



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
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March 27, 2014

The Honorable Karl Rhoads, Chair
House Committee on Judiciary
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Rhoads and Members of the Committee:

SUBJECT: SB 2853 SD2 HD1 – Relating to Developmental Disabilities
Adult Foster Homes

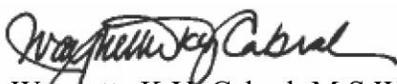
The State Council on Developmental Disabilities (DD) **SUPPORTS SB 2853 SD2 HD1**. This bill permits exemptions from two-resident limit for certified adult foster homes for adults with developmental or intellectual disabilities (I/DD) by waiver, if an adult resident is related to the caretaker, and for foster children who turn 18. Permits dual certification as child and adult foster home to accommodate children who turn 18 or specific children.

Essentially, SB 2853 SD2 HD1 amends Section 321-11.2(a), Hawaii Revised Statutes, by clarifying the conditions for certification of adult foster homes for individuals with I/DD. We are pleased that the bill permits a foster boarding home for minors with I/DD to be dually certified to enable the individual to age in place and remain in the home. We agree that the total number of foster children with I/DD and adults with I/DD in a dually certified home shall not have more than two individuals who are unrelated to the certified caregiver. However, with the Director of Health's approval, not more than three individuals, unrelated to the certified caregiver, would be permitted (Act 212, HRS 2013).

We support and appreciate the language to grandfather all certified adult foster homes dually certified as foster boarding homes and in existence as of the effective date of this bill. We understand that the effective date is January 1, 2150, to encourage further discussion and will be amended as the bill moves forward through the legislative process.

Thank you for the opportunity to submit comments in **support of SB 2853 SD2 HD1**.

Sincerely,


Waynette K.Y. Cabral, M.S.W.
Executive Administrator


J. Curtis Tyler, III
Chair



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Judiciary

S.B. 2853, S.D.2, H.D.1, Relating to Developmental Disabilities Adult Foster Homes

**Testimony of Linda Rosen, M.D., M.P.H.
Director of Health**

March 27, 2014

1 **Department's Position:** The Department is in support of S.B. 2853, S.D. 2, H.D. 1, as this bill aims
2 to clarify the requirements of certification of Adult Foster Homes for individuals with developmental
3 or intellectual disabilities.

4 **Fiscal Implications:** There is no cost implication to the Department.

5 **Purpose and Justification:** S.B. 2853, S.D. 2, H.D. 1, amends HRS §321-11.2(a), Hawaii Revised
6 Statutes, to provide clarity of the requirements of certification to obtain a certification for an Adult
7 Foster Home, and to create an exception for dual certification with a foster boarding home for
8 children to foster the child's ability to age in place after attaining the age of eighteen (18). The
9 Department supports the definition of "related" being added in HRS §321-11.2 Section 1 (a) (2).
10 This definition provides much needed clarity for existing and potential certified caregivers to
11 understand the requirements for certification. The Department does not require a related family
12 member to obtain certification; therefore, if someone or some family is willing to become a guardian
13 or obtain a legal form of trusteeship of an individual with developmental or intellectual disabilities
14 and have the person live with them, the Department views this situation similar to a related family
15 member. In Section 2 (c) of S.B. 2853 S.D. 2, H.D.1, the Department and the Department of Human
16 Services crafted language to allow an existing certified adult foster home for individuals with

1 developmental or intellectual disabilities to become dually certified as a child foster boarding home
2 in accordance with Section 346-17, Hawaii Revised Statutes, for a specific child in accordance with
3 the DHS' administrative rules. Lastly, the Department is recommending an amendment to Section 1,
4 subsection (a), of S.B. 2853, S.D. 2, H.D. 1, for clarity and to read as follows:

5 **"§321-11.2 Adult foster homes.** (a) The department of
6 health is authorized to certify adult foster homes for
7 individuals with developmental [~~disabilities~~] or intellectual
8 disabilities requiring [~~such~~] care beyond the individual's
9 eighteenth birthday. "Adult foster home" means a private
10 family home providing care on a twenty-four hour basis [~~for~~]
11 to adults with developmental or intellectual disabilities. To
12 be certified, an adult foster home shall [~~have~~] house not more
13 than two adults with developmental or intellectual
14 disabilities who are unrelated to the certified caregiver at
15 the same time[~~, who are unrelated to the foster family~~]. The
16 director of health may waive the two-adult limit for
17 certification of that home as an adult foster home; provided
18 that the total number of adults with developmental or
19 intellectual disabilities in the [~~certified~~] home shall not
20 exceed three adults with developmental or intellectual
21 disabilities[~~-~~] who are related or unrelated to the certified
22 caregiver.

23 For the purposes of this subsection, "related" means
24 connected by legal guardianship, trusteeship, blood, marriage,

1 or a legal relationship between the certified caregiver and
2 the adult with developmental or intellectual disabilities."

3 Thank you for this opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

March 27, 2014

TO: The Honorable Karl Rhoads, Chair
House Committee on Judiciary

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2853, S.D.2, H.D.1 - RELATING TO DEVELOPMENTAL
DISABILITIES ADULT FOSTER HOMES**

Hearing: Thursday, March 27, 2014, 2:00 p.m.
Conference Room 325, State Capitol

PURPOSE: The purpose of this bill permits exemptions from the two-resident limit for certified adult foster homes for adults with developmental or intellectual disabilities by waiver, if an adult resident is related to the caretaker, and for foster children who turn 18; permits dual certification as child and adult foster home to accommodate children who turn 18 or for specific children.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the amendments made to this bill. The amendments in the H.D. 1 of this bill will support the ability of Child Welfare Services (CWS) to provide appropriate and supportive placements with relatives and permanency for foster children through dually certified adult and child foster homes.

Thank you for the opportunity to testify on this bill.