A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

2006-1894 SB2615 SD2 SMA.doc

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to require that 1 2 current foster care providers be considered the presumptive choice for adoption of a child placed in their care for more 3 than one year unless it can be shown that it is not in the best 4 interest of the child. 5 SECTION 2. Chapter 587, Hawaii Revised Statutes, is 6 amended by adding a new section to be appropriately designated 7 8 and to read as follows: 9 "§587- Foster custody; placement; required procedures. Current foster care providers shall be considered the 10 11 presumptive choice for adoption, legal guardianship, or 12 permanent custody of any child who is in the permanent custody 13 of the department, and has been placed in the foster home for 14 more than one year, insofar as the child agrees. Prior to the removal of a child in the permanent custody of the department 15 who has been placed with a foster care provider for more than 16 one year, the department shall prove to the family court by a 17 preponderance of the evidence that removal is in the best 18

- 1 interests of the child, unless there are immediate concerns for
- 2 the child's safety. If immediate removal is required due to
- 3 immediate concerns for the child's safety, the department,
- 4 within seven days of the child's removal, shall prove to the
- 5 family court by a preponderance of the evidence that removal was
- 6 in the best interests of the child."
- 7 SECTION 3. This Act does not affect rights and duties that
- 8 matured, penalties that were incurred, and proceedings that were
- 9 begun, before its effective date.
- 10 SECTION 4. New statutory material is underscored.
- 11 SECTION 5. This Act shall take effect on July 1, 2050.

SB2615,5D2

Report Title:

Foster Custody

Description:

Requires that current foster care providers be the presumptive choice for adoption of a child placed in their care for more than one year unless it can be shown that it is not in the best interest of the child. (SD2)