
A BILL FOR AN ACT

RELATING TO THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT.

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

1 SECTION 1. The Fostering Connections to Success and
2 Increasing Adoption Act of 2008 (Public Law 110-351) allows
3 states to claim federal reimbursement for the costs of caring
4 for and supervising Title IV-E eligible foster youth until their
5 twenty-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. There are decreases 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, benefits 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 that 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 on-
4 going permanency planning for non-minor dependents, young people
5 in care over the age of eighteen, should also provide young
6 people with access to competent legal advocates and meaningful
7 court reviews.

8 The purpose of this Act is to add a new part to chapter
9 346, Hawaii Revised Statutes, to provide for the care and
10 supervision of eligible foster youth until their twenty-first
11 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 appropriate
5 containing a written description of the programs and services
6 that will help the young adult transition from foster care to
7 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 a proceeding brought under this part, 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 person'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 eighteen years of age or
5 older, and less than twenty-one years of age.

6 **§346-C Rights of the young adult.** (a) Young adults have
7 a right to meaningful court reviews, including the right to:

8 (1) Receive notice of any court hearings and reviews and
9 any other case related proceedings and meetings
10 relating to the young adult;

11 (2) Be involved in the development of a personalized case
12 plan;

13 (3) Be present at all court hearings and reviews relating
14 to the young adult and to address the court during
15 those hearings; and

16 (4) Request competent legal counsel.

17 (b) Nothing in this part shall be construed to abrogate
18 any other rights that a person, who has attained eighteen years
19 of age, may have as an adult under state law.

20 **§346-D Jurisdiction.** The family courts established
21 pursuant to chapter 571 shall have exclusive jurisdiction over
22 proceedings brought under this part.



1 **§346-E Eligibility.** A young adult may continue to receive
2 services under this part only if the young adult meets the
3 following criteria:

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



- 1 (D) Employed for at least eighty hours per month; or
2 (E) Incapable of doing any of the activities
3 described in subparagraphs (A) to (D) due to a
4 medical condition, which incapability is
5 supported by regularly updated information in the
6 case plan of the young adult.

7 **§346-F Venue.** A petition under this part may be filed in
8 the county in which the young adult resides when the petition is
9 filed.

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

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



1 (3) The voluntary nature of the young adult's
2 participation in the young adult voluntary foster care
3 program.

4 **§346-H Provision of extended foster care services.** As
5 soon as the department determines that a young adult is eligible
6 under section 346-E and the young adult signs the voluntary care
7 agreement as described in section 346-G, prior to the filing of
8 the petition invoking the jurisdiction of the court or the
9 court's determination of jurisdiction pursuant to section 346-I,
10 the department may provide extended foster care services to the
11 young adult.

12 **§346-I Petition.** (a) Within thirty days after the
13 voluntary care agreement is signed, the department shall file
14 with the court in the county where the young adult resides a
15 petition invoking the jurisdiction of the court under this part,
16 which shall contain:

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

19 (2) A statement of facts that supports the eligibility of
20 the young adult for foster care services and includes
21 the following:



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

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

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

6 (b) Upon the filing of the petition, the court shall open
7 a young adult voluntary foster care case for the purpose of
8 determining whether extending foster care services is in the
9 young adult's best interests. The court shall conduct a hearing
10 to make this determination within fifteen days after the filing
11 of the petition.

12 (c) The court shall set a periodic review to be held
13 within one hundred and eighty days of the signing of the
14 voluntary care agreement.

15 **§346-J Notice of hearings and reviews.** Notice of hearings
16 and reviews shall be provided to the parties; provided that no
17 further notice is required for any party who was given actual
18 notice of a hearing or review while present in court. Notice of
19 hearings or reviews shall be served no less than forty-eight
20 hours before the scheduled hearing, subject to a shortening of
21 time as ordered by the court.



1 **§346-K Liability of the department.** The department or any
2 of its employees who provide services under this part shall not
3 be liable to a third person:

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

8 **§346-L Case plan; reports to be submitted by the**
9 **department.** (a) A case plan shall:

- 10 (1) Establish goals for the young adult, including those
11 pertaining to education; health; therapy; counseling;
12 relationship with the young adult's birth family,
13 including visits; cultural connections; independent
14 living; and transition plans;
- 15 (2) Describe services needed to assist the young adult to
16 achieve the goals set forth in paragraph (1); and
- 17 (3) Describe the methods for achieving the goals and
18 objectives set forth in paragraphs (1) and (2).

19 (b) The department shall prepare a report to the court,
20 developed in collaboration with the young adult as
21 developmentally appropriate, which shall describe:



- 1 (1) The young adult's progress in achieving the goals of
2 the case plan;
- 3 (2) Proposed revisions to the goals of the case plan and
4 reasons for the revisions; and
- 5 (3) Proposed revisions to the methods for achieving the
6 goals of the case plan and objective of the case plan
7 and the reasons for the revisions.
- 8 (c) The report shall be submitted to the court seven days
9 prior to the review date and a copy shall be provided to the
10 young adult.

11 **§346-M Court proceedings.** (a) The court shall conduct
12 all proceedings under this part without a jury.

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

16 (c) Any documents, reports, or records under this part
17 shall be confidential and shall not be released to any third
18 party without the consent of the young adult or the consent of
19 the court for good cause shown.

20 **§346-N Court-appointed attorneys.** The court may appoint
21 an attorney sua sponte or at the request of any party to
22 represent a young adult who is eligible under section 346-E and



1 has signed the voluntary care agreement as described in section
2 346-G if it is deemed to be in the young adult's best interest.
3 Attorneys who are appointed by the court to represent a
4 qualifying young adult may be paid by the court, unless the
5 young adult for whom counsel is appointed has an independent
6 estate sufficient to pay such fees and costs.

7 **§346-O Periodic review.** (a) Periodic judicial reviews
8 shall occur not less than once every one hundred and eighty days
9 after the signing of the voluntary care agreement.

10 (b) At the periodic review, the court shall issue the
11 following findings:

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

20 **§346-P Termination of jurisdiction.** Jurisdiction under
21 this part shall terminate when:



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

21 **§346-Q Re-establishing jurisdiction.** A young adult who
22 was previously under the jurisdiction of the court under this



1 part and who was terminated from the young adult voluntary
2 foster care program, may re-establish jurisdiction by signing a
3 new voluntary foster care agreement at which time the department
4 and the court shall proceed pursuant to section 346-I."

5 SECTION 3. In codifying the new sections added to chapter
6 346, Hawaii Revised Statutes, by section 2 of this Act, the
7 revisor of statutes shall substitute appropriate section numbers
8 for the letters used in the designations of, and references to,
9 those new sections in this Act.

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



Report Title:

Foster Care; Extend Age for Services

Description:

Sets the requirements for extending the age of foster care to age twenty-one. (HB873 HD1)

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

