
A BILL FOR AN ACT

RELATING TO CHILD WELFARE.

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

1 SECTION 1. The legislature finds that while foster youth
2 are represented by guardians ad litem and assisted by social
3 workers, foster youth in permanent custody of the department of
4 human services are in the unique situation of having no guardian
5 or adoptive parent who will ensure their needs are met. The
6 legislature further finds that foster youth should be afforded
7 notice and opportunity to be involved in decision-making
8 affecting their future.

9 Accordingly, the purpose of this Act is to ensure that
10 foster youth who are subject to a permanent plan are provided
11 notice and the opportunity to participate in hearings that
12 affect their future.

13 SECTION 2. Chapter 587, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§587- Child's presence at hearings. (a) A child who
17 has reached the age of fourteen may attend all hearings under
18 section 587-73 held subsequent to a permanent plan hearing under



1 that section unless the court, after consulting with the child
2 in camera, finds that it is in the best interest of the child to
3 not attend.

4 (b) A child under the age of fourteen, at the discretion
5 of the court after consulting with the child in camera, may
6 attend all hearings subsequent to a permanent plan hearing.

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

9 SECTION 3. Section 587-51.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~§~~587-51.5~~§~~ **Notice of hearings.** (a) Notice of all
12 hearings shall be served upon the parties and upon the parents.
13 Notice of hearings shall be served by the department upon the
14 parties no less than forty-eight hours before the scheduled
15 hearing. No hearing shall be held until the parties are served.

16 (b) Notice of all hearings subsequent to the section
17 587-71 disposition hearing shall be served upon the current
18 foster parent or parents, each of whom shall be entitled to
19 participate in the proceedings as a party. Notice of hearings
20 shall be served by the department upon the current foster parent
21 or parents no less than forty-eight hours before the scheduled
22 hearing, subject to a shortening of time when a hearing is set



1 within a shorter time frame. No hearing shall be held until the
2 current foster parent or parents are served. For purposes of
3 this subsection, notice to foster parents may be effected by
4 hand delivery, regular mail, or by facsimile or electronic mail,
5 if receipt may be confirmed, and may consist of the last court
6 order, if it includes the date and time of the hearing.

7 (c) Notice of all hearings under section 587-73 held
8 subsequent to a permanent plan hearing that a child may attend
9 pursuant to section 587- shall be served upon the child.
10 Notice of hearings shall be served by the department upon the
11 child no less than forty-eight hours before the scheduled
12 hearing. For purposes of this subsection, notice may be
13 effected by hand delivery, regular mail, or by facsimile or
14 electronic mail, if receipt may be confirmed, and may consist of
15 the last court order, if it includes the date and time of the
16 hearing.

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

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on upon approval.



Report Title:

Child Welfare; Permanent Plan Hearings

Description:

Provides notice of permanent plan hearings to a child who has reached the age of 14. (SD1)

