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# A BILL FOR AN ACT

RELATING TO THE YOUNG ADULT VOLUNTARY FOSTER CARE ACT.

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

1           SECTION 1. The Fostering Connections to Success and  
2 Increasing Adoption Act of 2008 (Public Law 110-351) allows  
3 states to claim federal reimbursement for the costs of caring  
4 for and supervising Title IV-E eligible foster youth until their  
5 twenty-first birthday.

6           Compared to their peers, young people who have experienced  
7 foster care are more likely to become homeless and unemployed  
8 when they age out of foster care. They are also more likely to  
9 have physical, developmental, and mental health challenges, and  
10 less likely to complete high school or post-secondary education.  
11 Unlike their peers, most of these young people lose their  
12 support system when they reach age eighteen and are discharged  
13 from state custody.

14           There is evidence from several studies that young people  
15 who continue to receive services until age twenty-one have  
16 better outcomes in several areas when they leave foster care  
17 than those who left at age eighteen. These studies have shown  
18 an increase in positive outcomes in educational achievement and



1 employment, contributing to a more stable workforce and  
2 increased lifetime earnings. There are decreases in negative  
3 outcomes, including homelessness, dependency on public  
4 assistance, drug dependency, and criminal activities.

5 This is not surprising, considering research showing that  
6 the brain is not fully developed until the early to mid-  
7 twenties. Rather than a young person going immediately from  
8 adolescence to adulthood, gradual development occurs during a  
9 longer phase called emerging adulthood. Transitioning youth  
10 need extra support as they accomplish developmental milestones  
11 and progress toward full-fledged adulthood.

12 Extending independent living services, case and permanency  
13 planning, placement, and judicial oversight to age twenty-one,  
14 in developmentally appropriate ways, benefits young people who  
15 urgently need continued support and services. Most directly,  
16 extended care can provide safe and stable housing for young  
17 people that have not achieved permanence by age eighteen and are  
18 not ready to be on their own.

19 Moreover, extended care provides young people with access  
20 to additional child welfare resources that can be used to help a  
21 young person continue to build a network of support and  
22 permanent relationships. It is vitally important that



1 permanency planning continue in earnest with the young adult  
2 leading the effort to ensure that they never leave care without  
3 a permanently committed, caring adult in their life. This on-  
4 going permanency planning for non-minor dependents, young people  
5 in care over the age of eighteen, should also provide young  
6 people with access to competent legal advocates and meaningful  
7 court reviews.

8       The purpose of this Act is to add a new part to chapter  
9 346, Hawaii Revised Statutes, to provide for the care and  
10 supervision of eligible foster youth until their twenty-first  
11 birthday.

12       SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
13 amended by adding a new part to be appropriately designated and  
14 to read as follows:

15       **"PART . YOUNG ADULT VOLUNTARY FOSTER CARE PROGRAM**

16       **§346-A Purpose.** The purpose of this part is to establish  
17 a new program to be called the young adult voluntary foster care  
18 program, to care for and assist eligible foster youth until  
19 their twenty-first birthday. The young adult voluntary foster  
20 care program will support former foster youth in achieving  
21 permanency in the transition to adulthood and in becoming  
22 independent and self-sufficient.



1           **§346-B Definitions.** As used in this part, unless the  
2 context clearly indicates otherwise:

3           "Case plan" means a plan developed by the department, in  
4 consultation with the young adult as developmentally appropriate  
5 containing a written description of the programs and services  
6 that will help the young adult transition from foster care to  
7 independent living.

8           "Court" means one of the family courts established pursuant  
9 to chapter 571.

10          "Department" means the department of human services and its  
11 authorized representatives.

12          "Foster custody" means the legal status created when the  
13 department places a child outside of the family home with the  
14 agreement of the legal custodian or pursuant to court order as  
15 set forth in chapter 587A.

16          "Party" means the department, the young adult who is  
17 subject to a proceeding brought under this part, and may include  
18 any other person whose participation the court finds is in the  
19 best interest of the young adult.

20          "Permanent custody" means the legal status created by order  
21 of the court after the termination of parental rights as set  
22 forth in chapter 587A.



1 "Young adult" means a person eighteen years of age or  
2 older, and less than twenty-one years of age.

3 **§346-C Rights of the young adult.** (a) Young adults have  
4 a right to meaningful court reviews, including the right to:

5 (1) Receive notice of any court hearings and reviews and  
6 any other case related proceedings and meetings  
7 relating to the young adult;

8 (2) Be involved in the development of a personalized case  
9 plan;

10 (3) Be present at all court hearings and reviews relating  
11 to the young adult and to address the court during  
12 those hearings; and

13 (4) Request competent legal counsel.

