
A BILL FOR AN ACT

RELATING TO FOSTER CARE.

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

1 SECTION 1. The legislature finds that the goal of child
2 foster care is to find each child a permanent home with caring
3 parents. However, the purpose of an effective foster care system
4 is to establish a stable, safe, but temporary living environment
5 for children who are not receiving adequate care. Children
6 entering the foster care system are often placed with resource
7 caregivers and resource families, who are certified, licensed
8 individuals and families who provide temporary care for children
9 in the system.

10 The legislature finds that in 2010, over twelve hundred
11 children were living in out-of-home care and approximately one
12 out of every four of those children were waiting to be adopted.
13 The role of a resource caregiver includes caring for a child who
14 is pending adoption and, in some instances, facilitating the
15 reunification of a foster child with his or her birth parents
16 over an extended period of time. Given the demands placed upon
17 resource caregivers, the privilege of caring for a foster child
18 can involve a lengthy process of paperwork and interviews.



1 The legislature also finds that the current payment
2 structure may result in additional strain on resource
3 caregivers, due to fluctuations in the caregiver's monthly
4 household income. Additional costs incurred by caregivers often
5 require pre-approval from a social worker or social service
6 assistant, or are otherwise approved for after-the-fact
7 reimbursement from the department of human services.

8 Moreover, the legislature recognizes that while all
9 resource caregivers should demonstrate competence in caring for
10 children and not have any history of violent crime, an advanced
11 rate of payments should be available to exceptional caregivers
12 who, were they to leave the system, would leave a void that is
13 difficult to fill.

14 The purpose of this Act is to establish an advanced rate
15 payment structure for resource caregivers who demonstrate, and
16 continue to demonstrate, that they are exceptional caregivers
17 and show a superior commitment to the children in the foster
18 care system.

19 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§346 Foster boarding homes; advanced foster care
2 maintenance board rate. (a) The department shall establish one
3 or more advanced foster care maintenance board rates, which
4 shall compensate exceptionally qualified resource caregivers and
5 families with payments that are higher than the payments
6 provided by the basic foster care maintenance board rate.

7 (b) Advanced foster care maintenance board rates shall be
8 based on objective criteria, including:

9 (1) The lack of a prior conviction for any misdemeanor or
10 felony offense in the record of a resource caregiver
11 or among the records of the members of a resource
12 family;

13 (2) A resource caregiver or family's successful completion
14 of advanced foster care training, provided that a
15 determination of the successful completion of training
16 shall not be based solely on mere attendance of
17 courses, but based on a demonstration of the knowledge
18 gained through training, which shall be measured by
19 such factors as:

20 (A) Oral or written examinations; or

21 (B) Other factors as determined by the department
22 through administrative rule; and



- 1 (3) A resource caregiver or family's past performance in
2 the provision of care for one or more foster children,
3 as measured by such factors as:
- 4 (A) Observations made upon the department's visits to
5 the resource caregiver or family's home;
- 6 (B) A lack of substantiated complaints against the
7 resource caregiver or family; and
- 8 (C) Other factors as determined by the department;
9 and
- 10 (4) A determination by the department, based on the
11 foregoing criteria and other objective criteria, that:
- 12 (A) The resource caregiver or family's past
13 performance warrants a reduction in the frequency
14 of visits to the resource caregiver or family's
15 home; and
- 16 (B) The departure of the resource caregiver or family
17 from the foster care system would more than
18 likely leave a void that, in the absence of the
19 use of resources such as the expenditure of
20 funds, significant recruitment efforts, and the
21 training of substitute caregivers, would prevent



1 the department from finding a suitable home for
2 one or more foster children.

3 (c) Notwithstanding the foregoing provisions of this
4 section, the advanced payments provided to a resource caregiver
5 or family shall not exceed the payments necessary to meet the
6 needs of the foster child or children under the resource
7 caregiver or family's care; provided that an evaluation of the
8 needs of a child may consider, among other factors, the need for
9 a child to stay in the same foster home, and the need for a
10 child to receive care from an exceptionally qualified resource
11 caregiver or family.

12 (d) Before July 1, 2015, the department shall adopt rules,
13 pursuant to chapter 91, necessary for the purposes of this
14 section.

15 (e) The department shall submit an annual report to the
16 legislature no later than twenty days before the convening of
17 each of the 2014, 2015, and 2016 regular sessions which, at a
18 minimum, shall:

19 (1) State the status of any pending adoption of or
20 amendments to the administrative rules relevant to the
21 administration of this section;



1 (2) Provide a fair and accurate estimate of the cost of
2 providing advanced payments to resource caregivers or
3 families; and

4 (3) Make recommendations for the amendment of this
5 section, if any amendments are warranted.

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. If any provision of this Act, or the
10 application thereof to any person or circumstance, is held
11 invalid, the invalidity does not affect other provisions or
12 applications of the Act that can be given effect without the
13 invalid provision or application, and to this end the provisions
14 of this Act are severable.

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

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INTRODUCED BY:

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BY REQUEST

JAN 24 2013



H.B. NO. 1452

Report Title:

Foster Care; Payments

Description:

Requires the department of human services to establish an advanced rate payment structure for resource caregivers who demonstrate, and continue to demonstrate, that they are exceptional caregivers and show a superior commitment to the children in the foster care system.

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