
A BILL FOR AN ACT

RELATING TO FOSTER CARE.

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

1 SECTION 1. The Fostering Connections to Success and
2 Increasing Adoptions Act of 2008 (P.L. 110-351) allows states to
3 claim federal reimbursement for the costs of caring for and
4 supervising title IV-E eligible foster youth until their twenty-
5 first birthday.

6 Compared to their peers, young people who have experienced
7 foster care are more likely to become homeless and unemployed
8 when they age out of foster care. They also are less likely to
9 complete high school or post-secondary education. They are also
10 more likely to have physical, developmental, and mental health
11 challenges. Unlike their peers, most lose their support system
12 when they reach age eighteen and are discharged from state
13 custody.

14 There is evidence from several studies that young people
15 who continue to receive services until age twenty-one have
16 better outcomes in several areas when they leave foster care
17 than those who left at age eighteen. These studies have shown
18 an increase in positive outcomes in educational achievement and



1 employment, contributing to a more stable workforce and
2 increased lifetime earnings, and a decrease in negative
3 outcomes, including homelessness, dependency on public
4 assistance, drug dependency, and criminal activities.

5 This is not surprising, considering the research showing
6 that the brain is not fully developed until the early to mid-
7 twenties. Rather than a young person going immediately from
8 adolescence to adulthood, gradual development occurs during a
9 longer phase called emerging adulthood. Transitioning youth
10 need extra support as they accomplish developmental milestones
11 and progress toward full-fledged adulthood.

12 Extending independent living services, case and permanency
13 planning, placement, and judicial oversight to age twenty-one,
14 in developmentally appropriate ways, benefit young people who
15 urgently need continued support and services. Most directly,
16 extended care can provide safe and stable housing for young
17 people who have not achieved permanence by age eighteen and are
18 not ready to be on their own.

19 Moreover, extended care provides young people with access
20 to additional child welfare resources that can be used to help a
21 young person continue to build a network of support and
22 permanent relationships. It is vitally important that



1 permanency planning continue in earnest with the young adult
2 leading the effort to ensure that they never leave care without
3 a permanently committed, caring adult in their life. This
4 on-going permanency planning for non-minor dependents, young
5 people in care over the age of eighteen, should also provide
6 young people with access to competent legal advocates and
7 meaningful court reviews.

8 The purpose of this Act is to add a new part to chapter
9 346, Hawaii Revised Statutes, to establish the young adult
10 voluntary foster care program to care for and supervise eligible
11 foster youth until their twenty-first birthday.

12 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
13 amended by adding a new part to be appropriately designated and
14 to read as follows:

15 "PART . YOUNG ADULT VOLUNTARY FOSTER CARE PROGRAM

16 §346-A Purpose. The purpose of this part is to establish
17 a new program to be called the young adult voluntary foster care
18 program, to care for and assist eligible foster youth until
19 their twenty-first birthday. The young adult voluntary foster
20 care program will support former foster youth in achieving
21 permanency in the transition to adulthood and in becoming
22 independent and self-sufficient.



1 **§346-B Definitions.** As used in this part, unless the
2 context clearly indicates otherwise:

3 "Case plan" means a plan developed by the department, in
4 consultation with the young adult as developmentally
5 appropriate, containing a written description of the programs
6 and services that will help a child or young adult transition
7 from foster care to independent living.

8 "Court" means one of the family courts established pursuant
9 to chapter 571.

10 "Department" means the department of human services and its
11 authorized representatives.

12 "Foster custody" means the legal status created when the
13 department places a child outside of the family home with the
14 agreement of the legal custodian or pursuant to court order as
15 set forth in chapter 587A.

16 "Party" means the department, the young adult who is
17 subject to the proceeding under this chapter, and may include
18 any other person, if the court finds that such person's
19 participation is in the best interest of the young adult;
20 provided that the court may limit that party's right to
21 participate in any proceeding if the court deems such limitation
22 to be consistent with the best interests of the young adult.