14 (b) Nothing in this part shall be construed to abrogate  
15 any other rights that a person, who has attained eighteen years  
16 of age, may have as an adult under state law.

17 **§346-D Jurisdiction.** The family courts established  
18 pursuant to chapter 571 shall have exclusive jurisdiction over  
19 proceedings brought under this part.

20 **§346-E Eligibility.** A young adult may continue to receive  
21 services under this part only if the young adult meets the  
22 following criteria:



- 1           (1) The young adult was:
  - 2                   (A) Under the permanent or foster custody of the
  - 3                   department at the time the young adult attained
  - 4                   the age of eighteen;
  - 5                   (B) A child who was placed in guardianship after
  - 6                   attaining the age of sixteen; or
  - 7                   (C) A child who was adopted after attaining the age
  - 8                   of sixteen;
- 9           (2) The young adult voluntarily consents to participate in
- 10           the young adult voluntary foster care program;
- 11           (3) The court finds that exercising jurisdiction under
- 12           this part is in the young adult's best interest; and
- 13           (4) The young adult is:
  - 14                   (A) Completing secondary education or a program
  - 15                   leading to an equivalent credential;
  - 16                   (B) Enrolled in an institution that provides post
  - 17                   secondary or vocational education;
  - 18                   (C) Participating in a program or activity designed
  - 19                   to promote or remove barriers to employment;
  - 20                   (D) Employed for at least eighty hours per month; or
  - 21                   (E) Incapable of doing any of the activities
  - 22                   described in subparagraphs (A) to (D) due to a



1 medical condition, which incapability is  
2 supported by regularly updated information in the  
3 case plan of the young adult.

4 **§346-F Venue.** A petition under this part may be filed in  
5 the county in which the young adult resides when the petition is  
6 filed.

7 **§346-G Voluntary care agreement.** If a young adult is no  
8 longer under jurisdiction pursuant to chapter 587A, but chooses  
9 to participate in the young adult voluntary foster care program  
10 and meets the eligibility criteria set forth in section 346-E,  
11 the department and the young adult shall enter into a voluntary  
12 care agreement that shall include, at a minimum, the following:

- 13 (1) The obligation for the young adult to continue to meet  
14 the conditions for eligibility described in section  
15 346-E, for the duration of the voluntary care  
16 agreement;
- 17 (2) The young adult's right to terminate the voluntary  
18 care agreement at any time; and
- 19 (3) The voluntary nature of the young adult's  
20 participation in the young adult voluntary foster care  
21 program.



1           **§346-H Provision of extended foster care services.** As  
2 soon as the department determines that a young adult is eligible  
3 under section 346-E and the young adult signs the voluntary care  
4 agreement as described in section 346-G, prior to the filing of  
5 the petition invoking the jurisdiction of the court or the  
6 court's determination of jurisdiction pursuant to section 346-I,  
7 the department may provide extended foster care services to the  
8 young adult.

9           **§346-I Petition.** (a) Within thirty days after the  
10 voluntary care agreement is signed, the department shall file  
11 with the court in the county in which the young adult resides a  
12 petition invoking the jurisdiction of the court under this part,  
13 which shall contain:

14           (1) The young adult's name, date of birth, and current  
15 address;

16           (2) A statement of facts that supports the eligibility of  
17 the young adult for foster care services and includes  
18 the following:

19           (A) The reasonable efforts made to achieve permanency  
20 for the young adult; and

21           (B) The reasons why it is in the best interest of the  
22 young adult to extend foster care services; and



1 (3) A copy of the signed voluntary care agreement.

2 (b) Upon the filing of the petition, the court shall open  
3 a young adult voluntary foster care case for the purpose of  
4 determining whether extending foster care services is in the  
5 young adult's best interests. The court shall conduct a hearing  
6 to make this determination within fifteen days after the filing  
7 of the petition.

8 (c) The court shall set a periodic review to be held  
9 within one hundred eighty days of the signing of the voluntary  
10 care agreement.

11 **§346-J Notice of hearings and reviews.** Notice of hearings  
12 and reviews shall be provided to the parties; provided that no  
13 further notice is required for any party given actual notice of  
14 a hearing or review while present in court. Notice of hearings  
15 or reviews shall be served no less than forty-eight hours before  
16 the scheduled hearing, subject to a shortening of time as  
17 ordered by the court.

18 **§346-K Liability of the department.** The department or any  
19 of its employees who provide services under this part shall not  
20 be liable to a third person:

21 (1) For any acts of the young adult; and



1 (2) For injury to the young adult resulting from the  
2 negligence or act of a third person providing services  
3 or housing to the young adult.

