
A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

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

1 SECTION 1. The legislature finds that grandparents are
2 part of the natural family support system. In addition to their
3 familial relationship with their grandchildren, grandparents
4 offer other strengths and resources, such as life experience and
5 maturity. The rights, knowledge, and wisdom of a child's
6 grandparents can be instrumental in certain hearings under
7 chapter 587, Hawaii Revised Statutes, at which decisions are
8 made regarding the best interests of the child and the need for
9 protective services.

10 The purpose of this Act is to give a child's grandparent or
11 relative caregiver an opportunity to participate as a party to
12 certain child protective hearings, thereby helping to ensure the
13 safety and well-being of the child.

14 SECTION 2. Section 587-25, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) The following guidelines shall be fully considered
17 when determining whether the child's family is willing and able
18 to provide the child with a safe family home:



- 1 (1) The current facts relating to the child which include:
- 2 (A) Age and vulnerability;
- 3 (B) Psychological, medical and dental needs;
- 4 (C) Peer and family relationships and bonding
- 5 abilities;
- 6 (D) Developmental growth and schooling;
- 7 (E) Current living situation;
- 8 (F) Fear of being in the family home; and
- 9 (G) Services provided the child;
- 10 (2) The initial and any subsequent reports of harm and/or
- 11 threatened harm suffered by the child;
- 12 (3) Date(s) and reason for child's placement out of the
- 13 home, description, appropriateness, and location of
- 14 the placement and who has placement responsibility;
- 15 (4) Historical facts relating to the alleged perpetrator
- 16 and other appropriate family members who are parties
- 17 which include:
- 18 (A) Birthplace and family of origin;
- 19 (B) How they were parented;
- 20 (C) Marital/relationship history; and
- 21 (D) Prior involvement in services;



- 1 (5) The results of psychiatric/psychological/developmental
2 evaluations of the child, the alleged perpetrator and
3 other appropriate family members who are parties;
- 4 (6) Whether there is a history of abusive or assaultive
5 conduct by the child's family or others who have
6 access to the family home;
- 7 (7) Whether there is a history of substance abuse by the
8 child's family or others who have access to the family
9 home;
- 10 (8) Whether the alleged perpetrator(s) has acknowledged
11 and apologized for the harm;
- 12 (9) Whether the non-perpetrator(s) who resides in the
13 family home has demonstrated the ability to protect
14 the child from further harm and to insure that any
15 current protective orders are enforced;
- 16 (10) Whether there is a support system of extended family
17 and/or friends available to the child's family[+] and
18 what attempts have been made to locate and identify
19 extended family and/or friends;
- 20 (11) Whether the child's family has demonstrated an
21 understanding and utilization of the recommended/court



1 ordered services designated to effectuate a safe home
2 for the child;

3 (12) Whether the child's family has resolved or can resolve
4 the identified safety issues in the family home within
5 a reasonable period of time;

6 (13) Whether the child's family has demonstrated the
7 ability to understand and adequately parent the child
8 especially in the areas of communication, nurturing,
9 child development, perception of the child and meeting
10 the child's physical and emotional needs; and

11 (14) Assessment (to include the demonstrated ability of the
12 child's family to provide a safe family home for the
13 child) and recommendation."

14 SECTION 3. Section 587-51.5, Hawaii Revised Statutes, is
15 amended by amending subsections (b) and (c) to read as follows:

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 foster parents, each grandparent, or each
19 relative caregiver who can be located, each of whom shall be
20 entitled to participate in the proceedings as a party. Notice
21 of hearings shall be served by the department upon the current
22 foster parent or foster parents and each grandparent or relative



1 caregiver who can be located no less than forty-eight hours
2 before the scheduled hearing, subject to a shortening of time
3 when a hearing is set within a shorter time frame. No hearing
4 shall be held until the current foster parent or foster parents
5 ~~[are]~~, each grandparent, and relative caregiver who can be
6 located is served. For purposes of this subsection, notice ~~[to~~
7 ~~foster parents]~~ may be effected by hand delivery, regular mail,
8 or by facsimile or electronic mail if receipt may be confirmed,
9 and may consist of the last court order, if it includes the date
10 and time of the hearing. The department shall certify to the
11 court its efforts to locate relative caregivers when exercising
12 its duties under this section.

13 (c) For purposes of this section, "party" or "parties"
14 shall include the current foster parents~~[-]~~, grandparents, and
15 relative caregivers."

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Child Protective Act; Notice of Hearings

Description:

Permits a child's grandparent and relative caregiver to participate as a party at certain child protective hearings.
(SD1)

