

STAND. COM. REP. NO.

2069

Honolulu, Hawaii

FEB 08 2016

RE: S.B. No. 2879

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2879 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Update the statutory wording from "foster boarding home" to "resource family home" and from "foster parents" to "resource caregivers" in certain statutes;
- (2) Establish qualified immunity for resource caregivers and child caring institutions;
- (3) Add 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 activities; and
- (4) Change from sixteen to fourteen years the minimum age at which children in foster care are to be involved in their foster care plans.

Your Committee received testimony in support of this measure from the Department of Human Services; Effective Planning and Innovative Communication 'Ohana, Inc.; Family Programs Hawaii; Hawai'i Helping Our People Envision Success; and nine individuals. Your Committee received testimony in opposition to this measure

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from the Hawaii Association for Justice. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that requiring resource caregivers to follow the reasonable and prudent parent standard ensures caregivers will make sound parental decisions that maintain the health, safety, and best interest of the child while at the same time allowing and encouraging growth and development. By providing qualified immunity from liability, resource caregivers will be more likely to allow children, under the reasonable and prudent parent standard, to participate in appropriate extracurricular, enrichment, cultural, and social activities. However, it is also important to maintain accountability and liability for caregivers whose actions are not protected by the qualified immunity. Your Committee finds that lowering the minimum age at which the foster child can be included in planning their care plan includes children earlier in the process of case planning and being informed of the rights and options available to them, which promotes a sense of control over their lives, strengthens their self-sufficiency, and better prepares them for a successful transition from foster care to independent living.

Your Committee has amended this measure by:

- (1) Inserting language to exempt unreasonable, negligent, grossly negligent, and intentional acts or omissions from the immunity of liability provided in this measure, so as to protect foster children from such conduct;
- (2) In sections 587A-31(c) and 587A-32(a), Hawaii Revised Statutes, deleting the term "successful adulthood" and reverting back to "independent living", as "independent living" is a legal term of art consistently used by federal and state entities; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2879, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2879, S.D. 1, and be referred to your Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



