

Honolulu, Hawaii

March 4, 2016

RE: H.B. No. 2350
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2350, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FOSTER CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to bring the State into compliance with the Preventing Sex Trafficking and Strengthening Families Act of 2014 (Act) by:

- (1) Updating certain statutory references for "foster boarding home" to "resource family home" and "foster parent" to "resource caregiver" to better comply with the Act;
- (2) Establishing immunity, subject to certain conditions, for resource caregivers and child caring institutions;
- (3) Adding the requirement that resource caregivers and child care institutions use the reasonable and prudent parent standard when authorizing children in foster care to participate in extracurricular, enrichment, cultural, and social activities; and
- (4) Changing the minimum age at which children in foster care are to be involved in their foster care plans from 16 years to 14 years.



The Department of Human Services, Family Programs Hawaii's It Takes An Ohana, Epic Ohana, Inc., HI H.O.P.E.S. Youth Leadership Boards of West Hawaii, East Hawaii, Oahu, Maui, and Kauai of the Hawaii Youth Opportunities Initiative, and many concerned individuals testified in support of this measure. The Hawaii Association for Justice testified in opposition.

Your Committee has amended this measure by:

- (1) Limiting the immunity from liability for resource caregivers and child caring institutions to authorizations given in accordance with "the reasonable and prudent parent standard" for a child in foster care to participate in extracurricular, enrichment, cultural, and social activities;
- (2) Inserting an effective date of March 15, 2037, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2350, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2350, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



