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# A BILL FOR AN ACT

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RELATING TO FOSTER CARE.

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

SECTION 1. Chapter 587A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§587A- Rights of children in foster care. (a) The department or an authorized agency shall ensure that a child in foster care will:

(1) Live in a safe and healthy home, free from physical, psychological, sexual, and other abuse;

(2) Receive adequate food, shelter, and clothing;

(3) Receive adequate medical care, dental services, corrective vision care, and mental health services;

(4) Be enrolled in a comprehensive health insurance plan and, within forty-five days of out-of-home placement, be provided with a comprehensive health assessment and recommended treatment;

(5) Have regular supervised or unsupervised in-person, telephone, or other forms of contact with the child's



1 parents and siblings while the child is in foster  
2 care, unless the contact is either prohibited by court  
3 order or is deemed to be unsafe by the child's  
4 department of human services child welfare services  
5 worker, therapist, guardian ad litem, or court  
6 appointed special advocate. Withholding visitation  
7 shall not be used as punishment. If the department or  
8 authorized agency denies supervised or unsupervised  
9 visits with the child's parents or siblings:

10 (A) If all parties, including the child, agree to the  
11 denial of the visits, the department or  
12 authorized agency shall submit a written report  
13 to the court within five working days to document  
14 the reasons why the visits are being denied; or

15 (B) If any party, including the child, disagrees with  
16 the denial of the visits, the department or  
17 authorized agency shall file a motion for  
18 immediate review within five working days and the  
19 motion must include the specific reasons why  
20 visits are being denied;



- 1        (6) Receive notice of court hearings and if the child  
2        wishes to attend the hearings, to ensure that the  
3        child is transported to the court hearings;
- 4        (7) Have in-person contact with the child's assigned child  
5        welfare services worker;
- 6        (8) Have the ability to exercise the child's own religious  
7        beliefs, including the refusal to attend any religious  
8        activities and services;
- 9        (9) Have a personal bank account if requested, and  
10       assistance in managing the child's personal income  
11       consistent with the child's age and development,  
12       unless safety or other concerns require otherwise;
- 13       (10) Be able to participate in extracurricular, enrichment,  
14       cultural, and social activities; provided that if a  
15       child caring institution or resource caregiver  
16       authorizes the participation, it must be in accordance  
17       with the reasonable and prudent parenting standard, as  
18       defined in title 42 United States Code section  
19       675(10)(A);
- 20       (11) Beginning at age twelve, be provided with age-  
21       appropriate life skills training and a transition plan



1        for appropriately moving out of the foster care system  
2        which also includes reunification or other permanency,  
3        as well as written information concerning independent  
4        living programs, foster youth organizations, and  
5        transitional planning services that are available to  
6        all children in foster care who are twelve years of  
7        age or older and their resource families;

8        (12) Have the right to be involved in developing a case  
9        plan and planning for the child's future, if the child  
10       is fourteen years of age or older;

11       (13) If the child is fourteen years of age or older,  
12       receive the child's credit report, free of charge,  
13       annually during the child's time in foster care and  
14       receive assistance with interpreting the report and  
15       resolving inaccuracies including, when feasible,  
16       assistance from the child's guardian ad litem; and

17       (14) If the child has been in foster care for more than six  
18       months, and is aging out of care, receive assistance  
19       in obtaining certain personal records such as an  
20       official or certified copy of the child's United  
21       States birth certificate, a Social Security card



1        issued by the Commissioner of Social Security, health  
2        insurance information, a copy of the child's medical  
3        records, and or information to access the child's  
4        medical records, a driver's license or state  
5        identification card issued by the State in accordance  
6        with the requirements of the Real ID Act of 2005, Pub.  
7        L. 109-13, 119 Stat. 302.

8        (b) A child in foster care also has the following  
9        additional rights:

- 10        (1) To be treated fairly and equally and receive care and  
11        services that are culturally responsive and free from  
12        discrimination based on race, ethnicity, color,  
13        national origin, ancestry, immigration status, gender,  
14        gender identity, gender expression, sexual  
15        orientation, religion, physical and mental disability,  
16        pregnant or parenting status, or the fact that the  
17        child is in foster care;
- 18        (2) To meet with and speak to the presiding judge in the  
19        child's case;



1        (3) To have regular in person contact with the child's  
2        court appointed guardian ad litem, court appointed  
3        special advocate, or probation officer;

4        (4) To ask for an attorney, if the child's opinions and  
5        requests differ from those being advocated by the  
6        guardian ad litem pursuant to section 587A-16(c)(6);

7        (5) To attend school and to remain in the child's school  
8        of origin unless determined to not be in the child's  
9        best interest, and to be provided cost-effective  
10       transportation to be maintained in the child's school  
11       of origin. If the child changes school during a  
12       school year, then the child should be enrolled  
13       immediately in the new school; and

14       (6) To receive educational records to the same extent as  
15       all other students.

