

STAND. COM. REP. NO.

571

Honolulu, Hawaii

February 15, 2013

RE: H.B. No. 873
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 873 entitled:

"A BILL FOR AN ACT RELATING TO THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT,"

begs leave to report as follows:

The purpose of this measure is to add a new part to chapter 346, Hawaii Revised Statutes, to provide for the care and supervision of eligible foster youth until their twenty-first birthday.

The Judiciary; the Department of Human Services; Epic 'Ohana, Inc.; Family Programs Hawaii; Hawaii Youth Services Network; Legal Aid Society of Hawaii; National Association of Social Workers-Hawaii Chapter; and numerous concerned individuals submitted testimony in support.

Following the receipt of testimony, a proposed draft was circulated to your Committee members prior to decision making. In accordance with that draft, your Committee has amended this measure by:

- (1) Specifying that young adults have a right to receive meaningful court reviews and to request competent legal counsel;

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- (2) Allowing the Department of Human Services (Department) to begin providing extended foster care services to an eligible young adult prior to the filing of the petition invoking the jurisdiction of the court or the court's determination of jurisdiction in the matter;
- (3) Amending the information required in the petition invoking the jurisdiction of the court to include a statement of facts supporting the eligibility of the young adult for foster care services instead of the facts supporting the voluntary foster care agreement;
- (4) Decreasing the amount of time for the court to make a determination as to whether extending foster care services is in the young adult's best interests once a petition invoking jurisdiction is filed;
- (5) Clarifying that the court shall set a periodic review within one hundred and eighty days of the signing of a voluntary care agreement;
- (6) Clarifying that a case plan shall:
 - (A) Establish goals for the young adult;
 - (B) Describe the services needed to assist the young adult to achieve the goals established; and
 - (C) Describe the methods for achieving the goals and objectives established;
- (7) Specifying that the Department's required report to the court shall describe the young adult's progress in achieving the goals of the case plan, any proposed revisions to those goals, and any proposed revisions to the methods for achieving the goals of the case plan;
- (8) Specifying that all documents, reports, or records relating to the young adult shall be confidential and released only with the consent of the young adult or by the consent of the court for good cause shown;
- (9) Authorizing the court to appoint an attorney to the young adult sua sponte or at the request of any related party if it is determined to be in the young adult's



best interest, and authorizing the court to pay for the appointment if necessary; and

- (10) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 873, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 873, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



