

S.B. NO. 2878

JAN 27 2016

A BILL FOR AN ACT

RELATING TO YOUTH TRANSITIONING FROM FOSTER CARE.

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

1 SECTION 1. The legislature finds that to improve the
2 transition of foster youth and former foster youth to the
3 challenges of adulthood requires a supportive safety net and
4 system that includes an opportunity for higher education. The
5 legislature finds that providing financial assistance for higher
6 education for former foster youth is one important part of the
7 supportive safety net. Currently, the legislature has provided
8 the opportunity for former foster youth to apply for higher
9 education payments until the age of twenty-two. The legislature
10 finds that for many former foster youth readiness for higher
11 education may come at a later time than the current deadline of
12 twenty-two years of age; extending the age to twenty-six would
13 afford former foster youth more time to access higher education.

14 In further support of youth transitioning from foster care
15 to adulthood, in 2013, the legislature passed Act 252 creating
16 the young adult voluntary foster care program, which became
17 effective on July 1, 2014. There are some key areas regarding

1 eligibility and program requirements that need clarification for
2 ongoing implementation.

3 The purpose of this Act is to extend the deadline for
4 former foster youth to apply for financial assistance for higher
5 education costs from age twenty-two to age twenty-six, to
6 clarify that financial assistance available to Hawaii's former
7 foster youth is for related higher education costs and not
8 specifically limited to room and board costs, and to clarify
9 eligibility and program requirements for the ongoing
10 implementation of the young adult voluntary foster care program.

11 SECTION 2. Section 346-17.4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§346-17.4 Higher education [~~board allowances~~] stipends
14 for students. (a) An eligible former foster youth shall be
15 eligible for higher education [~~board allowances~~] stipends after
16 reaching the age of majority, and the higher education [~~board~~
17 ~~allowance~~] stipend for that former foster youth shall be paid to
18 an [~~accredited institution of higher education, another~~]
19 intermediary contracted by the department, to the former foster
20 youth, or to the former foster youth's former [~~foster parents~~]
21 resource caregivers, adoptive parents, or legal custodians, as
22 appropriate; provided that:

23 (1) The former foster youth is twenty-six years old or

1 younger;

2 (2) The former foster youth has submitted [an] a completed
3 application for [~~the~~] a higher education [board
4 ~~allowance through the age of twenty one years old,~~
5 ~~except that a former foster youth who is between the~~
6 ~~ages of twenty two years and twenty six years on July~~
7 ~~1, 2008, and attending an institution of higher~~
8 ~~education, may apply for a higher education board~~
9 ~~allowance after July 1, 2008, and no later than June~~
10 ~~30, 2009,]~~ stipend six months prior to the youth's
11 twenty-seventh birthday; and

12 (3) The former foster youth is attending or has been
13 accepted to attend an accredited institution of higher
14 education.

15 (b) The higher education [~~board allowances~~] stipend may be
16 issued and applied to costs incurred while the former foster
17 youth is attending an accredited institution of higher education
18 on a full-time basis or on a part-time basis, in accordance with
19 rules adopted by the department.

20 [~~(c) Reimbursement to foster parents for the former foster~~
21 ~~youth's higher education board cost up to the maximum allowable~~
22 ~~board amount shall be made retroactive to the former foster~~

1 ~~youth's entry into an accredited institution of higher education~~
2 ~~on a full time basis, but no earlier than July 1, 1987, or on a~~
3 ~~part time basis for the first academic year, but no earlier than~~
4 ~~July 1, 1999.~~

5 ~~(d) Higher education board allowances may be applied by~~
6 ~~the former foster youth to costs incurred in undertaking full-~~
7 ~~time studies or part time studies at an institution of higher~~
8 ~~education in accordance with rules adopted by the department.]~~

9 ~~[(e)]~~ (c) The duration of the total higher education
10 ~~[board allowance]~~ stipend shall not exceed a cumulative total of
11 sixty months.

12 (d) The amount of the higher education stipend shall be
13 based on the financial support the department provides in
14 accordance with rules adopted by the department.

15 ~~[(f)]~~ (e) The department's standards relating to income
16 resources of foster children shall be applicable to this
17 section.

18 ~~[(g)]~~ (f) Higher education ~~[board allowance]~~ stipends
19 shall be provided subject to the availability of state and
20 federal funds."

21 SECTION 3. Section 346-395, Hawaii Revised Statutes, is
22 amended to read as follows:

1 " ~~[f]~~ §346-395 ~~[f]~~ Eligibility. A young adult may continue
2 to receive services under this part if the young adult meets the
3 following criteria:

4 (1) The young adult was:

5 (A) Under the permanent ~~[ex]~~ custody, foster custody,
6 voluntary foster custody, or court-ordered
7 temporary foster custody of the department at the
8 time the young adult attained the age of
9 eighteen;

10 (B) A child who was placed in guardianship after
11 attaining the age of sixteen~~[+]~~ and the legal
12 guardians are no longer willing to provide
13 emotional and financial support; or

14 (C) A child who was adopted after attaining the age
15 of sixteen~~[+]~~ and the adoptive parents are no
16 longer willing to provide emotional and financial
17 support;

