

JAN 27 2016

S.B. NO. 3106

A BILL FOR AN ACT

RELATING TO FOSTER BOARDING 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



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

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

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

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

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

(e) All rules of the department shall have the force and effect of law, and any violation thereof or of this section 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 all standards and requirements established by the
5 department;

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

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

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

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

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 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, new employee, or adult residing in a foster boarding
16 home poses a risk to the health, safety, or well-being of the
17 children in care.

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




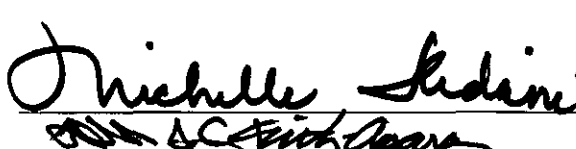
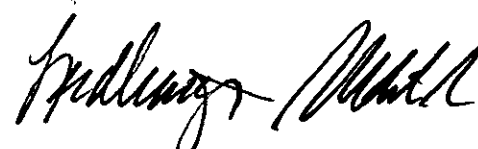
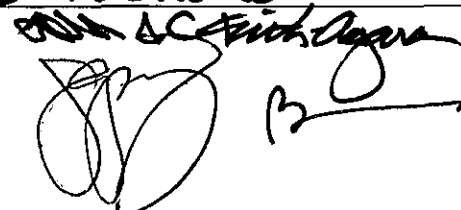
1 registry in accordance with departmental procedures depending on
2 the certification status of the home.

3 (m) For an initial certificate of approval for a foster
4 boarding home, the department or its designee shall conduct
5 interviews of residents and business owners located within a one
6 hundred yard radius of the site of the proposed foster boarding
7 home in order to determine the fitness and character of the
8 person or organization that intends to operate and maintain the
9 proposed foster boarding home.

10 (n) The department shall distribute an annual list to the
11 chief of police of each county of all foster boarding homes in
12 that county, broken down by communities or districts, that have
13 valid certificates of approval issued by the department;
14 provided that the list received by each chief of police under
15 this subsection shall not be distributed to persons or entities
16 outside of the respective police department."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

19  INTRODUCED BY: 
 



S.B. NO. 3106

Randy de Bob

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S.B. NO. 3106

Report Title:

Foster Boarding Homes; Chiefs of Police; Certificates of Approval;

Description:

Requires DHS to distribute confidential lists of foster boarding homes in the community to the respective chiefs of police. Requires DHS to conduct interviews of the neighbors of persons and organizations seeking their initial certificate of approval to operate and maintain a foster boarding home.

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

