
A BILL FOR AN ACT

RELATING TO CHILD WELFARE SERVICES.

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

1 SECTION 1. Section 587-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "party" to read as
3 follows:
4 "Party" means an authorized agency, the child, the child's
5 family member or members who are required to be summoned
6 pursuant to section 587-32(a), any other member of the child's
7 family, or any other person who is alleged in the petition filed
8 under this chapter or who is subsequently determined at any
9 child protective proceeding to be encouraging, causing, or
10 contributing to the acts or conditions which bring the child
11 within this chapter, and who has been duly served with a summons
12 and a copy of the petition filed under this chapter; provided
13 that the court may limit a party's right to participate in any
14 child protective proceeding if the court deems such limitation
15 of such party's participation to be consistent with the best
16 interests of the child and such party is not a family member who
17 is required to be summoned pursuant to section 587-32(a), except
18 as [~~is~~] provided in section [~~587-73(b)(4)~~]. 587-73(b)(1)(D)."



1 SECTION 2. Section 587-73, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) If the court determines that the criteria set forth
4 in subsection (a) are established by clear and convincing
5 evidence[~~, the court shall order:~~] and:

6 (1) The goal of the permanent plan is for the child to be
7 adopted or remain in permanent custody, the court
8 shall order:

9 [~~(1)~~] (A) That the existing service plan be terminated and
10 that the prior award of foster custody be revoked;

11 [~~(2)~~] (B) That permanent custody be awarded to an appropriate
12 authorized agency;

13 [~~(3)~~] (C) That an appropriate permanent plan be implemented
14 concerning the child whereby the child will:

15 [~~(A)~~] (i) Be adopted pursuant to chapter 578; provided
16 that the court shall presume that it is in the
17 best interests of the child to be adopted,
18 unless the child is or will be in the home of
19 family or a person who has become as family
20 and who for good cause is unwilling or unable
21 to adopt the child but is committed to and is



1 capable of being the child's guardian or
2 permanent custodian;
3 ~~[(B) Be placed under guardianship pursuant to chapter~~
4 560,] or
5 ~~[(C) (ii) Remain in permanent custody until the child~~
6 is subsequently adopted, placed under a
7 guardianship, or reaches the age of
8 majority, and that such status shall not be
9 subject to modification or revocation except
10 upon a showing of extraordinary
11 circumstances to the court;
12 ~~[(4) (D) That such further orders as the court deems to be~~
13 in the best interests of the child, including~~[-]~~
14 but not limited to~~[-]~~ restricting or excluding
15 unnecessary parties from participating in adoption
16 or other subsequent proceedings, be entered; and
17 ~~[(5) (E) Until adoption or guardianship is ordered, that~~
18 each case be set for a permanent plan review
19 hearing not later than one year after the date that
20 a permanent plan is ordered by the court, or sooner
21 if required by federal law~~[-]~~, and thereafter, that
22 subsequent permanent plan review hearings be set



1 not later than each year, or sooner if required by
2 federal law; provided that at each permanent plan
3 review hearing, the court shall review the existing
4 permanent plan and enter such further orders as are
5 deemed to be in the best interests of the child[-]

6 or

7 (2) The goal of the permanent plan is for the child to be
8 placed under guardianship pursuant to chapter 560, the
9 court shall order:

10 (A) That the prior award of foster custody be
11 continued and that the existing service plan be
12 terminated;

13 (B) That an appropriate permanent plan be implemented
14 concerning the child whereby the child will be
15 placed under guardianship pursuant to chapter
16 560; and

17 (C) Until the guardianship is ordered, that each case
18 be set for a permanent plan review hearing not
19 later than six months after the date that a
20 permanent plan is ordered by the court, or sooner
21 if required by federal law; provided that at each
22 permanent plan review hearing, the court shall



1 review the existing permanent plan and enter such
2 further orders as are deemed to be in the best
3 interests of the child."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2007.



Report Title:

Child Welfare Services; Permanent Plan

Description:

Specifies that when the family court determines that the child's parents cannot provide the child with a safe family home, the Department of Human Services may submit a permanent plan with a goal of guardianship and the court may award guardianship to an appropriate entity without termination of parental rights.

(HB1357 HD1)

