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# 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 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 individuals with developmental [~~disabilities~~] or intellectual  
6 disabilities requiring [~~such~~] care beyond the individual's  
7 eighteenth birthday. "Adult foster home" means a private family  
8 home providing care on a twenty-four hour basis [~~for~~] to adults  
9 with developmental or intellectual disabilities. To be  
10 certified, an adult foster home shall [~~have~~] house not more than  
11 two adults with developmental or intellectual disabilities who  
12 are unrelated to the certified caregiver at the same time [~~, who~~  
13 ~~are unrelated to the foster family~~]. The director of health may  
14 waive the two-adult limit for certification of that home as an  
15 adult foster home; provided that the number of adults with  
16 developmental or intellectual disabilities in the certified home  
17 shall not exceed three adults with developmental or intellectual  
18 disabilities [~~-~~] who are unrelated to the certified caregiver.



1       At the discretion of the director of health, if the  
2 certified caregiver is related to a resident adult with  
3 developmental or intellectual disabilities, the adult foster  
4 home may house up to three adults with developmental or  
5 intellectual disabilities at the same time.

6       For the purposes of this subsection, "related" means  
7 connected by legal guardianship, trusteeship, blood, marriage,  
8 or a legal relationship between the certified caregiver and the  
9 adult with developmental or intellectual disabilities.

10       (b) To accommodate residents of a foster boarding home for  
11 children with developmental or intellectual disabilities who  
12 reach the age of eighteen years, where the home is certified as  
13 a foster boarding home for children under section 346-17, the  
14 director of health may waive the two-adult limit for  
15 certification of that home as an adult foster home~~[7]~~; provided  
16 that:

17       (1) ~~[the]~~ The total number of foster children with  
18 developmental or intellectual disabilities and adults  
19 with developmental or intellectual disabilities in  
20 such a dually certified home shall not exceed ~~[five,]~~  
21 three; and



1           (2)   ~~[no]~~ No new adults may be admitted into the home while  
2                   there are any foster children residing in the home.

3           This subsection shall not affect the validity of the  
4 certification of any adult foster home that is certified as a  
5 foster boarding home under section 346-17, and in existence as  
6 of the effective date of Act           , Session Laws of Hawaii, 2014.

7           (c) An existing adult foster home shall not be given dual  
8 certification if the certification as an adult foster home  
9 precedes dual certification, unless the certification as a  
10 foster boarding home under section 346-17 is for a specific  
11 child, as provided in the department of human services'  
12 administrative rules.

13           ~~[(b)]~~ (d) The rules of the department of human services  
14 adopted under authority of section 346-17, which prescribe the  
15 standards of conditions and competence of operation of child  
16 foster boarding homes shall apply to adult foster homes.  
17 Notwithstanding chapter 91, to the contrary, the rules shall be  
18 considered adopted by the department of health on July 1, 1986,  
19 for the purpose of regulating adult foster care homes and shall  
20 be valid until the department of health adopts rules pursuant to  
21 chapter 91. The department of health shall adopt rules pursuant  
22 to chapter 91 necessary for the purposes of this section.



1            [~~e~~] (e) Rate of payment for adult foster homes is to be  
2 determined on the same basis as domiciliary care homes as  
3 provided under section 346-53."

4            SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6            SECTION 3. This Act shall take effect on January 1, 2150.



**Report Title:**

Developmental Disabilities Foster Homes

**Description:**

Permits exemptions from two-resident limit for certified adult foster homes for adults with developmental or intellectual disabilities by waiver, if an adult resident is related to the caretaker, and for foster children who turn 18. Permits dual certification as child and adult foster home to accommodate children who turn 18 or specific children. Effective January 1, 2150. (SB2853 HD1)

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