
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 "(a) The department of health is authorized to certify
4 adult foster homes for individuals with developmental
5 [~~disabilities~~] or intellectual disabilities requiring such care
6 beyond the individual's eighteenth birthday. "Adult foster
7 home" means a private family home providing care on a twenty-
8 four hour basis [~~for~~] to adults with developmental or
9 intellectual disabilities. To be certified, an adult foster
10 home shall [~~have~~]:

11 (1) House not more than two adults with developmental or
12 intellectual disabilities at the same time [~~, who are~~
13 ~~unrelated to the foster family.~~]; and

14 (2) Not have a certified caregiver be:

15 (A) A legal guardian of the foster adult;

16 (B) A trustee of the foster adult; or

17 (C) Related to the foster adult.



1 For the purposes of this subparagraph, "related"
 2 means related by blood, related by marriage, or
 3 have a legal relationship between the certified
 4 caregiver and the foster adult.

5 The director of health may waive the two-adult limit for
 6 certification of that home as an adult foster home; provided
 7 that the number of adults with developmental or intellectual
 8 disabilities in the certified home shall not exceed three adults
 9 with developmental or intellectual disabilities. To accommodate
 10 residents of a foster boarding home for children with
 11 developmental or intellectual disabilities who reach the age of
 12 eighteen years, where the home is defined as a foster boarding
 13 home under section 346-16 and certified as a foster boarding
 14 home for children under section 346-17, the director of health
 15 may waive the two-adult limit for certification of that home as
 16 an adult foster home~~[7]~~; provided that: (1) the total number of
 17 foster children with developmental or intellectual disabilities
 18 and adults with developmental or intellectual disabilities in
 19 such a dually certified home shall not exceed ~~[five7]~~ three; and
 20 (2) no new adults and children may be admitted into the home
 21 ~~[while there are any foster children residing in the home]~~. An
 22 existing adult foster home shall not have dual certification



1 when the certification of the adult foster home precedes dual
2 certification.

3 This subsection shall not affect the validity of the
4 certification of any adult foster home that is defined as a
5 foster boarding home under section 346-16, certified as a foster
6 boarding home for children under section 346-17, and in
7 existence as of the effective date of this Act."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Developmental Disabilities Foster Homes

Description:

Prohibits legal guardians, trustees, and relatives from continuing to care for individuals with intellectual or developmental disabilities in a certified foster home. Defines "related" as related by blood or marriage or having a legal relationship between a certified caregiver and a foster adult. Permits minors with intellectual or developmental disabilities to age in place under certain conditions. Clarifies that certified adult foster homes dually certified as foster boarding homes shall not exceed a total of three individuals with intellectual or developmental disabilities. Does not impact the validity of certification of adult foster homes that are dually certified as foster boarding homes and in existence as of the effective date of this Act. Takes effect on 1/1/2050. (SD1)

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