status.  
5 Current foster parents and relatives shall be limited to  
6 participation in court proceedings, including testifying and  
7 making informal requests of the court, receiving notice of court  
8 proceedings, and providing information to the court and all  
9 other parties. Current foster parents and relatives may not  
10 file motions."

11           SECTION 2. Section 587-2, Hawaii Revised Statutes, is  
12 amended as follows:

13           1. By adding a new definition to be appropriately inserted  
14 and to read:

15           "Relative" means a person related by blood, lawe hanai  
16 parent, or hanai parent, who is willing and able to provide  
17 support to the child and the family. As used in this  
18 definition, "hanai parent" means an adult other than the natural



1 parent who serves as the child's parent based on written or oral  
2 designation by the child or child's relatives. "Lawe hanai  
3 parent" means a hanai parent related by blood."

4       2. By amending the definition of "party" to read:  
5        "Party" means an authorized agency, the child, the child's  
6 family member or members who are required to be summoned  
7 pursuant to section 587-32(a), any other member of the child's  
8 family, or any other person who is alleged in the petition filed  
9 under this chapter or who is subsequently determined at any  
10 child protective proceeding to be encouraging, causing, or  
11 contributing to the acts or conditions which bring the child  
12 within this chapter, and who has been duly served with a summons  
13 and a copy of the petition filed under this chapter[+], and  
14 foster parents and relatives known to the department at the  
15 permanent plan hearing and subsequent hearings; provided that  
16 the court may limit a party's right to participate in any child  
17 protective proceeding if the court deems such limitation of such  
18 party's participation to be consistent with the best interests  
19 of the child and such party is not a family member who is  
20 required to be summoned pursuant to section 587-32(a), except as  
21 provided in section 587-73(b)(1)(D)."



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

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

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

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

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

- 16 (A) Age and vulnerability;
- 17 (B) Psychological, medical, and dental needs;
- 18 (C) Peer and family relationships and bonding  
19 abilities;
- 20 (D) Developmental growth and schooling;
- 21 (E) Current living situation;
- 22 (F) Fear of being in the family home; and



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



- 1 (8) Whether the alleged perpetrator(s) has acknowledged  
2 and apologized for the harm;
- 3 (9) Whether the non-perpetrator(s) who resides in the  
4 family home has demonstrated the ability to protect  
5 the child from further harm and to [~~insure~~] ensure  
6 that any current protective orders are enforced;
- 7 (10) Whether there is a support system of extended family  
8 [~~and/or~~] and friends available to the child's  
9 family[+] and what attempts have been made to locate  
10 and identify relatives;
- 11 (11) Whether the child's family has demonstrated an  
12 understanding and [~~utilization~~] use of the  
13 recommended/court ordered services designated to  
14 effectuate a safe home for the child;
- 15 (12) Whether the child's family has resolved or can resolve  
16 the identified safety issues in the family home within  
17 a reasonable period of time;
- 18 (13) Whether the child's family has demonstrated the  
19 ability to understand and adequately parent the child  
20 especially in the areas of communication, nurturing,  
21 child development, perception of the child, and  
22 meeting the child's physical and emotional needs; and



1 (14) Assessment (to include the demonstrated ability of the  
2 child's family to provide a safe family home for the  
3 child) and recommendation."

4 SECTION 5. Section 587-51.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[+]§587-51.5[+] **Notice of hearings.** (a) Notice of all  
7 hearings shall be served upon the parties and upon the parents.  
8 Notice of hearings shall be served by the department upon the  
9 parties no less than forty-eight hours before the scheduled  
10 hearing. No hearing shall be held until the parties are served.

11 (b) Notice of all hearings subsequent to the section  
12 587-71 disposition hearing shall be served upon the current  
13 foster parent or parents [~~, each of whom shall be entitled to~~  
14 ~~participate in the proceedings as a party.~~] and other relatives  
15 identified by the department pursuant to section 587-24(c).

16 Notice of hearings shall be served by the department upon the  
17 current foster parent or parents and other identified relatives  
18 no less than forty-eight hours before the scheduled hearing,  
19 subject to a shortening of time when a hearing is set within a  
20 shorter time frame. No hearing shall be held until the current  
21 foster parent or parents and other identified relatives are  
22 served. For purposes of this subsection, notice [~~to foster~~



1 ~~parents~~] may be effected by hand delivery, regular mail, or by  
2 facsimile or electronic mail if receipt may be confirmed, and  
3 may consist of the last court order, if it includes the date and  
4 time of the hearing.

5 ~~[(e) For purposes of this section, "party" or "parties"~~  
6 ~~shall include the current foster parents.] "~~

7 SECTION 6. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun, before its effective date.

10 SECTION 7. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

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



**Report Title:**

Child Protective Act; Hearings; Relatives

**Description:**

Requires the Department of Human Services to identify relatives who are willing and able to provide support to a child involved in child protective proceedings. Limiting identified relatives to receiving notice of, participation in, and providing information to the court and all other parties during child protective hearings. (HB2708 HD1)