1 "Permanent custody" means the legal status created by order
2 of the court after the termination of parental rights as set
3 forth in chapter 587A.

4 "Young adult" means a person who has attained the age of
5 eighteen or older, up to age twenty-one.

6 **§346-C Rights of the young adult.** (a) Nothing in this
7 part shall be construed to abrogate any other rights that a
8 person, who has attained eighteen years of age, may have as an
9 adult under state law.

10 (b) Young adults have a right to:

11 (1) Receive notice of any court hearings and reviews and
12 any other case related proceedings and meetings;

13 (2) Be involved in the development of a personalized case
14 plan; and

15 (3) Be present at all court hearings and reviews and to
16 address the court during those hearings.

17 **§346-D Jurisdiction.** The family courts established
18 pursuant to chapter 571 shall have exclusive jurisdiction over
19 proceedings brought under this part.

20 **§346-E Eligibility.** A young adult may continue to receive
21 services under this part only if the young adult meets the
22 following criteria:



- 1 (1) The young adult was:
- 2 (A) Under the permanent or foster custody of the
- 3 department at the time the young adult attained
- 4 the age of eighteen;
- 5 (B) A child who was placed in guardianship after
- 6 attaining the age of sixteen; or
- 7 (C) A child who was adopted after attaining the age
- 8 of sixteen;
- 9 (2) The young adult voluntarily consents to participate in
- 10 the young adult voluntary foster care program;
- 11 (3) The court finds that exercising jurisdiction under
- 12 this part is in the young adult's best interest; and
- 13 (4) The young adult is:
- 14 (A) Completing secondary education or a program
- 15 leading to an equivalent credential;
- 16 (B) Enrolled in an institution that provides post
- 17 secondary or vocational education;
- 18 (C) Participating in a program or activity designed
- 19 to promote or remove barriers to employment;
- 20 (D) Employed for at least eighty hours per month; or
- 21 (E) Incapable of doing any of the activities
- 22 described in subparagraphs (A) to (D) due to a



1 medical condition, which incapability is
2 supported by regularly updated information in the
3 case plan of the young adult.

4 **§346-F Venue.** A petition under this part may be filed in
5 the county in which the young adult resides when the petition is
6 filed.

7 **§346-G Voluntary care agreement.** If a young adult is no
8 longer under jurisdiction pursuant to chapter 587A but chooses
9 to participate in the young adult voluntary foster care program
10 and meets the eligibility criteria set forth in section 346-E,
11 the department and the young adult shall enter into a voluntary
12 care agreement that shall include, at a minimum, the following:

- 13 (1) The obligation for the young adult to continue to meet
14 the conditions for eligibility described in section
15 346-E for the duration of the voluntary care
16 agreement;
- 17 (2) The young adult's right to terminate the voluntary
18 care agreement at any time; and
- 19 (3) The voluntary nature of the young adult's
20 participation in the young adult voluntary foster care
21 program.



1 **§346-H Provision of extended foster care services.** As
2 soon as the department determines that a young adult is eligible
3 under section 346-E and the young adult signs the voluntary care
4 agreement as described in section 346-G, the department may
5 provide extended foster care services to the young adult.

6 **§346-I Petition.** (a) Within thirty days after the
7 voluntary care agreement is signed, the department shall file
8 with the court in the county where the young adult resides a
9 petition invoking the jurisdiction of the court under this part,
10 which shall contain:

11 (1) The young adult's name, date of birth, and current
12 address;

13 (2) A statement of facts that supports the voluntary
14 foster care agreement and includes the following:

15 (A) The reasonable efforts made to achieve permanency
16 for the young adult; and

17 (B) The reasons why it is in the best interest of the
18 young adult to extend foster care services; and

19 (3) A copy of the signed voluntary care agreement.

20 (b) Upon the filing of the petition, the court shall open
21 a young adult voluntary foster care case for the purpose of
22 determining whether extending foster care services is in the



1 young adult's best interests. The court shall make this
2 determination no later than thirty days after the filing of the
3 petition.

