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

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

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



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

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

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

20 Moreover, extended care provides young people with access  
21 to additional child welfare resources that can be used to help a  
22 young person continue to build a network of support and



1 permanent relationships. It is vitally important that  
2 permanency planning continue in earnest with the young adult  
3 leading the effort, to ensure that they never leave care without  
4 a permanently committed, caring adult in their life. This  
5 ongoing permanency planning for non-minor dependents over the  
6 age of eighteen should also provide young people with access to  
7 competent legal advocates and 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 the young adult voluntary foster care program, to care for and  
18 assist eligible foster youth until their twenty-first birthday.  
19 The young adult voluntary foster care program will support  
20 former foster youth in the transition to adulthood and in  
21 becoming 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          "Foster custody" means the legal status created when the  
11 department places a child outside of the family home with the  
12 agreement of the legal custodian or pursuant to court order as  
13 set forth in chapter 587A.

14          "Party" means the department or the young adult who is  
15 subject to the proceeding under this chapter and may include any  
16 other person whose participation the court finds is in the best  
17 interest of the young adult.

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

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



1           **§346-C Rights of the young adult.** (a) Nothing in this  
2 part shall be construed to abrogate any other rights that a  
3 person who has attained eighteen years of age, may have as an  
4 adult under state law.

5           (b) Young adults have a right to:

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

8           (2) Be involved in the development of a personalized case  
9 plan; and

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

12          **§346-D Jurisdiction.** The family courts established  
13 pursuant to chapter 571 shall have exclusive jurisdiction over  
14 proceedings brought under this part.

15          **§346-E Eligibility.** A young adult may continue to receive  
16 services under this part if the young adult meets the following  
17 criteria:

18          (1) The young adult was:

19               (A) Under the permanent or foster custody of the  
20 department at the time the young adult attained  
21 the age of eighteen;



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

21 **§346-F Voluntary care agreement.** If a young adult is no  
22 longer under jurisdiction pursuant to chapter 587A but chooses



1 to participate in the young adult voluntary foster care program  
2 and meets the eligibility criteria set forth in section 346-E,  
3 the department and the young adult shall enter into a voluntary  
4 care agreement that shall include, at a minimum, the following:

- 5 (1) The obligation for the young adult to continue to meet  
6 the conditions for eligibility described in section  
7 346-E for the duration of the voluntary care  
8 agreement;
- 9 (2) The young adult's right to terminate the voluntary  
10 care agreement at any time; and
- 11 (3) The voluntary nature of the young adult's  
12 participation in the young adult voluntary foster care  
13 program.

14 **§346-G Provision of extended foster care services.** If the  
15 department determines that a young adult is eligible under  
16 section 346-E and the young adult signs the voluntary care  
17 agreement as described in section 346-F, the department may  
18 provide extended foster care services to the young adult.

19 **§346-H Petition; venue.** (a) Within thirty days after the  
20 voluntary care agreement is signed, the department shall file  
21 with the court in the county where the young adult resides a



1 petition invoking the jurisdiction of the court under this part,  
2 which shall contain:

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

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

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

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

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

12 (b) Upon the filing of the petition, the court shall open  
13 a young adult voluntary foster care case for the purpose of  
14 determining whether extending foster care services is in the  
15 young adult's best interests. The court shall make this  
16 determination no later than thirty days after the filing of the  
17 petition.

18 (c) The court shall set a periodic review to be held  
19 within one hundred eighty days after the signing of the  
20 voluntary care agreement.

21 **§346-I Notice of hearings and reviews.** Notice of hearings  
22 and reviews shall be provided to the parties; provided that no





1 further notice is required for any party who was given actual  
2 notice of a hearing or review while present in court. Notice of  
3 hearings or reviews shall be served no less than forty-eight  
4 hours before the scheduled hearing, or as otherwise determined  
5 by the court.

