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# A BILL FOR AN ACT

RELATING TO FOSTER CHILDREN'S TRANSITION TO ADULTHOOD.

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

1 SECTION 1. The legislature finds that former foster youth  
2 are at greater risk than the general population of becoming  
3 homeless or suffering other deprivations as adults. Independent  
4 living skills are essential to enable children to become  
5 productive and safe adults.

6 The purpose of this Act is to ensure that foster youth are  
7 provided, beginning at age fourteen, with appropriate  
8 opportunities to learn basic life skills that will be needed  
9 when they become adults.

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

13 "§587- Independent living. (a) Beginning at age  
14 fourteen, the permanent plan of all foster youth who are in  
15 permanent custody or foster custody shall include an age  
16 appropriate independent living program.



1        (b) The independent living program shall teach basic  
2 skills necessary to transition to adulthood. The program shall  
3 include the provision of training and information on:

4        (1) Community services available to transitioning youth  
5        and adults;

6        (2) Money management;

7        (3) The job application process;

8        (4) Access to higher education or alternative primary  
9        education;

10       (5) The student loans and scholarship application process;

11       (6) Access to the welfare system;

12       (7) Access to public and private medical care and mental  
13       health systems;

14       (8) Obtaining public and private housing; and

15       (9) Other important life skills.

16       **§587- Child's presence at hearings.** (a) A child who  
17 has reached the age of fourteen may attend all permanent plan  
18 review hearings unless the court, after consulting with the  
19 child in camera, finds that it is in the best interests of the  
20 child to not attend.



1        (b) A child under the age of fourteen, at the discretion  
2 of the court after consulting with the child in camera, may  
3 attend all permanent plan review hearings.

4        (c) The department shall arrange for a child's  
5 transportation to court for the purposes of this section."

6        SECTION 3. Section 587-27, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8        "(a) Permanent plan [~~is~~] shall be a specific written plan,  
9 prepared by an appropriate authorized agency[~~, which should~~]  
10 that shall set forth:

11        (1) A position as to whether the court should order [~~an~~]  
12 adoption, guardianship, or permanent custody of the  
13 child and specify:

14        (A) A reasonable period of time during which the  
15 adoption or guardianship may be finalized;  
16 provided that the identity of the proposed  
17 adoptive parent or parents shall be provided to  
18 the court in a separate report [~~which~~] that shall  
19 be sealed and shall not be released to the  
20 parties unless the court deems [~~such~~] release to  
21 be in the best interests of the child;



1 (B) If adoption is not the plan, a clear and  
2 convincing explanation why guardianship is  
3 preferable to adoption; or

4 (C) If neither adoption [~~or~~] nor guardianship is  
5 [~~not~~] the plan, a clear and convincing  
6 explanation why permanent custody is preferable  
7 to guardianship;

8 (2) [~~A specific written plan including:~~

9 ~~(A)]~~ The goal, as being[+] either adoption,  
10 guardianship, or permanent custody;

11 ~~(B)]~~ (3) The objectives concerning the child,  
12 including[~~, but not limited to,~~] stable placement,  
13 education, health, therapy, counseling, birth family  
14 [~~and~~], including visitation, if any[+], culture, [~~and~~]  
15 adoption, and guardianship[~~, or preparation for~~  
16 ~~independent living~~]; [~~and~~

17 ~~(C)]~~ (4) The method or methods for achieving the goal  
18 and objectives set forth in [~~subparagraphs (A) and~~  
19 ~~(B)]~~ paragraphs (2) and (3);

20 [~~3)]~~ (5) All supporting exhibits and written consents or  
21 an explanation [~~as to~~] why the exhibits or consents  
22 are not available. Upon good cause shown, the court

1 may waive submission of any supporting exhibit or  
2 written consent; [~~and~~]

3 (6) For all children over fourteen years of age, a  
4 description of the steps taken to prepare the child  
5 for transition to adulthood, including steps taken to  
6 refer and enroll the child in an independent living  
7 program, and any other referrals made. If the child  
8 is not enrolled in an independent living program, an  
9 explanation shall be provided, including steps that  
10 the department will take to ensure the child will  
11 participate in an independent living program; and

12 [~~+~~] (7) Any other information or materials [which] that  
13 are necessary to the expeditious facilitation of the  
14 permanent plan."

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

17 "[~~+~~]**\$587-51.5**[~~+~~] **Notice of hearings.** (a) Notice of all  
18 hearings shall be served upon the parties and upon the parents.  
19 Notice of hearings shall be served by the department upon the  
20 parties no less than forty-eight hours before the scheduled  
21 hearing. No hearing shall be held until the parties are served.



1 (b) Notice of all hearings subsequent to the section  
2 587-71 disposition hearing shall be served upon the current  
3 foster parent or parents, each of whom shall be entitled to  
4 participate in the proceedings as a party. Notice of hearings  
5 shall be served by the department upon the current foster parent  
6 or parents no less than forty-eight hours before the scheduled  
7 hearing, subject to a shortening of time when a hearing is set  
8 within a shorter time frame. No hearing shall be held until the  
9 current foster parent or parents are served. For purposes of  
10 this subsection, notice to foster parents may be effected by  
11 hand delivery, regular mail, or by facsimile or electronic mail  
12 if receipt may be confirmed, and may consist of the last court  
13 order, if it includes the date and time of the hearing.

14 (c) Notice of all hearings under section 587-73 held  
15 subsequent to a permanent plan hearing shall be served upon a  
16 child who has reached the age of fourteen. Notice of hearings  
17 shall be served by the department upon the child no less than  
18 forty-eight hours before the scheduled hearing, unless the  
19 hearing is set within a shorter time frame. No hearing shall be  
20 held until the child is served. For purposes of this  
21 subsection, notice may be effected by hand delivery, regular  
22 mail, facsimile, or electronic mail, if receipt may be



1 confirmed. The notice may consist of the last court order, if  
2 it includes the date and time of the hearing.

3 ~~(e)~~(d) For purposes of this section, "party" or  
4 "parties" shall include the current foster parents."

5 SECTION 5. There is appropriated or authorized from  
6 temporary assistance for needy families funds the sum of  
7 \$ , or so much thereof as may be necessary for fiscal  
8 year 2007-2008, and the same sum, or so much thereof as may be  
9 necessary for fiscal year 2008-2009, to the department of human  
10 services for the independent living program.

11 The sums appropriated shall be expended by the department  
12 of human services for the purposes of this Act.

13 SECTION 6. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2007.



**REPORT Title:**

Foster Children; Mandatory Independent Living Programs

**Description:**

Requires the permanent plan of certain foster children fourteen years-of-age and older to include an appropriate independent living program. (SB1163 HD1)

