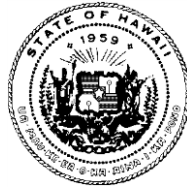


DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

BRIDGET HOLTHUS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96808

February 15, 2017

TO: Representative Dee Morikawa, Chair  
House Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1388 – Relating to Foster Care Services**

Hearing: Wednesday, February 15, 2017, 9:00 AM  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) offers the following comments on this bill.

**PURPOSE:** The purpose of this bill is to amend section 587A-4, Hawaii Revised Statutes, of the Child Protective Act, to redefine “foster parent,” “foster family,” and “resource family,” stating that any proper adult person or family, regardless of marital status, may be approved for licensing by the department or another authorized agency to provide foster care services to children.

Currently, the department’s Hawaii Administrative Rule (HAR) for Licensing of Resource Family Homes for Children §17-1625 -10, HAR, allows married couples or a single adult to submit an application to provide foster care. The certificate of approval is issued to either a married couple or a single adult.

Although many states continue to have laws like Hawaii that allow licensing of married couples or a single adult as a resource caregiver, there are on-going discussions and changes in policy across the country to broaden the licensing rules to include unmarried couples to address the changing practice of couples who choose not to marry or same sex couples who are unable to marry due to state laws, and continue to recruit and meet the demand for resource caregivers.

This bill does not provide a definition of “proper adult person or family” and clarification is required about the definition and intent of the bill. Potential unintended consequence of multiple individuals identified as the licensed resource caregivers, will make it difficult to address accountability and responsibility to uphold licensing standards.

The fundamental question that DHS must answer before licensing a resource caregiver is, can this person provide a safe and nurturing environment for the child in question.

DHS is also concerned that Hawaii does not currently have the infrastructure to support permanency for foster children if they are unable to safely return to their family home. Currently, adoption by unmarried couples, is not permitted by Hawaii law.

Thank you for the opportunity to provide comments on this bill.



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TO: COMMITTEE ON HUMAN SERVICES  
Senator Dee Morikawa, Chair  
Senator Chris Todd, Vice Chair  
Senator Della Au Belatti, Member  
Senator Sharon E. Har, Member  
Senator Bertrand Kobayashi, Member  
Senator Marcus R. Oshiro, Member  
Senator Andria P.L. Tupola

HEARING: Wednesday, February 15, 2017  
9:00 a.m.  
Room 329

FROM: Stephanie Batzer, JD, MSW  
Chair, Board of Directors  
Family Programs Hawaii

RE: HB 1388 RELATING FOSTER CARE SERVICES – OPPOSE

Thank you for this opportunity to testify in opposition to HB 1388.

My name is Stephanie Batzer, I am the Chair of the Board of Directors for Family Programs Hawaii, and I have been a Court Appointed Special Advocate for four and a half years.

H.B. No. 1388 seeks to change Hawaii Revised Statutes Section 587A-4 to amend the definitions of “foster parent,” “foster family,” and resource family to twice add the sentence “Any proper adult person or family, regardless of marital status, may be approved for licensing by the department or another authorized agency to provide foster care services for children.” The purpose behind this proposed change is not clear, and seems to imply that there is a marital status requirement for foster home licensing. This is simply not true.

Hawaii Administrative Rules Sections 17-1625-8 and 17-1625-17 through 20 state that “A married couple desiring to provide foster care for children shall submit a joint application. A single person may also apply. Applicants shall:

- Be responsible, stable, emotionally mature individuals who exercise sound judgment and who can make appropriate decisions ...

Foster parents and all adult household members shall be of reputable and responsible character and shall not have a criminal history record or background that poses a risk to the health, safety or well-being of children in care. All members of the household shall be free from physical, emotional or other conditions that may pose a risk to the health, safety, or well-being of foster children.”

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Clearly, this language indicates that there is no need for a person to be married in order to become a resource caregiver.

In addition, the term “proper adult person or family” is confusing. There is no reference to “proper adult person or family” is confusing, and undefined. A check of Black’s Law Dictionary, 10<sup>th</sup> Edition (Westlaw, 2014) finds no legal term of art “proper adult person or family.” Some of the actions required by Department of Human Services social workers includes:

1. Conduct child abuse and neglect checks and criminal history clearances on all adult household members
2. Conduct a home visit
3. Obtain references on the prospective resource caregivers

It would seem these actions support determining a “proper adult person or family.” However, since that term is not defined either in Haw. Rev. Stat. 587(A), we cannot support its entry into the definitions.

Thank you again for this opportunity to stand in opposition to HB 1388.

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**todd2 - Chloe**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 3:58 PM  
**To:** HUS testimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB1388 on Feb 15, 2017 09:00AM\*

**HB1388**

Submitted on: 2/6/2017

Testimony for HUS on Feb 15, 2017 09:00AM in Conference Room 329

| <b>Submitted By</b>   | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|-----------------------|---------------------|---------------------------|---------------------------|
| Javier Mendez-Alvarez | Individual          | Support                   | No                        |

Comments:

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**todd2 - Chloe**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 7:19 AM  
**To:** HUS testimony  
**Cc:** tampaltin@gmail.com  
**Subject:** \*Submitted testimony for HB1388 on Feb 15, 2017 09:00AM\*

**HB1388**

Submitted on: 2/13/2017

Testimony for HUS on Feb 15, 2017 09:00AM in Conference Room 329

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Tamara Paltin       | Individual          | Support                   | No                        |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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