4 (c) The court shall set a periodic review to be held
5 within one hundred eighty days of the order granting
6 jurisdiction for a newly filed petition.

7 **§346-J Notice of hearings and reviews.** Notice of hearings
8 and reviews shall be provided to the parties; provided that no
9 further notice is required for any party who was given actual
10 notice of a hearing or review while present in court. Notice of
11 hearings or reviews shall be served no less than forty eight
12 hours before the scheduled hearing, subject to a shortening of
13 time as ordered by the court.

14 **§346-K Liability of the department.** The department or any
15 of its employees who provide services under this part shall not
16 be liable to a third person:

- 17 (1) For any acts of the young adult; and
18 (2) For injury to the young adult resulting from the
19 negligence or act of a third person providing services
20 or housing to the young adult.

21 **§346-L Reports to be submitted by the department.** The
22 department shall prepare a report to the court, developed in



1 collaboration with the young adult as developmentally
2 appropriate, which addresses the young adult's progress in
3 meeting the objectives of the proposed case plan including
4 independent living and transition plans and any recommendations
5 or modifications, if any, necessary to further the young adult's
6 goals. The report is to be submitted to the court one week
7 prior to the review date and a copy provided to the young adult.

8 **§346-M Court proceedings.** (a) The court shall conduct
9 all proceedings under this part without a jury.

10 (b) The general public shall be excluded from these
11 proceedings. Only parties found by the court to have a direct
12 interest in the case shall be admitted to the hearing.

13 **§346-N Periodic review.** (a) Periodic judicial reviews
14 shall occur not less than once every one hundred eighty days
15 after the signing of the voluntary care agreement and may be
16 either by court hearing or court review.

17 (b) At the periodic review, the court shall issue the
18 following findings:

- 19 (1) Whether the young adult continues to meet the
20 eligibility requirements set forth in section 346-E;
- 21 (2) Whether the young adult continues to comply with the
22 case plan developed in collaboration between the



1 department and the young adult, and the
2 appropriateness of the case plan; and

3 (3) The young adult's progress toward achieving
4 independence.

5 **§346-O Termination of jurisdiction.** Jurisdiction under
6 this part shall terminate when:

7 (1) The young adult has reached the young adult's twenty-
8 first birthday;

9 (2) The young adult chooses to terminate the voluntary
10 care agreement and stop receiving extended foster care
11 services if the young adult:

12 (A) Has voluntarily signed a document attesting to
13 the fact that the young adult no longer consents
14 to the court's jurisdiction;

15 (B) Has been informed in writing of the effects of
16 terminating voluntary foster care early; and

17 (C) Has been informed in writing of the option to
18 reestablish jurisdiction before reaching age
19 twenty-one and the procedures to do so; or

20 (3) After a court finds that:

21 (A) The young adult no longer meets the eligibility
22 requirements as set forth in section 346-E; or



1 (B) Despite the fact that the department has made
2 on-going reasonable efforts to provide the young
3 adult with services, the young adult is in
4 material non-compliance with the case plan.

5 **§346-P Reestablishing jurisdiction.** A young adult who was
6 previously under the jurisdiction of the court under this part
7 and who was terminated from the young adult voluntary foster
8 care program may reestablish jurisdiction by signing a new
9 voluntary foster care agreement at which time the department and
10 the court shall proceed pursuant to section 346-I."

11 SECTION 3. In codifying the new sections added to chapter
12 346, Hawaii Revised Statutes, by section 2 of this Act, the
13 revisor of statutes shall substitute appropriate section numbers
14 for the letters used in the designations of, and references to,
15 those new sections in this Act.

16 SECTION 4. This Act, upon its approval, shall take effect
17 on January 1, 2014.

18



Report Title:

Foster Care; Extend Age for Services; Young Adult Voluntary
Foster Care Program

Description:

Establishes the young adult voluntary foster care program to
care for and supervise eligible foster youth until their twenty-
first birthdays. Takes effect 1/1/2014. (SD1)

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

