
A BILL FOR AN ACT

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 part I 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 child
4 welfare services worker, therapist, guardian ad litem,
5 or court appointed special advocate. Withholding
6 visitation shall not be used as punishment. If the
7 department or authorized agency denies supervised or
8 unsupervised visits with the child's parents or
9 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 shall 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, the department or
3 authorized agency shall ensure that the child is
4 transported to the court hearings;

5 (7) Have in-person contact with the child's assigned child
6 welfare services worker;

7 (8) Have the ability to exercise the child's own religious
8 beliefs, including the refusal to attend any religious
9 activities and services;

10 (9) Have a personal bank account if requested, and
11 assistance in managing the child's personal income
12 consistent with the child's age and development,
13 unless safety or other concerns require otherwise;

14 (10) Be able to participate in extracurricular, enrichment,
15 cultural, and social activities; provided that if a
16 child caring institution or resource caregiver
17 authorizes the participation, it must be in accordance
18 with the reasonable and prudent parenting standard, as
19 defined in title 42 United States Code section
20 675(10)(A);



- 1 (11) Beginning at age twelve, be provided with age-
2 appropriate life skills training and a transition plan
3 for appropriately moving out of the foster care system
4 which also includes reunification or other permanency,
5 as well as written information concerning independent
6 living programs, foster youth organizations, and
7 transitional planning services that are available to
8 all children in foster care who are twelve years of
9 age or older and their resource families;
- 10 (12) Have the right to be involved in developing a case
11 plan and planning for the child's future, if the child
12 is fourteen or older;
- 13 (13) If the child is fourteen or older, receive the child's
14 credit report, free of charge, annually during the
15 child's time in foster care and receive assistance
16 with interpreting the report and resolving
17 inaccuracies including, when feasible, assistance from
18 the child's guardian ad litem; and
- 19 (14) If the child is seventeen, receive, prior to aging out
20 of care, certain personal records such as an official
21 or certified copy of the child's United States birth



1 certificate, a Social Security card issued by the
2 Commissioner of Social Security, health insurance
3 information, a copy of the child's medical records or
4 information to access the child's medical records free
5 of charge, immigration documents, and a driver's
6 license or state identification card issued by the
7 State in accordance with the requirements of the REAL
8 ID Act of 2005, Pub. L. 109-13, 119 Stat. 302;
9 provided that the department or authorized agency
10 shall obtain the personal records for the child.

11 (b) A child in foster care also has the following
12 additional rights:

13 (1) To be treated fairly and equally and receive care and
14 services that are culturally responsive and free from
15 discrimination based on race, ethnicity, color,
16 national origin, ancestry, immigration status, gender,
17 gender identity, gender expression, sexual
18 orientation, religion, physical and mental disability,
19 pregnancy or parenting status, or the fact that the
20 child is in foster care;



1 (2) To meet with and speak to the presiding judge in the
2 child's case;

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

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

9 (5) To attend school and to remain in the child's school
10 of origin unless determined that it is not in the
11 child's best interest, and to be provided cost-
12 effective transportation to be maintained in the
13 child's school of origin; provided that if the child
14 changes school during a school year, the child should
15 be enrolled immediately in the new school; and

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

18 (c) Sua sponte or upon appropriate motion, the family
19 court may issue any necessary orders to any party, including the
20 department, the department of education, the department of
21 health, the guardian ad litem, the court appointed special



1 advocate, or the probation officer to ensure the child is
2 provided with the rights enumerated in subsections (a) and (b)."

3 SECTION 2. Section 587A, part I, Hawaii Revised Statutes,
4 is amended by amending its title to read as follows:

5 "PART I. SHORT TITLE, PURPOSE, CONSTRUCTION, [GUIDING
6 PRINCIPLES,] RIGHTS, AND DEFINITIONS"

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

9 [~~"§587A-3 Guiding principles for children in foster care.~~

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

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

15 ~~(2) Has adequate:~~

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

17 ~~(B) Clothing;~~

18 ~~(C) Medical care, dental and orthodontic services,~~
19 ~~and corrective vision care; and~~

20 ~~(D) Mental health services;~~



- 1 ~~(3) Has supervised or unsupervised in person, telephone,~~
2 ~~or other forms of contact with the child's parents and~~
3 ~~siblings while the child is in foster care, unless~~
4 ~~prohibited by court order;~~
- 5 ~~(4) Has in person contact with the child's assigned child~~
6 ~~protective services worker, guardian ad litem, and if~~
7 ~~applicable, the child's probation officer;~~
- 8 ~~(5) Meets with the presiding judge in the child's case;~~
- 9 ~~(6) Is enrolled in a comprehensive health insurance plan~~
10 ~~and, within forty five days of out of home placement,~~
11 ~~is provided with a comprehensive health assessment and~~
12 ~~treatment as recommended;~~
- 13 ~~(7) May freely exercise the child's own religious beliefs,~~
14 ~~including the refusal to attend any religious~~
15 ~~activities and services;~~
- 16 ~~(8) Has a personal bank account and assistance in managing~~
17 ~~the child's personal income consistent with the~~
18 ~~child's age and development, unless safety or other~~
19 ~~concerns require otherwise;~~



1 ~~(9) Has the right to attend school and, if the child is~~
2 ~~moved during a school year, has the right to complete~~
3 ~~the school year at the same school, if practicable;~~
4 ~~(10) Beginning at age twelve, is provided with age-~~
5 ~~appropriate life skills training and a transition plan~~
6 ~~for appropriately moving out of the foster care~~
7 ~~system, as well as written information concerning~~
8 ~~independent living programs, foster youth~~
9 ~~organizations, transitional planning services, and~~
10 ~~independent living case management programs that are~~
11 ~~available to all children in foster care who are~~
12 ~~twelve years of age or older and their resource~~
13 ~~families; and~~
14 ~~(11) May participate in extracurricular, enrichment,~~
15 ~~cultural, and social activities; provided that the~~
16 ~~child caring institution or resource caregiver~~
17 ~~authorizes the participation in accordance with the~~
18 ~~reasonable and prudent parent standard as defined in~~
19 ~~title 42 United States Code section 675(10) (A).~~
20 ~~(b) Sua sponte or upon appropriate motion, the family~~
21 ~~court may issue any necessary orders to any party, including the~~



1 ~~department, department of education, or department of health, to~~
2 ~~ensure adherence to the guiding principles enumerated in~~
3 ~~subsection (a) above."]~~

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

6 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Rights of Children in Foster Care

Description:

Replaces the guiding principles for children in foster care under the Child Protective Act with the rights of children in foster care, which preserves the current rights of children in foster care and provides certain additional rights. (HB2527 HD1)

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