

ACT 5

H.B. NO. 3456

A Bill for an Act Relating to Certification of Child Placing Organizations, Child Caring Institutions, and Foster Boarding Homes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-17, Hawaii Revised Statutes, is amended to read as follows:

“§346-17 Child placing organizations, child caring institutions, and foster boarding homes; authority over and investigation of. No child placing organization shall engage in the investigation, placement, and supervision of minor children in foster care unless it meets with the standards of conditions, management, and competence set by the department of human services.

No child caring institution shall be allowed to receive minor children for care and maintenance unless it meets with the standards of conditions, management, and competence to care for and train children set by the department.

No foster boarding home shall receive for care and maintenance any child unless it meets with the standards of conditions, management, and competence set by the department.

The department shall make rules relating to (1) standards for the organization and administration of child placing organizations, (2) standards of conditions, management, and competence for the care and training of minor children in child caring institutions, and (3) standards of conditions and competence of operation of foster boarding homes as may be necessary to protect the welfare of children.

All rules of the department shall have the force and effect of law, and any violation thereof or of this section shall be punishable by a fine of not more than \$200.

ACT 5

As a condition for a certificate of approval, any organization, institution, or home shall meet the standards to assure the reputable and responsible character of its operators and employees by complying with the requirements of a criminal history record check under section 346-19.6.

Upon approval of any such organization, institution, or home, the department or its authorized agents shall issue a certificate of approval which shall continue in force for one year or for two years if the organization, institution, or home meets the criteria established by the department, unless sooner revoked for cause. The certificate shall be renewed by the department or its authorized agents, after annual or biennial investigation, if the investigation discloses that the organization, institution, or home continues to meet with the standards set by the department. The certificate of approval shall be a permit to operate the child placing organization, child caring institution, or foster boarding home, and no person or organization shall operate or maintain such organization, institution, or home without the certificate.

Any child placing organization, child caring institution, or foster boarding home shall be subject to investigation at any time and in such manner, place, and form as may be prescribed by the department or its authorized agents.’’

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 11, 1996.)