



GOV. MSG. NO. 806

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 27, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 27, 2007, the following bill was signed into law:

SB1441 SD1 HD1

A BILL FOR AN ACT RELATING TO CERTIFICATION
OF CHILD PLACING ORGANIZATIONS, CHILD
CARING INSTITUTIONS, FOSTER BOARDING
HOMES, AND ADOPTIVE HOMES.
(ACT 046)

Sincerely,

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO CERTIFICATION OF CHILD PLACING ORGANIZATIONS, CHILD CARING INSTITUTIONS, FOSTER BOARDING HOMES, AND ADOPTIVE HOMES.

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

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

3 "**§346-17 Child placing organizations, child caring**
4 **institutions, and foster boarding homes; authority over,**
5 **investigation of, and standards for.** (a) No child placing
6 organization shall engage in the investigation, placement, and
7 supervision of minor children in foster care unless it meets the
8 standards of conditions, management, and competence set by the
9 department of human services.

10 (b) No child caring institution shall receive minor
11 children for care and maintenance unless it meets the standards
12 of conditions, management, and competence to care for and train
13 children set by the department.

14 (c) No foster boarding home shall receive for care and
15 maintenance any child unless:

16 (1) It meets with the standards of conditions, management,
17 and competence set by the department; and



1 (2) The foster boarding home applicant successfully
2 completes foster parent training; provided that after
3 July 1, 1999, new special licensed or relative foster
4 home care providers licensed for a specific child or
5 children shall successfully complete foster parent
6 training within the first year following placement of
7 the first child into the new special licensed or
8 relative foster home.

9 (d) The department shall adopt rules pursuant to chapter
10 91 relating to:

11 (1) Standards for the organization and administration of
12 child placing organizations;

13 (2) Standards of conditions, management, and competence
14 for the care and training of minor children in child
15 caring institutions and foster boarding homes; and

16 (3) Standards of conditions and competence of operation of
17 foster boarding homes as may be necessary to protect
18 the welfare of children.

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



1 (f) As a condition for a certificate of approval, any
2 organization, institution, or foster boarding home, including
3 all adults residing in the foster boarding home, shall:

4 (1) Meet [~~the~~] all standards [~~ensuring the reputable and~~
5 ~~responsible character of its operators and employees,~~]
6 and requirements established by the department;

7 (2) Be subject to criminal history record checks in
8 accordance with section 846-2.7[+] and child abuse and
9 neglect registry checks, in accordance with
10 departmental procedures; and

11 (3) Provide consent to the department to obtain criminal
12 history record and child abuse and neglect registry
13 information.

14 New employees of the organization, institution, or home shall be
15 fingerprinted within five working days of employment.

16 (g) Upon approval of the organization, institution, or
17 foster boarding home, the department or its authorized agents
18 shall issue a certificate of approval that shall continue in
19 force for one year or for two years if the organization,
20 institution, or foster boarding home meets the criteria
21 established by the department, unless sooner revoked for cause.
22 The certificate shall be renewed by the department or its



1 authorized agents, after annual or biennial investigation, if
2 the investigation discloses that the organization, institution,
3 or foster boarding home continues to meet [~~with~~] the standards
4 set by the department. The certificate of approval shall be a
5 permit to operate the child placing organization, child caring
6 institution, or foster boarding home, and no person or
7 organization shall operate or maintain the organization,
8 institution, or foster boarding home without the certificate.

9 (h) Any child placing organization, child caring
10 institution, or foster boarding home shall be subject to review
11 or investigation at any time and in a manner, place, and form as
12 may be prescribed by the department or its authorized agents.

13 (i) As used in this section, "foster parent training"
14 means training or instruction in special skills and knowledge to
15 care for foster children.

