
A BILL FOR AN ACT

RELATING TO CHILD WELFARE.

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

1 SECTION 1. The legislature finds that, while foster youth
2 are represented by guardians ad litem and assisted by social
3 workers, foster youth in permanent custody of the department of
4 human services are in the unique situation of having no guardian
5 or adoptive parent who will ensure their needs are met. The
6 legislature further finds that foster youth should be afforded
7 notice and opportunity to be involved in decision making for
8 their future. Accordingly, the purpose of this Act is to ensure
9 that foster youth who are subject to a permanent plan are
10 provided notice and the opportunity to participate in hearings
11 that affect their future.

12 SECTION 2. Chapter 587, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§587- Child's presence at hearings. (a) A child
16 between the age of fourteen and eighteen may attend all hearings
17 subsequent to a permanent plan hearing pursuant to section
18 587-73 unless the court, after consulting with the child in



1 camera, finds that it is in the best interest of the child to
2 not attend.

3 (b) A child under the age of fourteen, at the discretion
4 of the court after consulting with the child in camera, may
5 attend all hearings subsequent to a permanent plan hearing.

6 (c) The department shall arrange for transportation of the
7 child to court for the purpose of this section."

8 SECTION 3. Section 587-51.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[+]§587-51.5[+] **Notice of hearings.** (a) Notice of all
11 hearings shall be served upon the parties and upon the parents[
12 ~~Notice of hearings shall be served~~] by the department [~~upon the~~
13 ~~parties~~] no less than forty-eight hours before the scheduled
14 hearing. No hearing shall be held until the parties are served.

15 (b) Notice of all hearings subsequent to the section
16 587-71 disposition hearing shall be served upon the current
17 foster parent or parents, each of whom shall be entitled to
18 participate in the proceedings as a party[~~Notice of hearings~~
19 ~~shall be served~~] by the department [~~upon the current foster~~
20 ~~parent or parents~~] no less than forty-eight hours before the
21 scheduled hearing, subject to a shortening of time when a
22 hearing is set within a shorter time frame. No hearing shall be



1 held until the current foster parent or parents are served. For
2 purposes of this subsection, notice to foster parents may be
3 effected by hand delivery, regular mail, or by facsimile or
4 electronic mail, if receipt may be confirmed, and may consist of
5 the last court order, if it includes the date and time of the
6 hearing.

7 (c) Notice of all hearings subsequent to a permanent plan
8 hearing pursuant to section 587-73 shall be served upon a child
9 between the age of fourteen and eighteen by the department no
10 less than forty-eight hours before the scheduled hearing,
11 subject to a shortening of time when a hearing is set within a
12 shorter time frame. No hearing shall be held until the child is
13 served. For purposes of this subsection, notice to the child
14 may be effected by hand delivery, regular mail, or by facsimile
15 or electronic mail, if receipt can be confirmed, and may consist
16 of the last court order, if it includes the date and time of the
17 hearing.

18 [~~e~~] (d) For purposes of this section, "party" or
19 "parties" shall include the current foster parents."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect upon approval.



Report Title:

Child Welfare

Description:

Provides notice of permanent plan hearings to a child between the age of fourteen and eighteen. (SD1)

