
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. Section 587-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "party" to read as
3 follows:
4 "Party" means an authorized agency, the child, the child's
5 family member or members who are required to be summoned
6 pursuant to section 587-32(a), any other member of the child's
7 family, or any other person who is alleged in the petition filed
8 under this chapter or who is subsequently determined at any
9 child protective proceeding to be encouraging, causing, or
10 contributing to the acts or conditions which bring the child
11 within this chapter, and who has been duly served with a summons
12 and a copy of the petition filed under this chapter; provided
13 that the court may limit a party's right to participate in any
14 child protective proceeding if the court deems such limitation
15 of such party's participation to be consistent with the best
16 interests of the child and such party is not a family member who



1 is required to be summoned pursuant to section 587-32(a), except
2 as ~~is~~ provided in section ~~[587-73(b)(4)-]~~ 587-73(b)(1)(D)."

3 SECTION 2. Section 587-73, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) If the court determines that the criteria set forth
6 in subsection (a) are established by clear and convincing
7 evidence~~[, the court shall order+]~~ and:

8 (1) The goal of the permanent plan is for the child to be
9 adopted or remain in permanent custody, the court
10 shall order:

11 ~~[(1)]~~ (A) That the existing service plan be terminated and
12 that the prior award of foster custody be
13 revoked;

14 ~~[(2)]~~ (B) That permanent custody be awarded to an
15 appropriate authorized agency;

16 ~~[(3)]~~ (C) That an appropriate permanent plan be implemented
17 concerning the child whereby the child will:

18 ~~[(A)]~~ (i) Be adopted pursuant to chapter 578; provided
19 that the court shall presume that it is in
20 the best interests of the child to be
21 adopted, unless the child is or will be in
22 the home of family or a person who has



1 become as family and who for good cause is
2 unwilling or unable to adopt the child but
3 is committed to and is capable of being the
4 child's guardian or permanent custodian;

5 ~~[(B) Be placed under guardianship pursuant to chapter~~
6 560+] or

7 ~~[(C)]~~ (ii) Remain in permanent custody until the child
8 is subsequently adopted, placed under a
9 guardianship, or reaches the age of
10 majority, and that such status shall not be
11 subject to modification or revocation except
12 upon a showing of extraordinary
13 circumstances to the court;

14 ~~[(4)]~~ (D) That such further orders as the court deems to be
15 in the best interests of the child, including~~[-]~~
16 but not limited to~~[-]~~ restricting or excluding
17 unnecessary parties from participating in adoption
18 or other subsequent proceedings, be entered; and

19 ~~[(5)]~~ (E) Until adoption or guardianship is ordered, that
20 each case be set for a permanent plan review
21 hearing not later than one year after the date that
22 a permanent plan is ordered by the court, or sooner



1 if required by federal law, and thereafter, that
2 subsequent permanent plan review hearings be set
3 not later than each year, or sooner if required by
4 federal law; provided that at each permanent plan
5 review hearing, the court shall review the existing
6 permanent plan and enter such further orders as are
7 deemed to be in the best interests of the child[-];

8 or

9 (2) The goal of the permanent plan is for the child to be
10 placed under guardianship pursuant to part 2 of
11 article V of chapter 560, the court shall order:

12 (A) That the prior award of foster custody be
13 continued and that the existing service plan be
14 terminated;

15 (B) That an appropriate permanent plan be implemented
16 concerning the child whereby the child will be
17 placed under guardianship pursuant to part 2 of
18 article V of chapter 560; and

19 (C) That, until the guardianship is ordered, each
20 case be set for a permanent plan review hearing
21 not later than six months after the date that a
22 permanent plan is ordered by the court, or sooner



1 if required by federal law; provided that at each
2 permanent plan review hearing, the court shall
3 review the existing permanent plan and enter such
4 further orders as are deemed to be in the best
5 interests of the child."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Guardianship

Description:

Specifies that when the family court determines that the child's parents cannot provide the child with a safe family home, the Department of Human Services may submit a permanent plan with a goal of guardianship and the court may award guardianship to an appropriate entity without termination of parental rights.
(CD1)