18 (2) The young adult voluntarily consents to participate in
19 the young adult voluntary foster care program~~[+]~~ and
20 meets the program requirements;

21 (3) The court finds that exercising jurisdiction under
22 this part is in the young adult's best interest; and

23 (4) The young adult is:

- 1 (A) Completing secondary education or a program
- 2 leading to an equivalent credential;
- 3 (B) Enrolled in an institution that provides
- 4 post-secondary or vocational education;
- 5 (C) Participating in a program or activity designed
- 6 to promote or remove barriers to employment;
- 7 (D) Employed for at least eighty hours per month; or
- 8 (E) Incapable of doing any of the activities
- 9 described in subparagraphs (A) to (D) due to a
- 10 medical condition, which incapability is
- 11 supported by regularly updated information in the
- 12 case plan of the young adult."

13 SECTION 4. Section 346-396, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~4~~] §346-396 [~~7~~] **Voluntary care agreement.** If a young
16 adult is no longer under jurisdiction pursuant to chapter 587A
17 [~~but~~] as the subject child and chooses to participate in the
18 young adult voluntary foster care program and meets the
19 eligibility criteria set forth in section 346-395, the
20 department and the young adult shall enter into a voluntary care
21 agreement that shall include, at a minimum, the following:

- 22 (1) The obligation for the young adult to continue to meet
- 23 the conditions for eligibility described in section

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1 346-395 and other program requirements for the
 2 duration of the voluntary care agreement;
 3 (2) The young adult's right to terminate the voluntary
 4 care agreement at any time; and
 5 (3) The voluntary nature of the young adult's
 6 participation in the young adult voluntary foster care
 7 program."

8 SECTION 5. Section 346-407, Hawaii Revised Statutes, is
 9 repealed.

10 ~~["§346-407] Reporting requirement. The department shall~~
 11 ~~submit an annual report to the legislature, no later than twenty~~
 12 ~~days prior to the convening of each regular session, on the~~
 13 ~~status, efficacy, and any other relevant information regarding~~
 14 ~~the young adult voluntary foster care program established by~~
 15 ~~this part."]~~

16 SECTION 6. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act, upon its approval, shall take effect
 19 on July 1, 2016.

20

21

INTRODUCED BY: 

22

BY REQUEST

S .B. NO. 2878

Report Title:

Youth Transitioning From Foster Care

Description:

Extends the application deadline for financial assistance for higher education available to foster or former foster youth, clarifies that financial assistance is for related higher education costs, and clarifies eligibility and program requirements of the Young Adult Voluntary Foster Care Program.

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

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO YOUTH
TRANSITIONING FROM FOSTER CARE.

PURPOSE: To change "higher education board
allowances" to "higher education stipend,"
to extend the deadline for former foster
youth to apply for a higher education
stipend, and to provide clarification on the
young adult voluntary foster care program.

MEANS: Amend sections 346-17.4, 346-395, and 346-
396, and repeal section 346-407, Hawaii
Revised Statutes (HRS).

JUSTIFICATION: This measure allows the financial assistance
provided to former foster youth to be used
for related higher education costs and not
specifically for room and board, and extends
the deadline for application submittal from
age twenty-two to age twenty-six to afford
former foster youth a greater timeline to
access higher education. Former foster
youths' readiness for higher education may
come at a later time than the current
deadline of twenty-two years of age.

The 2013 State Legislature passed Act 252
creating the young adult voluntary foster
care program, which became effective on July
1, 2014. There are some key areas regarding
eligibility and program requirements that
need clarification for ongoing
implementation.

The amendments to section 346-395, HRS, will
clarify the different legal status of the
child with which eligibility would be
allowed and will clarify conditions under
which a child placed under legal
guardianship or adopted at age 16 or older
would be eligible for the young adult
voluntary foster care program.

The amendment to section 346-396, HRS, will clarify a young adult is no longer under jurisdiction pursuant to chapter 587A as the subject child.

The repeal of section 346-407, HRS, will remove the requirement for the department to submit an annual report to the Legislature. The department is federally mandated to report status and progress of this program annually; repealing this section will reduce duplication.

Impact on the public: Increasing the time for former foster youth to apply for higher education stipends by four years will result in more former foster youth seeking higher education, lessening the likelihood of future dependency on public assistance.

The changes to the young adult voluntary foster care program will provide needed clarifications and greater consistency in program services for former foster youth and their social capital/support systems.

Impact on the department and other agencies: Although higher education stipends are state-funded, the department does not anticipate higher costs for this program if the time to submit applications is extended. The department anticipates the number of additional applicants to be small, and the cost of this stipend program is offset by the federally-funded young adult voluntary foster care program which was launched on July 1, 2014. The young adult foster care program includes money for higher education for this same population until age twenty-one. There is no anticipated impact on other agencies.

The changes to the young adult voluntary foster care program will provide needed clarifications and greater consistency in providing program services by department staff, contracted providers, and related agencies.

GENERAL FUND: None.
OTHER FUNDS: None.
PPBS PROGRAM
DESIGNATION: HMS 303, HMS 301.
OTHER AFFECTED
AGENCIES: Judiciary.
EFFECTIVE DATE: July 1, 2016.