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## A BILL FOR AN ACT

RELATING TO FOSTER BOARDING HOMES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 346-17, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§346-17 Child placing organizations, child caring  
4 institutions, and foster boarding homes; authority over,  
5 investigation of, and standards for. (a) No child placing  
6 organization shall engage in the investigation, placement, and  
7 supervision of minor children in foster care unless it meets the  
8 standards of conditions, management, and competence set by the  
9 department of human services.

10           (b) No child caring institution shall receive minor  
11 children for care and maintenance unless it meets the standards  
12 of conditions, management, and competence to care for and train  
13 children set by the department.

14           (c) No foster boarding home shall receive for care and  
15 maintenance any child unless:

16           (1) It meets with the standards of conditions, management,  
17           and competence set by the department; and



1           (2) The foster boarding home applicant successfully  
2           completes foster parent training; provided that after  
3           July 1, 1999, new special licensed or relative foster  
4           home care providers licensed for a specific child or  
5           children shall successfully complete foster parent  
6           training within the first year following placement of  
7           the first child into the new special licensed or  
8           relative foster home.

9           (d) The department shall adopt rules pursuant to chapter  
10 91 relating to:

11           (1) Standards for the organization and administration of  
12           child placing organizations;

13           (2) Standards of conditions, management, and competence  
14           for the care and training of minor children in child  
15           caring institutions and foster boarding homes; and

16           (3) Standards of conditions and competence of operation of  
17           foster boarding homes as may be necessary to protect  
18           the welfare of children.

19           (e) All rules of the department shall have the force and  
20           effect of law, and any violation thereof or of this section  
21           shall be punishable by a fine of not more than \$200.



1           (f) As a condition for a certificate of approval, any  
2 organization, institution, or foster boarding home, including  
3 all adults residing in the foster boarding home, shall:

4           (1) Meet all standards and requirements established by the  
5 department;

6           (2) Be subject to criminal history record checks in  
7 accordance with section 846-2.7, and child abuse and  
8 neglect registry checks, in accordance with  
9 departmental procedures; and

10          (3) Provide consent to the department or its designee to  
11 obtain criminal history record and child abuse and  
12 neglect registry information.

13 New employees of the organization, institution, or home shall be  
14 fingerprinted within five working days of employment.

15          (g) Upon approval of the organization, institution, or  
16 foster boarding home, the department or its authorized agents  
17 shall issue a certificate of approval that shall continue in  
18 force for one year or for two years if the organization,  
19 institution, or foster boarding home meets the criteria  
20 established by the department, unless sooner revoked for cause.  
21 The certificate shall be renewed by the department or its



1 authorized agents, after annual or biennial investigation, if  
2 the investigation discloses that the organization, institution,  
3 or foster boarding home continues to meet the standards set by  
4 the department. The certificate of approval shall be a permit  
5 to operate the child placing organization, child caring  
6 institution, or foster boarding home, and no person or  
7 organization shall operate or maintain the organization,  
8 institution, or foster boarding home without the certificate.

9 (h) Any child placing organization, child caring  
10 institution, or foster boarding home shall be subject to review  
11 or investigation at any time and in a manner, place, and form as  
12 may be prescribed by the department or its authorized agents.

13 (i) As used in this section, "foster parent training"  
14 means training or instruction in special skills and knowledge to  
15 care for foster children.

16 (j) The department or its designee shall request:

17 (1) A criminal history record check through the Hawaii  
18 criminal justice data center on all operators,  
19 employees, and new employees of child care  
20 institutions, child placing organizations, and foster  
21 boarding homes, including all adults residing in the



1 foster boarding homes, subject to licensure pursuant  
2 to section 846-2.7; and

3 (2) A child abuse and neglect registry check on all  
4 operators, employees, and new employees of child care  
5 institutions, child placing organizations, and adults  
6 residing in a foster boarding home subject to  
7 licensure in accordance with departmental procedures.

8 (k) The department may deny a certificate of approval if  
9 an operator, employee, or new employee of a child care  
10 institution or child placing organization's facility, or any  
11 adult residing in a foster boarding home, was convicted of a  
12 crime other than a minor traffic violation involving a fine of  
13 \$50 or less and if the department finds that the criminal  
14 history record or child abuse registry history of an operator,  
15 employee, new employee, or adult residing in a foster boarding  
16 home poses a risk to the health, safety, or well-being of the  
17 children in care.

18 (l) The department or its designee shall make a name  
19 inquiry into the criminal history records for the first two  
20 years of certification of a foster boarding home and annually or  
21 biennially thereafter and into the child abuse and neglect



1 registry in accordance with departmental procedures depending on  
2 the certification status of the home.

3 (m) For an initial certificate of approval for a foster  
4 boarding home, the department or its designee shall conduct  
5 interviews of residents and business owners located within a one  
6 hundred yard radius of the site of the proposed foster boarding  
7 home in order to determine the fitness and character of the  
8 person or organization that intends to operate and maintain the  
9 proposed foster boarding home.

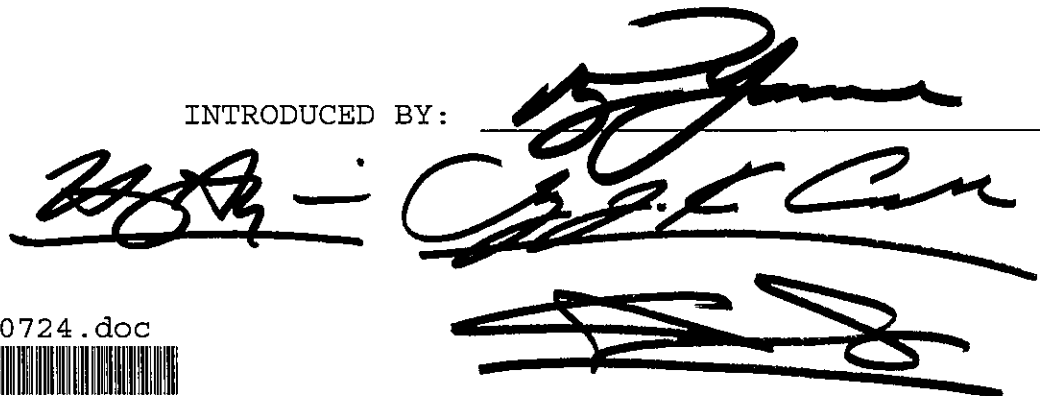
10 (n) The department shall distribute an annual list to the  
11 chief of police of each county of all foster boarding homes in  
12 that county, broken down by communities or districts, that have  
13 valid certificates of approval issued by the department;  
14 provided that the list received by each chief of police under  
15 this subsection shall not be distributed to persons or entities  
16 outside of the respective police department."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:





# H.B. NO. 2503

*John A. Peltz*

*[Signature]*

JAN 26 2016



# H.B. NO. 2503

**Report Title:**

Foster Boarding Homes; Chiefs of Police; Certificates of Approval;

**Description:**

Requires DHS to distribute confidential lists of foster boarding homes in the community to the respective chiefs of police.  
Requires DHS to conduct interviews of the neighbors of persons and organizations seeking their initial certificate of approval to operate and maintain a foster boarding home.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

