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

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

15 "§587- Child's presence at hearings. (a) A child who
16 has reached the age of fourteen may attend all hearings
17 subsequent to a permanent plan hearing pursuant to section
18 587-73 unless the court, after consulting with the child in



1 camera, finds that it is in the best interest of the child to
2 not attend.

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

6 (c) The department shall provide transportation to court
7 for a child pursuant to this section."

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

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

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



1 current foster parent or parents are served. For purposes of
2 this subsection, notice to foster parents may be effected by
3 hand delivery, regular mail, or by facsimile or electronic mail,
4 if receipt may be confirmed, and may consist of the last court
5 order, if it includes the date and time of the hearing.

6 (c) Notice of all hearings subsequent to a permanent plan
7 hearing pursuant to section 587-73 shall be served upon a child
8 who has reached the age of fourteen. Notice of hearings shall
9 be served by the department upon the child who has reached the
10 age of fourteen no less than forty-eight hours before the
11 scheduled hearing, subject to a shortening of time when a
12 hearing is set within a shorter time frame. No hearing shall be
13 held until the child who has reached the age of fourteen is
14 served. For purposes of this subsection, notice to a child who
15 has reached the age of fourteen may be effected by hand
16 delivery, regular mail, or by facsimile or electronic mail, if
17 receipt may be confirmed, and may consist of the last court
18 order, if it includes the date and time of the hearing.

19 [+e+] (d) For purposes of this section, "party" or
20 "parties" shall include the current foster parents."

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 2007.

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INTRODUCED BY: Elizabeth Chun Oakland

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Report Title:

Child Welfare

Description:

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

