

S .B. NO. 2853

JAN 23 2014

A BILL FOR AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES ADULT FOSTER HOMES.

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

1 SECTION 1. Section 321-11.2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "**§321-11.2 Adult foster homes.** (a) The department of
4 health is authorized to certify adult foster homes for
5 ~~[developmentally disabled]~~ individuals with developmental
6 ~~[disabilities]~~ or intellectual disabilities requiring such care
7 beyond the individual's eighteenth birthday. "Adult foster
8 home" means a private family home providing care on a twenty-
9 four hour basis ~~[for]~~ to adults with developmental or
10 intellectual disabilities. To be certified, an adult foster
11 home shall ~~[have]~~ (1) house not more than two adults with
12 developmental or intellectual disabilities at the same time~~[~~
13 ~~who are unrelated to the foster family.]~~; and (2) not have a
14 certified caregiver be: (a) a legal guardian of the foster
15 adult; or (b) a trustee of the foster adult; or (c) related to
16 the foster [family] adult. "Related" means related by blood, by
17 marriage, or have a legal relationship between the certified
18 caregiver and the foster adult. The director of health may

1 waive the two adult limit for certification of that home as an
2 adult foster home[+], provided that the number of adults with
3 developmental or intellectual disabilities in the certified home
4 shall not exceed three adults with developmental or intellectual
5 disabilities. To accommodate residents of a foster boarding
6 home for children with developmental or intellectual
7 disabilities who reach the age of eighteen years, where the home
8 is certified as a foster boarding home for children under
9 ~~[section]~~ sections 346-16 and 346-17, the director of health may
10 waive the two adult limit for certification of that home as an
11 adult foster home, provided that: (1) the total number of
12 foster children with developmental or intellectual disabilities
13 and adults with developmental or intellectual disabilities in
14 such a dually certified home shall not exceed ~~[five]~~three, and
15 (2) no new adults and children may be admitted into the home.
16 ~~[while there are any foster children residing in the home.]~~ An
17 existing adult foster home shall not have dual certification
18 when the certification of the adult foster home precedes dual
19 certification.

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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Report Title:

Developmental Disabilities Foster Homes

Description:

This bill allows a definition of "related" to include relationships by blood, by marriage, legal guardians, and trustees of the foster adult. Legal guardians, trustees, and relatives may not continue to care for individuals with intellectual/developmental disabilities (I/DD) as a foster home; permits minors with I/DD to age in place under certain conditions; clarifies that certified adult foster homes with dual certification not exceed a total of three individuals with I/DD; and prohibits adult foster homes from dual certification.

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

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JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO ADULT FOSTER HOMES FOR INDIVIDUALS WITH DEVELOPMENTAL OR INTELLECTUAL DISABILITES.

PURPOSE: To clarify the requirements of certification of Adult Foster Homes (AFHs) and to include the definition of "related" in this chapter for purposes of certification only; to allow dual certification to accommodate age in place situations; and to prohibit dual certification when the AFH certification precedes dual certification.

MEANS: Amend section 321-11.2(a), Hawaii Revised Statutes.

JUSTIFICATION: Amendments to §321-11.2(a), Hawaii Revised Statutes, are to change the law to provide clarity for better public understanding of the requirements of certification to become an AFH, and to create an exception for dual certification for a foster boarding home for children to accommodate age in place situations.

This legislative proposal allows children with intellectual or developmental disabilities (I/DD) to age in place after the age of 18 through dual child and adult foster care certification. Existing child foster homes only may have this dual certification. Amendments will also clarify that not more than two foster adults, and with the Director of Health's approval, not more than three I/DD residents, may be permitted in certified adult foster homes. If more than the allowable 2 or 3 residents are sought, a developmental disabilities domiciliary home license must be obtained from DOH-OHCA.

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Impact on the public: Based on current practice, negative impact, if any, to the public will be minimal. The program currently obtains approximately one to three requests for dual certification of existing child foster homes per year for the health and safety of individuals residing in the home and for monitoring of the adult foster home. Individuals with I/DD are vulnerable and by limiting the manner in which children and adults with I/DD are allowed to reside in the same home, DOH will be in a better position to insure the health, safety, and well-being of all individuals with I/DD in the home.

Clarifying the requirement of certification to become an adult foster home will assist in public understanding of the law.

Impact on the department and other agencies: The impact to the department to clarify the requirements of certification to become an adult foster home will greatly assist in enforcement of the law and insure safety of children and adults with I/DD in a dually certified foster home.

The impact to the Department of Human Services (DHS) is minimal. At the time that a home is dually certified, DHS will not be able to make new referrals to the licensed child foster home and must be cognizant of the 3 I/DD person limit in the home.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HTH-501.

OTHER AFFECTED
AGENCIES: Department of Human Services.

EFFECTIVE DATE: Upon approval.