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# 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.

12           An additional federal program that is available to help  
13 children in the foster care system is the Fostering Connections  
14 to Success and Increasing Adoptions Act of 2008 (Public Law  
15 110-351). That law was enacted in part to provide some federal  
16 support for housing, educational stability, and health care  
17 coordination for youth who have aged out of foster care in order  
18 to increase their opportunities for a successful transition into



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

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

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

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

- 18 (1) The extent to which each party has complied with the  
19 service plan and progressed in making the home safe;
- 20 (2) Whether the current placement of the child continues  
21 to be appropriate and in the best interests of the



1 child or if another in-state or out-of-state placement  
2 should be considered;

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

8 (4) Whether the department has made reasonable efforts, in  
9 accordance with the safety and well-being of the  
10 child, to:

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

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

17 (5) The appropriate permanency goal for the child,  
18 including whether a change in goal is necessary;

19 (6) Whether the department has made reasonable efforts to  
20 finalize the permanency goal in effect for the child  
21 and a summary of those efforts;



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

19 SECTION 3. Section 587A-35, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 " [+]§587A-35[+] **Retention of jurisdiction.** (a) Except as  
22 otherwise provided in this chapter, the court may retain



1 jurisdiction under this chapter until the full term for which  
2 any order entered expires or until the child attains [~~nineteen~~  
3 twenty-one years of age, whichever comes first. The extended  
4 jurisdiction of the court shall terminate on the earlier of:

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

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

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

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

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

13



**Report Title:**

Foster Children; Foster Care; Extended Jurisdiction

**Description:**

Amends current law to require a transition plan for children once they have reached the age of fourteen. 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. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