4 **§346-L Case plan; reports to be submitted by the**  
5 **department.** (a) A case plan shall:

6 (1) Establish goals for the young adult, including those  
7 pertaining to education; health; therapy; counseling;  
8 relationship with the young adult's birth family,  
9 including visits; cultural connections; independent  
10 living; and transition plans;

11 (2) Describe services needed to assist the young adult to  
12 achieve the goals set forth in paragraph (1); and

13 (3) Describe the methods for achieving the goals and  
14 services set forth in paragraphs (1) and (2).

15 (b) The department shall prepare a report to the court,  
16 developed in collaboration with the young adult as  
17 developmentally appropriate, describing:

18 (1) The young adult's progress toward achieving the goals  
19 of the case plan;

20 (2) Proposed revisions to the goals of the case plan and  
21 reasons for the revisions; and



1 (3) Proposed revisions to the methods for achieving the  
2 goals of the case plan and the reasons for the  
3 revisions.

4 (c) The report shall be submitted to the court seven days  
5 prior to a schedule periodic review hearing date and a copy  
6 shall be provided to the young adult.

7 **§346-M Court proceedings.** (a) The young adult foster  
8 care proceedings shall be heard without a jury.

9 (b) The general public shall be excluded from the  
10 proceedings. Only parties found by the court to have a direct  
11 interest in the case shall be admitted to the proceedings.

12 (c) All documents, reports, and records under this part  
13 shall be confidential and shall not be released to any third  
14 party without the consent of the young adult or the consent of  
15 the court for good cause shown.

16 (d) The court may limit that person's right to participate  
17 in any proceeding if the court deems such limitation to be  
18 consistent with the best interests of the young adult.

19 **§346-N Court-appointed attorneys.** The court may appoint  
20 an attorney sua sponte or at the request of any party to  
21 represent a young adult who is eligible under section 346-E and  
22 has signed the voluntary care agreement as described in section



1 346-G if it is deemed to be in the young adult's best interest.  
2 Attorneys who are appointed by the court to represent a  
3 qualifying young adult may be paid by the court, unless the  
4 young adult for whom counsel is appointed has an independent  
5 estate sufficient to pay fees and costs.

6 **§346-O Periodic review.** (a) Periodic judicial reviews  
7 shall occur not less than once every one hundred eighty days  
8 after the signing of the voluntary care agreement.

9 (b) At the periodic review, the court shall issue the  
10 following findings:

11 (1) Whether the young adult continues to meet the  
12 eligibility requirements set forth in section 346-E;

13 (2) Whether the young adult continues to comply with the  
14 case plan developed in collaboration between the  
15 department and the young adult, and the  
16 appropriateness of the case plan; and

17 (3) The young adult's progress towards achieving  
18 independence.

19 **§346-P Termination of jurisdiction.** Jurisdiction under  
20 this part shall terminate when:

21 (1) The young adult reaches the young adult's twenty-first  
22 birthday;



- 1           (2) The young adult chooses to terminate the voluntary  
2           care agreement and stops receiving extended foster  
3           care services if the young adult:
- 4           (A) Has voluntarily signed a document attesting to  
5           the fact that the young adult no longer consents  
6           to the court's jurisdiction;
- 7           (B) Has been informed in writing of the effects of  
8           terminating voluntary foster care early; and
- 9           (C) Has been informed in writing of the option to  
10          reestablish jurisdiction before reaching age  
11          twenty-one and the procedures to do so; or
- 12          (3) After a court finds that:
- 13          (A) The young adult no longer meets the eligibility  
14          requirements as set forth in section 346-E; or
- 15          (B) Despite the fact that the department has made  
16          ongoing reasonable efforts to provide the young  
17          adult with services, the young adult is in  
18          material non-compliance with the case plan.

19           **§346-Q Reestablishing jurisdiction.** A young adult who was  
20 previously under the jurisdiction of the court under this part  
21 and who was terminated from the young adult voluntary foster  
22 care program, may reestablish jurisdiction by signing a new



1 voluntary foster care agreement at which time the department and  
2 the court shall proceed pursuant to section 346-I."

3 SECTION 3. In codifying the new sections added to chapter  
4 346, Hawaii Revised Statutes, by section 2 of this Act, the  
5 revisor of statutes shall substitute appropriate section numbers  
6 for the letters used in the designations of, and references to,  
7 those new sections in this Act.

8 SECTION 4. This Act, upon its approval, shall take effect  
9 on January 1, 2030.



**Report Title:**

Foster Care; Extend Age for Services

**Description:**

Sets the requirements for extending the age of foster care to age twenty-one. Effective January 1, 2030. (HB873 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

