

ACT 108

H.B. NO. 2506

A Bill for an Act Relating to Prospective Adoptive Parents.

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§346- Prospective adoptive parents; standards and home studies. (a) The department shall develop standards to assure the reputable and responsible character of prospective adoptive parents as defined in this chapter.

(b) The department shall develop procedures for obtaining verifiable information regarding the criminal history of persons who are seeking to become adoptive parents. These procedures shall include but not be limited to criminal history record checks. The Hawaii criminal justice data center may charge a reasonable fee for criminal history record checks performed by the Federal Bureau of Investigation.

(c) Except as otherwise specified, any person who seeks to become an adoptive parent shall meet all standards and requirements as established by the department and shall be required to provide to the department:

- (1) A sworn statement indicating whether or not the person has ever been convicted of an offense for which incarceration is a sentencing option, and the details thereof;
- (2) Written consent for the department to conduct a criminal history record check as provided in subsection (b) and to obtain other information for verification; and
- (3) Permission to be fingerprinted for the purpose of the Federal Bureau of Investigation criminal history record check.

Information obtained pursuant to subsection (b) and this subsection shall be used exclusively by the department for the purpose of determining whether or not a person is suitable to be an adoptive parent. All such decisions shall be subject to federal laws and regulations currently or hereafter in effect.

(d) The department may deny a person's application to adopt a child or children if either of the prospective adoptive parents was convicted of an offense for which incarceration is a sentencing option, and if the department finds by reason of the nature and circumstances of the crime that either of the prospective adoptive parents poses a risk to the health, safety, or well-being of the child or children. Such denial may occur only after appropriate investigation, notification of results and planned action, and opportunity to meet and rebut the finding, all of which need not be conducted in accordance with chapter 91.

(e) The department may authorize or contract for home studies of prospective adoptive parents for children under the department's custody by experienced social workers with specialized adoption experience.

(f) For the purposes of this section, "criminal history record check" means an examination or search for evidence of an individual's criminal history by means of:

- (1) A search of the individual's fingerprints in the Federal Bureau of Investigation criminal history record files and, if found, an analysis and any other information available pertaining thereto; and
- (2) A criminal history record check conducted by the Hawaii criminal justice data center."

SECTION 2. Section 346-16, Hawaii Revised Statutes, is amended by adding to subsection (a) a new definition to be appropriately inserted and to read as follows:

““Prospective adoptive parents” means a person, or persons who are married to each other, applying with the department to adopt a child or children.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2000.

(Approved May 22, 2000.)

Note

1. Edited pursuant to HRS §23G-16.5.