

STAND. COM. REP. NO.

1206

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 1340  
S.D. 2  
H.D. 2

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1340, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FOSTER CARE,"

begs leave to report as follows:

The purpose of this measure is to add a new part to Hawaii law governing Department of Human Services (chapter 346, Hawaii Revised Statutes) to provide for the care and supervision of eligible foster youth until their twenty-first birthday.

The Department of Human Services, Office of Hawaiian Affairs, Catholic Charities Hawai'i, Epic 'Ohana, Inc., Family Programs Hawaii, Hawaii Community Foundation, Hawaii Foster Youth Coalition, Hawaii Youth Services Network, Hi H.O.P.E.S. Youth Leadership Boards (Kauai, O'ahu, East Hawaii, West Hawaii), and numerous concerned individuals submitted testimony in support of this measure. The Judiciary and the Legal Aid Society of Hawaii submitted comments.

During the hearing, your Committee circulated a Proposed S.B. No. 1340, H.D. 2 (proposed draft) which amended the measure as received by your Committee by:

- (1) Defining "department" as the Department of Human Services and its authorized representatives;

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- (2) Specifying that young adults have a right to receive meaningful court reviews and to request competent legal counsel;
- (3) Clarifying that a young adult may request to participate in hearings and reviews by phone or request to be excused;
- (4) Allowing the Department of Human Services to begin providing extended foster care services to an eligible young adult prior to the filing of the petition invoking the jurisdiction of the court or the court's determination of jurisdiction in the matter;
- (5) Clarifying that the petition includes a statement of facts that support the eligibility of the young adult for foster care services instead of the facts that support the voluntary care agreement;
- (6) Decreasing the amount of time for the court to make a determination as to whether extending foster care services is in the young adult's best interests once a petition invoking jurisdiction is filed from thirty to fifteen days;
- (7) Establishing a comprehensive description of a "case plan;"
- (8) Clarifying that the Department of Human Service's required report to the court shall describe any proposed revisions to goals or the methods for achieving the goals of the case plan;
- (9) Specifying that all documents, reports, or records relating to the young adult shall be confidential and released only with the consent of the young adult or by the consent of the court for good cause shown;
- (10) Authorizing the court to appoint counsel for the young adults in certain circumstances;
- (11) Changing the effective date to be July 1, 2013; and
- (12) Making technical, nonsubstantive amendments for clarity, consistency, and style.



After careful consideration, you Committee has amended the bill as received by adopting the provisions of the proposed draft.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1340, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1340, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



