
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. The legislature finds that over fifty per cent
2 of children in foster care, or approximately one thousand four
3 hundred children, are of Hawaiian ancestry. However, only about
4 one-half of those foster children are placed in foster homes
5 that share their Hawaiian culture. As a result, native Hawaiian
6 communities and families have expressed concern that cultural
7 needs are not considered as heavily as they should be in the
8 placement of foster children.

9 The legislature also finds that the Hawaiian culture has
10 long embraced the traditional system of "hanai" which allows a
11 person other than a child's parent to play a substantial role in
12 the material support and upbringing of the child. In many
13 cases, the people raising children of Hawaiian ancestry in a
14 hanai relationship are the children's grandparents. However,
15 due to age and economic circumstances, many caregivers in a
16 hanai relationship are unable to satisfy the department of human
17 services' requirements for the licensing of foster parents;
18 resulting in children being taken into the department's custody.



1 The legislature further finds that the State is mandated to
2 protect and preserve the customs and traditions of Hawaiians
3 pursuant to article XII, section 7 of the state constitution.

4 The purpose of this Act is require that the process of
5 licensing foster parents recognizes and respects the Hawaiian
6 culture and the system of hanai.

7 SECTION 2. Section 346-17, Hawaii Revised Statutes, is
8 amended by amending subsection (d) to read as follows:

9 "(d) The department shall adopt rules pursuant to chapter
10 91 relating to:

11 (1) Standards for the organization and administration of
12 child placing organizations;

13 (2) Standards of conditions, management, and competence
14 for the care and training of minor children in child
15 caring institutions and foster boarding homes; and

16 (3) Standards of conditions and competence of operation of
17 foster boarding homes as may be necessary to protect
18 the welfare of children[-];

19 provided that all rules of the department regarding the
20 licensing process for foster parents or the certification
21 process of foster family boarding homes shall require the



1 recognition and respect of the Hawaiian culture and the system
2 of hanai."

3 SECTION 3. The department of human services is directed to
4 submit a report to the legislature of its findings and
5 recommendations, rules to be adopted, and if necessary, proposed
6 legislation, no later than twenty days prior to the convening of
7 the regular session of 2010.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:

John M. Gagnier
Hida Cutionilla
~~David~~ D.C. Kich-ay

Janeane Monumet
Tom Brower

D.H.

JAN 24 2009



Report Title:

Foster Care; Hanai

Description:

Requires that rules adopted by the department of human services regarding the licensing process for foster parents or the certification process for foster family boarding homes provide for the recognition and respect of the Hawaiian culture and the system of hanai.

