
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) The permanent plan of
14 all foster youth who are in permanent custody or foster custody
15 at age fourteen shall include an age appropriate independent
16 living program.



1 (b) The independent living program shall teach basic
2 skills necessary to transition to adulthood. The program shall
3 include training and providing 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 [+], 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 ~~(+4)~~ (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 and the child's legal
17 custodian. Notice of hearings shall be served by the department
18 upon the child and the child's legal custodian no less than
19 forty-eight hours before the scheduled hearing, unless the
20 hearing is set within a shorter time frame. No hearing shall be
21 held until the child and the child's legal custodian have been
22 served. For purposes of this subsection, notice may be effected



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

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

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

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

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 Statutory material to be repealed is bracketed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

16 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 HD2)

