



HAWAII DISABILITY RIGHTS CENTER

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THE SENATE THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2014

Committee on Ways and Means Testimony in Opposition to S.B. 2853, SD1 Relating to Developmental Disabilities Adult Foster Homes

**Thursday, February 20, 2014, 9:00 A.M.
Conference Room 211**

Chair Ige and Members of the Committee

The Hawaii Disability Rights Center testifies in opposition to this bill. This bill originally appeared to be improperly motivated by a desire to overturn the placement of two children who were represented by this office. Both of these children were regarded as “high end” children, which means that they presented very difficult behaviors along with severe intellectual or cognitive disabilities. They were children who were very hard to place in a foster home. One of the children experienced multiple placements. The other was in an institutional placement prior to the time he was placed with his current caregiver.

Against this backdrop, the adult foster home in question agreed to accept these children. This was and is perfectly legal inasmuch as nothing in the law prevents a home from being certified to care for both, so long as other health and safety requirements of both the Department of Health and the Department of Human Services are met. In fact both Departments have fairly stringent requirements that must be met. Despite the fact that this caregiver met all the requirements and clearly was creating a wholesome family environment for these children, the Department of Health, via a combination of delay and bureaucratic inertia did its best to attempt to delay and derail the placement of these children. Our office intervened on behalf of these children and eventually negotiated a successful outcome whereby all required licenses and certifications were obtained.



In light of that, we were rather shocked to see this attempt by the Administration to overturn the statutes in question and involve the legislature with its continued efforts to force these children to vacate the home. In view of the difficulty of finding a community placement for these children and in light of the limited capacity that exists in our community, a more enlightened Department of Health might have been thankful that there are individuals who are willing to step forward and act as caregivers. Instead, their response had been the opposite and they have tried to thwart this successful placement every chance they have had. This bill represented just the latest attempt in that line.

Fortunately, the Senate Committee on Health included a grandfather provision so that this particular home can retain its license and continue to be dually certified. For that we are grateful. The children we represent will not need to be uprooted and displaced. Yet, beyond the limited interests of our clients, we fail to see where this is a valid public policy proposal. The Department of Health has offered no compelling reason for a blanket prohibition on caring for adults and children. As Senator Chun-Oakland observed at the Health Committee hearing, most families are composed of children and adults. Each case needs to be assessed on its individual merits. Quality caregivers are at a premium and if an individual has a house and a heart that is big enough to take care of adults and children with developmental disabilities, they should be encouraged and not banned.

Thank you for the opportunity to testify in opposition to this measure.



STATE OF HAWAII
STATE COUNCIL
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February 20, 2014

The Honorable David Y. Ige, Chair
Senate Committee on Ways and Means
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Ige and Members of the Committees:

SUBJECT: SB 2853 SD1 – Relating to Developmental Disabilities Adult Foster Homes


The State Council on Developmental Disabilities (DD) **SUPPORTS SB 2853 SD1**. This bill allows a definition of "related" to include relationships by blood, by marriage, legal guardians, and trustees of the foster adult. Legal guardians, trustees, and relatives may not continue to care for individuals with intellectual/developmental disabilities (I/DD) as a foster home; permits minors with I/DD to age in place under certain conditions; clarifies that certified adult foster homes with dual certification not exceed a total of three individuals with I/DD; and prohibits adult foster homes from dual certification.


Essentially, SB 2853 amends Section 321-11.2(a), Hawaii Revised Statutes, by clarifying the conditions for certification of adult foster homes for individuals with I/DD. We are pleased that the bill permits a foster boarding home for minors with I/DD to be dually certified to enable the individual to age in place and remain in the home. We agree that the total number of foster children with I/DD and adults with I/DD in a dually certified home shall not have more than two individuals. However, with the Director of Health's approval, not more than three individuals would be permitted (Act 212, HRS 2013).

We support and appreciate the language to grandfather all certified adult foster homes dually certified as foster boarding homes and in existence as of the effective date of this bill. We understand that the effective date is January 1, 2050, to encourage further discussion and will be amended as the bill moves forward through the legislative process.

Thank you for the opportunity to submit comments in **support of SB 2853 SD1**.

Sincerely,


Waynette K.Y. Cabral, M.S.W.
Executive Administrator


J. Curtis Tyler, III
Chair