
A BILL FOR AN ACT

RELATING TO FOSTER CHILDREN.

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

1 SECTION 1. The legislature finds that the transition from
2 foster care to adulthood is a very difficult path for many
3 former foster care individuals. Without the continuation of
4 support services they received from foster parents and state
5 programs when they were younger, many of these young adults face
6 low odds for a successful life of achievement as an adult.
7 Currently, the department of human services provides services to
8 assist and support foster youth with their transition from
9 foster care to adult self-sufficiency. The department of human
10 services uses state and federal funds in accordance with the
11 John H. Chafee Foster Care Independence Program (Public Law No.
12 106-169).

13 An additional federal program that is available to help
14 children in the foster care system is the Fostering Connections
15 and Increasing Adoptions Act of 2008 (Public Law No. 110-351).
16 That law was enacted in part to provide some federal support for
17 housing, educational stability, and health care coordination for
18 youth who have aged out of foster care to increase their



1 opportunities for a successful transition into adulthood.
2 However, family court jurisdiction for children in Hawaii's
3 foster care system ends upon the child's eighteenth birthday. A
4 former foster care youth in Hawaii who is experiencing
5 difficulty with services provided by the Fostering Connections
6 and Increasing Adoptions Act of 2008 or the John H. Chafee
7 Foster Care Independence Program currently has no legal
8 mechanism for the family court to review the appropriateness of
9 such services.

10 The purpose of this Act is to authorize the family court
11 system to retain jurisdiction over children in the foster care
12 system until they reach the age of twenty-one, and to amend
13 current law to require a transition plan for children once they
14 have reached the age of fourteen.

15 SECTION 2. Section 587A-4, Hawaii Revised Statutes, is
16 amended by amending the definition of "child" to read as
17 follows:

18 "Child" means a person who is born alive and is less than
19 eighteen years of age. The term also includes persons under age
20 twenty-one who were committed to the court pursuant to section
21 571-11(9)."



1 SECTION 3. Section 587A-31, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) At each permanency hearing, the court shall make
4 written findings pertaining to:

5 (1) The extent to which each party has complied with the
6 service plan and progressed in making the home safe;

7 (2) Whether the current placement of the child continues
8 to be appropriate and in the best interests of the
9 child or if another in-state or out-of-state placement
10 should be considered;

11 (3) The court's projected timetable for reunification or,
12 if the current placement is not expected to be
13 permanent, placement in an adoptive home, with a legal
14 guardian, or under the permanent custody of the
15 department;

16 (4) Whether the department has made reasonable efforts, in
17 accordance with the safety and well-being of the
18 child, to:

19 (A) Place siblings who have been removed from the
20 family home with the same resource family,
21 adoptive placement, or legal guardians; and



- 1 (B) Provide for frequent visitation or other on-going
2 interactions with siblings who are not living in
3 the same household;
- 4 (5) The appropriate permanency goal for the child,
5 including whether a change in goal is necessary;
- 6 (6) Whether the department has made reasonable efforts to
7 finalize the permanency goal in effect for the child
8 and a summary of those efforts;
- 9 (7) The date by which the permanency goal for the child is
10 to be achieved;
- 11 (8) In the case of a child who has attained [~~sixteen~~]
12 fourteen years of age, but in no case later than the
13 date the child attains sixteen years of age, the
14 services needed to assist the child with the
15 transition from foster care to independent living[7],
16 if the department determines that it is appropriate;
17 and
- 18 (9) Consultations with the child in an age-appropriate
19 manner about the proposed plan for permanency or
20 transition from foster care to independent living.
21 Consultations shall address the child's needs and
22 goals for a successful transition to independent



1 living, and may include needs and goals related to
2 housing, physical and mental health, education,
3 employment, community connections, and supportive
4 relationships."

5 SECTION 4. Section 587A-35, Hawaii Revised Statutes, is
6 amended to read as follows:

7 " ~~[+] §587A-35 [+~~ **Retention of jurisdiction.** (a) Except as
8 otherwise provided in this chapter, the court may retain
9 jurisdiction under this chapter until the full term for which
10 any order entered expires or until the child attains [~~nineteen~~
11 twenty-one years of age, whichever comes first. The extended
12 jurisdiction of the court shall terminate on the earlier of:

- 13 (1) The child's twenty-first birthday; or
- 14 (2) The date the child withdraws consent to the extension
15 of the court's jurisdiction in writing or in court.

16 (b) Notwithstanding an extension of jurisdiction, the
17 child shall attain the age of majority at age eighteen."

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

20 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Foster Children Care System; Court Jurisdiction to Age 21

Description:

Authorizes the family court foster care system to retain jurisdiction of a child until age twenty-one (subject to certain events which will terminate the jurisdiction) and amends the age of the child and scope of the required court findings in a permanency hearing. Effective July 1, 2050. (HB726 HD1)

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