16       (c) Sua sponte or upon appropriate motion, the family  
17       court may issue any necessary orders to any party, including the  
18       department, department of education, department of health, the  
19       guardian ad litem, court appointed special advocate, or  
20       probation officer to ensure the child is provided with the  
21       rights enumerated in subsections (a) and (b) above."



SECTION 2. Section 587A-3, Hawaii Revised Statutes, is repealed.

~~["§587A-3 Guiding principles for children in foster care.~~

~~(a) The department or an authorized agency, as resource family or permanent custodian, shall abide by the following guiding principles and ensure that a child in foster care:~~

~~(1) Lives in a safe and healthy home, free from physical, psychological, sexual, and other abuse;~~

~~(2) Has adequate:~~

~~(A) Food that is nutritious and healthy;~~

~~(B) Clothing;~~

~~(C) Medical care, dental and orthodontic services,~~

~~and corrective vision care; and~~

~~(D) Mental health services;~~

~~(3) Has supervised or unsupervised in person, telephone, or other forms of contact with the child's parents and siblings while the child is in foster care, unless prohibited by court order;~~

~~(4) Has in person contact with the child's assigned child protective services worker, guardian ad litem, and if applicable, the child's probation officer;~~



- 1       ~~(5) Meets with the presiding judge in the child's case,~~  
2       ~~(6) Is enrolled in a comprehensive health insurance plan~~  
3       ~~and, within forty five days of out of home placement,~~  
4       ~~is provided with a comprehensive health assessment and~~  
5       ~~treatment as recommended,~~  
6       ~~(7) May freely exercise the child's own religious beliefs,~~  
7       ~~including the refusal to attend any religious~~  
8       ~~activities and services,~~  
9       ~~(8) Has a personal bank account and assistance in managing~~  
10       ~~the child's personal income consistent with the~~  
11       ~~child's age and development, unless safety or other~~  
12       ~~concerns require otherwise,~~  
13       ~~(9) Has the right to attend school and, if the child is~~  
14       ~~moved during a school year, has the right to complete~~  
15       ~~the school year at the same school, if practicable,~~  
16       ~~(10) Beginning at age twelve, is provided with age-~~  
17       ~~appropriate life skills training and a transition plan~~  
18       ~~for appropriately moving out of the foster care~~  
19       ~~system, as well as written information concerning~~  
20       ~~independent living programs, foster youth~~  
21       ~~organizations, transitional planning services, and~~





~~independent living case management programs that are  
available to all children in foster care who are  
twelve years of age or older and their resource  
families; and~~

~~(11) May participate in extracurricular, enrichment,  
cultural, and social activities; provided that the  
child caring institution or resource caregiver  
authorizes the participation in accordance with the  
reasonable and prudent parent standard as defined in  
title 42 United States Code section 675(10) (A).~~

~~(b) Sua sponte or upon appropriate motion, the family  
court may issue any necessary orders to any party, including the  
department, department of education, or department of health, to  
ensure adherence to the guiding principles enumerated in  
subsection (a) above."]~~

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

SECTION 4. This Act does not affect rights and duties that  
matured, penalties that were incurred, and proceedings that were  
begun before its effective date.

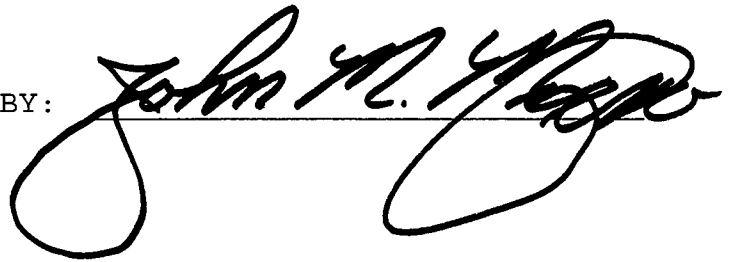


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1       SECTION 5. If any provision of this Act, or the  
2 application thereof to any person or circumstance, is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the Act that can be given effect without the  
5 invalid provision or application, and to this end the provisions  
6 of this Act are severable.

7       SECTION 6. This Act shall take effect upon its approval.  
8

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "John M. Y. [unclear]", written over a horizontal line.

JAN 23 2018



# H.B. NO. 2527

**Report Title:**

Foster Care; Rights of Children in Foster Care

**Description:**

Replaces the guiding principles for children in foster care with the rights of children in foster care.

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

