
A BILL FOR AN ACT

RELATING TO FOSTER CARE.

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

SECTION 1. The Hawaii Revised Statutes, chapter 587A is amended by adding to part I 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 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 denies supervised or unsupervised visits
8 with the child's parents or siblings:

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

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

19 (6) Receive notice of court hearings and if the child
20 wishes to attend the hearings, to ensure that the
21 child is transported to the court hearings;



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

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

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

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

17 (11) Beginning at age twelve, be provided with age-
18 appropriate life skills training and a transition plan
19 for appropriately moving out of the foster care system
20 which also includes reunification or other permanency,
21 as well as written information concerning independent



living programs, foster youth organizations,
transitional planning services that are available to
all children in foster care who are twelve years of
age or older and their resource families;

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

(13) If the child is fourteen or older, receive the child's
credit report, free of charge, annually through the
child's time in foster care - and to receive
assistance with interpreting the report and resolving
inaccuracies including, when feasible, assistance from
the child's guardian ad litem;

(14) If the child has been in foster care for more than six
months, and is aging out of care, receive assistance
in obtaining certain personal records such as an
official or certified copy of the child's United
States birth certificate, a Social Security card
issued by the Commissioner of Social Security, health
insurance information, a copy of the child's medical
records, or information to access the child's medical



records, a driver's license or state identification
card issued by the State in accordance with the
requirements of the REAL ID Act of 2005, Pub.L. 109-
13, 119 Stat. 302;

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

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

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

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



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

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

11 (6) To receive educational records to the same extent as
12 all other students;

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

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



1 ~~["§ 587A-3 Guiding principles for children in foster care.~~

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

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

7 ~~(2) Has adequate:~~

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

9 ~~(B) Clothing;~~

10 ~~(C) Medical care, dental and orthodontic services,~~
11 ~~and corrective vision care; and~~

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

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

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

20 ~~(5) Meets with the presiding judge in the child's case;~~



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



1 ~~available to all children in foster care who are~~
2 ~~twelve years of age or older and their resource~~
3 ~~families; and~~
4 ~~(11) May participate in extracurricular, enrichment,~~
5 ~~cultural, and social activities; provided that child~~
6 ~~caring institution or resource caregiver authorizes~~
7 ~~the participation in accordance with the reasonable~~
8 ~~and prudent parent standard as defined in title 42~~
9 ~~United States Code section 675(10) (A).~~

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

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

17 SECTION 4. This Act shall take effect upon its approval.



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Report Title:

Rights of Children in Foster Care

Description:

Amends the Child Protective Act, chapter 587A, Hawaii Revised Statutes, by deleting the existing section 587A-3, Guiding Principles for children in foster care, and replacing it with a new section 587A- , 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.

