
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 improving 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 include 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. Existing law allows former foster youth
8 to apply for higher education payments until the age of twenty-
9 two. The legislature finds that for many former foster youth,
10 readiness for higher education may come after they attain
11 twenty-two years of age; extending the age to twenty-six would
12 afford former foster youth more time to access higher education.

13 In further support of youth transitioning from foster care
14 to adulthood, in 2013, the legislature passed Act 252, Session
15 Laws of Hawaii 2013, creating the young adult voluntary foster
16 care program, which became effective on July 1, 2014. However,
17 there are some key areas regarding eligibility and program
18 requirements that need clarification for ongoing implementation.



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

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

11 "**§346-17.4 Higher education [~~board-allowances~~] stipends**
12 **for students.** (a) An eligible former foster youth shall be
13 eligible for a higher education [~~board-allowances~~] stipend after
14 reaching the age of majority, and the higher education [~~board~~
15 ~~allowance~~] stipend for that former foster youth shall be paid to
16 an [~~accredited institution of higher education, another~~]
17 intermediary contracted by the department, to the former foster
18 youth, or to the former foster youth's former [~~foster-parents~~]
19 resource caregivers, adoptive parents, or legal custodians, as
20 appropriate; provided that:



- 1 (1) The former foster youth is twenty-six years old or
2 younger;
- 3 (2) The former foster youth has submitted [~~an~~] a completed
4 application for [~~the~~] a higher education [~~board~~
5 ~~allowance through the age of twenty-one years old,~~
6 ~~except that a former foster youth who is between the~~
7 ~~ages of twenty-two years and twenty-six years on~~
8 ~~July 1, 2008, and attending an institution of higher~~
9 ~~education, may apply for a higher education board~~
10 ~~allowance after July 1, 2008, and no later than~~
11 ~~June 30, 2009,] stipend six months prior to the
12 youth's twenty-seventh birthday; and~~
- 13 (3) The former foster youth is attending or has been
14 accepted to attend an accredited institution of higher
15 education.
- 16 (b) The higher education [~~board allowances~~] stipend may be
17 issued and applied to costs incurred while the former foster
18 youth is attending an accredited institution of higher education
19 on a full-time basis or on a part-time basis, in accordance with
20 rules adopted by the department.



1 ~~[(c) Reimbursement to foster parents for the former foster~~
2 ~~youth's higher education board cost up to the maximum allowable~~
3 ~~board amount shall be made retroactive to the former foster~~
4 ~~youth's entry into an accredited institution of higher education~~
5 ~~on a full time basis, but no earlier than July 1, 1987, or on a~~
6 ~~part time basis for the first academic year, but no earlier than~~
7 ~~July 1, 1999.~~

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

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

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

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



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

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

6 "~~[(+)]~~§346-395~~[(+)]~~ **Eligibility.** A young adult may continue
7 to receive services under this part if the young adult meets the
8 following criteria:

9 (1) The young adult was:

10 (A) Under the permanent ~~[or]~~ custody, foster custody,
11 voluntary foster custody, or court-ordered
12 temporary foster custody of the department at the
13 time the young adult attained the age of
14 eighteen;

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

19 (C) A child who was adopted after attaining the age
20 of sixteen~~[(+)]~~ and the adoptive parents are no



1 longer willing to provide emotional and financial
2 support;

3 (2) The young adult voluntarily consents to participate in
4 the young adult voluntary foster care program[+] and
5 meets the program requirements;

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

8 (4) The young adult is:

9 (A) Completing secondary education or a program
10 leading to an equivalent credential;

11 (B) Enrolled in an institution that provides
12 post-secondary or vocational education;

13 (C) Participating in a program or activity designed
14 to promote or remove barriers to employment;

15 (D) Employed for at least eighty hours per month; or

16 (E) Incapable of doing any of the activities
17 described in subparagraphs (A) to (D) due to a
18 medical condition, which incapability is
19 supported by regularly updated information in the
20 case plan of the young adult."



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

3 "[+]§346-396[+] **Voluntary care agreement.** If a young
4 adult is no longer under jurisdiction pursuant to chapter 587A
5 ~~[but]~~ as the subject child and chooses to participate in the
6 young adult voluntary foster care program and meets the
7 eligibility criteria set forth in section 346-395, the
8 department and the young adult shall enter into a voluntary care
9 agreement that shall include, at a minimum, the following:

- 10 (1) The obligation for the young adult to continue to meet
11 the conditions for eligibility described in section
12 346-395 and other program requirements for the
13 duration of the voluntary care agreement;
- 14 (2) The young adult's right to terminate the voluntary
15 care agreement at any time; and
- 16 (3) The voluntary nature of the young adult's
17 participation in the young adult voluntary foster care
18 program."

19 SECTION 5. Section 346-407, Hawaii Revised Statutes, is
20 repealed.



1 ~~["§346-407] Reporting requirement. The department shall~~
2 ~~submit an annual report to the legislature, no later than twenty~~
3 ~~days prior to the convening of each regular session, on the~~
4 ~~status, efficacy, and any other relevant information regarding~~
5 ~~the young adult voluntary foster care program established by~~
6 ~~this part."]~~

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2016.

10



Report Title:

Youth Transitioning From Foster Care; Deadline Extension; Higher Education Financial Assistance

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. (SD1)

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