

JAN 21 2011

S.B. NO. 954

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 in order to increase



1 their 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 give children in the foster
11 care system the option to remain under the jurisdiction of the
12 family court system until they reach the age of twenty-one, and
13 to amend current law to require a transition plan for children
14 once they have reached the age of fourteen.

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

18 "§587A- Extended jurisdiction. (a) A court that,
19 pursuant to section 571-11(9), had exclusive original
20 jurisdiction in a child protective proceeding over a child may,
21 upon motion filed by the child or former guardian ad litem,
22 issue an order that extends the court's jurisdiction over the



1 child as provided by this chapter. The motion seeking extended
2 jurisdiction shall be filed no later than six months prior to
3 the child's twenty-first birthday.

4 (b) The extended jurisdiction of the court shall terminate
5 on the earlier of:

6 (1) The child's twenty-first birthday; or

7 (2) The date the child withdraws consent to the extension
8 of the court's jurisdiction in writing or in court.

9 (c) Notwithstanding extended jurisdiction, the child shall
10 attain the age of majority at age eighteen, and jurisdiction of
11 the family court shall terminate at that time by operation of
12 law."

13 SECTION 3. Section 587A-4, Hawaii Revised Statutes, is
14 amended by amending the definition of "child" to read as
15 follows:

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

20 SECTION 4. Section 587A-31, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



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

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

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

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

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

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

20 (B) Provide for frequent visitation or other on-going
21 interactions with siblings who are not living in
22 the same household;



- 1 (5) The appropriate permanency goal for the child,
2 including whether a change in goal is necessary;
- 3 (6) Whether the department has made reasonable efforts to
4 finalize the permanency goal in effect for the child
5 and a summary of those efforts;
- 6 (7) The date by which the permanency goal for the child is
7 to be achieved;
- 8 (8) In the case of a child who has attained [~~sixteen~~]
9 fourteen years of age, but in no case later than the
10 date the child attains sixteen years of age, the
11 services needed to assist the child with the
12 transition from foster care to independent living[~~7~~],
13 if the department determines that it is appropriate;
14 and
- 15 (9) Consultations with the child in an age-appropriate
16 manner about the proposed plan for permanency or
17 transition from foster care to independent living.
18 Consultations shall address the child's needs and
19 goals for a successful transition to independent
20 living, and may include needs and goals related to
21 housing, physical and mental health, education,



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.
4

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Report Title:

Foster Children; Foster Care

Description:

Gives children in the foster care system the option to remain under the jurisdiction of the family court system until they reach the age of twenty-one; amends current law to require a transition plan for children once they have reached the age of fourteen.

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