
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 total number of adults with
16 developmental or intellectual disabilities in the [~~certified~~]
17 home shall not exceed three adults with developmental or



1 intellectual disabilities[-] who are related or unrelated to the
2 certified caregiver.

3 For the purposes of this subsection:

4 "Certified caregiver" means an individual who is twenty-one
5 years of age or older, resides in an adult foster home, and has
6 been issued by the department a valid certificate of approval to
7 provide care, training, and supervision on a twenty-four hour
8 basis to adults with developmental or intellectual disabilities.

9 "Related" means connected by legal guardianship,
10 trusteeship, blood, marriage, or a legal relationship between
11 the certified caregiver and the adult with developmental or
12 intellectual disabilities.

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

20 (1) [~~the~~] The total number of foster children with
21 developmental or intellectual disabilities and adults
22 with developmental or intellectual disabilities in



1 such a dually certified home shall not exceed [~~five~~,]
2 three; and

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

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

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

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

1 chapter 91. The department of health shall adopt rules pursuant
2 to chapter 91 necessary for the purposes of this section.

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

6 SECTION 2. Upon this Act's approval, the revisor of
7 statutes shall insert the number of this Act in section 321-
8 11.2(b), Hawaii Revised Statutes, as amended by section 1.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.



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 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. (SB2853 HD2)

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