6       **§346-J Reports to be submitted by the department.** The  
7 department shall prepare a report to the court, developed in  
8 collaboration with the young adult as developmentally  
9 appropriate, which addresses the young adult's progress in  
10 meeting the objectives of the proposed case plan including  
11 independent living and transition plans and recommendations or  
12 modifications, if any, necessary to further the young adult's  
13 goals. The report shall be submitted to the court one week  
14 prior to the review date and a copy provided to the young adult.

15       **§346-K Court proceedings.** (a) The court shall conduct  
16 all proceedings under this part without a jury.

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

20       (c) Except with respect to the department or the young  
21 adult, the court may limit a party's right to participate in any



1 proceeding if the court deems the limitation to be consistent  
2 with the best interests of the young adult.

3       **§346-L Periodic review.** (a) Periodic judicial reviews  
4 shall occur not less than once every one hundred eighty days  
5 after the signing of the voluntary care agreement and may be  
6 conducted either by court hearing or court review.

7       (b) At the periodic review, the court shall issue the  
8 following findings:

- 9       (1) Whether the young adult continues to meet the  
10 eligibility requirements set forth in section 346-E;
- 11       (2) Whether the young adult continues to comply with the  
12 case plan developed in collaboration between the  
13 department and the young adult, and the  
14 appropriateness of the case plan; and
- 15       (3) The young adult's progress toward achieving  
16 independence.

17       **§346-M Termination of jurisdiction.** Jurisdiction under  
18 this part shall terminate when:

- 19       (1) The young adult has reached the age of twenty-one  
20 years;



- 1           (2) The young adult chooses to terminate the voluntary  
2           care agreement and stop receiving extended foster care  
3           services if the young adult:
- 4           (A) Has voluntarily signed a document attesting to  
5           the fact that the young adult no longer consents  
6           to the court's jurisdiction;
- 7           (B) Has been informed in writing of the effects of  
8           terminating voluntary foster care early; and
- 9           (C) Has been informed in writing of the option to  
10          reestablish jurisdiction before reaching age  
11          twenty-one and the procedures to do so; or
- 12          (3) After a court finds that:
- 13          (A) The young adult no longer meets the eligibility  
14          requirements as set forth in section 346-E; or
- 15          (B) Despite the fact that the department has made  
16          ongoing reasonable efforts to provide the young  
17          adult with services, the young adult is in  
18          material noncompliance with the case plan.

19          **§346-N Reestablishing jurisdiction.** A young adult who was  
20          previously under the jurisdiction of the court under this part  
21          and who was terminated from the young adult voluntary foster  
22          care program may reestablish jurisdiction by signing a new



1 voluntary foster care agreement at which time the department and  
2 the court shall proceed pursuant to section 346-H.

3 §346-O Liability of the department. The department or any  
4 of its employees who provide services under this part shall not  
5 be liable to a third person:

- 6 (1) For any acts of the young adult; and
- 7 (2) For injury to the young adult resulting from the  
8 negligence or act of a third person providing services  
9 or housing to the young adult.

10 §346-P Reporting requirement. The department shall  
11 submit an annual report to the legislature, no later than twenty  
12 days prior to the convening of each regular session, on the  
13 status, efficacy, and any other relevant information regarding  
14 the young adult voluntary foster care program established in  
15 this part."

16 SECTION 3. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ or so  
18 much thereof as may be necessary for fiscal year 2013-2014 and  
19 the sum of \$ or so much thereof as may be necessary  
20 for fiscal year 2014-2015 to child protective services (HMS 301)  
21 for the purposes of this Act.



1 SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2013-2014 and  
4 the sum of \$ or so much thereof as may be necessary  
5 for fiscal year 2014-2015 for child protective services payments  
6 (HMS 303) for the purposes of this Act.

7 The sums appropriated shall be expended by the department  
8 of human services for the purposes of this Act.

9 SECTION 5. In codifying the new sections added to chapter  
10 346, Hawaii Revised Statutes, by section 2 of this Act, the  
11 revisor of statutes shall substitute appropriate section numbers  
12 for the letters used in the designations of, and references to,  
13 those new sections in this Act.

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



**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 age twenty-  
one. Effective 7/1/2050. (SD2)

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