16 (j) The department shall request [a]:

17 (1) A criminal history record check through the Hawaii
18 criminal justice data center on all operators,
19 employees, and new employees of child care
20 institutions, child placing organizations, and foster
21 boarding homes, including all adults residing in the



1 foster boarding homes, subject to licensure pursuant
2 to section 846-2.7[-]; and

3 (2) A child abuse and neglect registry check on all
4 operators, employees, and new employees of child care
5 institutions, child placing organizations, and adults
6 residing in a foster boarding home subject to
7 licensure in accordance with departmental procedures.

8 (k) The department may deny a certificate of approval if
9 an operator, employee, or new employee of [~~the~~] a child care
10 institution or child placing organization's facility, or any
11 adult residing in a foster boarding home, was convicted of a
12 crime other than a minor traffic violation involving a fine of
13 \$50 or less and if the department finds that the criminal
14 history record or child abuse registry history of an operator,
15 employee, [~~or~~] new employee, or adult residing in a foster
16 boarding home poses a risk to the health, safety, or well-being
17 of the children in care.

18 (1) The department shall make a name inquiry into the
19 criminal history records for the first two years of
20 certification of a foster boarding home and annually or
21 biennially thereafter and into the child abuse and neglect



1 registry in accordance with departmental procedures depending on
2 the certification status of the home."

3 SECTION 2. Section 346-19.7, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§346-19.7 Prospective adoptive parents; standards and**
6 **home studies.** (a) The department shall develop standards to
7 ensure the reputable and responsible character of prospective
8 adoptive parents as defined in this chapter.

9 (b) The department shall develop procedures for obtaining
10 verifiable information regarding the criminal history and child
11 abuse and neglect registry information of persons who are
12 seeking to become adoptive parents. These procedures shall
13 include criminal history record checks in accordance with
14 section 846-2.7.

15 (c) Except as otherwise specified, any person who seeks to
16 become an adoptive parent, including all adults residing in the
17 prospective adoptive home, shall:

- 18 (1) Meet all standards and requirements established by the
19 department;
- 20 (2) Be subject to criminal history record checks in
21 accordance with section 846-2.7[+], and child abuse



1 and neglect registry checks in accordance with
2 departmental procedures; and
3 (3) Provide consent to the department to obtain criminal
4 history record and child abuse and neglect registry
5 information [~~for verification~~].

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

11 (d) The department may deny a person's application to
12 adopt a child [~~or children~~] if either of the prospective
13 adoptive parents or any adult residing in the prospective
14 adoptive home was convicted of an offense for which
15 incarceration is a sentencing option, and if the department
16 finds by reason of the nature and circumstances of the crime
17 that either of the prospective adoptive parents, or any adult
18 residing in the prospective adoptive home, poses a risk to the
19 health, safety, or well-being of the child [~~or children~~].
20 [~~Such~~] A denial [~~may~~] shall occur only after appropriate
21 investigation, notification of results and planned action, and



1 opportunity to meet and rebut the finding, all of which need not
2 be conducted in accordance with chapter 91.

3 (e) The department may deny a person's application to
4 adopt a child if either of the prospective adoptive parents or
5 any adult residing in the prospective adoptive home has a
6 history of confirmed child abuse or neglect, or both, revealed
7 by the child abuse and neglect registry check, and if the
8 department finds by reason of the nature and circumstances of
9 the abuse or neglect, or both, that either of the prospective
10 adoptive parents or any adult residing in the prospective
11 adoptive home poses a risk to the health, safety, or well-being
12 of the child. A denial shall occur only after an appropriate
13 investigation, notification of results and planned action, and
14 an opportunity to meet and rebut the finding, all of which need
15 not be conducted in accordance with chapter 91.

16 [~~e~~] (f) The department may authorize or contract for
17 home studies of prospective adoptive parents for children under
18 the department's custody by experienced social workers with
19 specialized adoption experience."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 4. This Act shall take effect upon approval.



S.B. NO. 1441
S.D. 1
H.D. 1



GOVERNOR OF THE STATE OF HAWAII

Approved this day: APR 27 2007