

STAND. COM. REP. NO. 2637

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2853
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2853, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES
ADULT FOSTER HOMES,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the conditions for certification as an adult foster home by specifically prohibiting relationships between caregivers and foster adults by blood, marriage, legal guardianship, or other legal relationship.

This measure also modifies the conditions under which a certified foster boarding home for children may also become a certified adult foster home, to allow foster children to age in place, and prohibits a certified adult foster home from becoming dually certified as a certified foster boarding home.

Your Committee received written comments in support of the measure from the State Council on Developmental Disabilities. The Hawaii Disability Rights Center submitted written comments in opposition to the measure.

Your Committee finds that this measure clarifies the conditions for certification of adult foster homes for individuals with developmental or intellectual disabilities.



Your Committee notes its concern that this measure will prohibit relatives from becoming certified as certified adult foster caregivers for family members with developmental or intellectual disabilities. Your Committee urges that serious consideration be given to permitting family members to become certified adult foster caregivers, by identifying an alternative certification method that ensures family members with developmental disabilities have access to an advocate who can protect the family member's right of self-determination.

Your Committee has amended this measure by:

- (1) Transferring the amendment made to the law relating to the prohibition against a certified adult foster home also becoming a certified foster board home from the chapter governing the Department of Health to the chapter governing the Department of Human Services; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2853, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2853, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>SB2853 SD1</i>	Committee Referral: <i>HTH/HMS, WAM</i>	Date: <i>2-20-14</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
ESPERO, Will		✓		
KAHELE, Gilbert		✓		
KEITH-AGARAN, Gilbert S.C.				✓
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.		✓		
THIELEN, Laura H.	/			
TOKUDA, Jill N.	/			
SLOM, Sam			✓	
	<i>6</i>	<i>3</i>	<i>1</i>	<i>3</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes