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## A BILL FOR AN ACT

RELATING TO THE CHILD PROTECTIVE ACT.

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

1           SECTION 1. The legislature finds that the State's child  
2 protective act, codified as chapter 587A, Hawaii Revised  
3 Statutes, can be strengthened to protect vulnerable children in  
4 the foster care system by prioritizing the total health and  
5 safety of a child. Children, especially those within the foster  
6 care system, need additional support, which can be provided by  
7 their kupuna and other extended family members. Limiting  
8 support and care access to only immediate family, the child's  
9 parents and siblings, does not adequately provide the support  
10 system that these children need.

11           The legislature also finds that it is important to identify  
12 the emotional, physical, and psychological damage that can  
13 result from domestic violence and abuse these children have  
14 suffered or witnessed. Studies show that children who witness  
15 or are victims of domestic violence are more likely to suffer  
16 with long-term mental and physical health issues such as



1 depression, anxiety, post-traumatic stress disorder, diabetes,  
2 and heart disease.

3       The legislature further finds that requiring a clinical  
4 psychologist trained in domestic violence and abuse to assess  
5 children, family members, and the family home will better  
6 protect children and help ensure that these children are not  
7 placed back into abusive environments, especially when research  
8 shows that parents are often the perpetrators of child abuse.  
9 It is also critical that existing law is amended to ensure that  
10 the protection of a child's well-being is placed first and  
11 foremost, rather than simply focusing on the current priority to  
12 reunite families.

13       The purpose of this Act is to:

- 14       (1) Clarify that physical, emotional, and psychological  
15       safety is ensured before a child in the foster care  
16       system is returned to the custody of a parent;
- 17       (2) Require an independent evaluation by a clinical  
18       psychologist to be conducted before a child is  
19       returned to the custody of a parent;



- 1 (3) Ensure that grandparents and other family members are  
2 included in foster care interviews to give a whole  
3 view;
- 4 (4) Clarify that the physical, emotional, and  
5 psychological well-being of a child is the primary  
6 determination in custody assessment and not family  
7 unification, unless all of the safety parameters are  
8 met;
- 9 (5) Clarify the definition of "aggravated circumstances";  
10 and
- 11 (6) Require department of human services' social workers  
12 to be unbiased and reflect no prejudice in their  
13 professional assessments.

14 SECTION 2. Chapter 587A, Hawaii Revised Statutes, is  
15 amended by adding a new section to part IV to be appropriately  
16 designated and to read as follows:

17 "§587A- Independent evaluation; requirement. (a)  
18 Within days after any return hearing, periodic review  
19 hearing, or permanency hearing where the court finds that  
20 aggravated circumstances are present or that the child's  
21 physical or psychological health or welfare has been harmed or



1 is subject to threatened harm by the acts or omissions of the  
2 child's family, an independent evaluation of the child's parents  
3 shall be conducted by a clinical psychologist prior to the  
4 issuance of an order returning the child to the family home.

5 (b) As used in this section, "clinical psychologist" means  
6 a psychologist licensed under chapter 465 who has specialized  
7 training in the treatment of the effects of physical, mental,  
8 and emotional abuse."

9 SECTION 3. Section 587A-2, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[~~§~~587A-2~~]~~ **Purpose; construction.** This chapter  
12 creates within the jurisdiction of the family court a child  
13 protective act to make paramount the safety [~~and~~], health, and  
14 physical, mental, and emotional well-being of children who have  
15 been harmed or are in life circumstances that threaten harm.  
16 Furthermore, this chapter makes provisions for the service,  
17 treatment, and permanent plans for these children and their  
18 families.

19 The legislature finds that children deserve and require  
20 competent, responsible parenting and safe, secure, loving, and  
21 nurturing homes. The legislature finds that children who have



1 been harmed or are threatened with harm are less likely than  
2 other children to realize their full educational, vocational,  
3 and emotional potential, and become law-abiding, productive,  
4 self-sufficient citizens, and are more likely to become involved  
5 with the mental health system, the juvenile justice system, or  
6 the criminal justice system, as well as become an economic  
7 burden on the State. The legislature finds that prompt  
8 identification, reporting, investigation, services, treatment,  
9 adjudication, and disposition of cases involving children who  
10 have been harmed or are threatened with harm are in the  
11 children's, their families', and society's best interests  
12 because the children are defenseless, exploitable, and  
13 vulnerable. The legislature recognizes that many relatives are  
14 willing and able to provide a nurturing and safe placement for  
15 children who have been harmed or are threatened with harm.

16 The policy and purpose of this chapter is to provide  
17 children with prompt and ample protection from the harms  
18 detailed herein, with an opportunity for timely reconciliation  
19 with their families if the families can provide safe family  
20 homes, and with timely and appropriate service or permanent  
21 plans to ensure the safety of the child so they may develop and



1 mature into responsible, self-sufficient, law-abiding citizens.  
2 The service plan shall effectuate the child's remaining in the  
3 family home, when the family home can be immediately made safe  
4 with services, or the child's returning to a safe family home.  
5 The service plan shall be carefully formulated with the family  
6 in a timely manner. Every reasonable opportunity should be  
7 provided to help the child's legal custodian to succeed in  
8 remedying the problems that put the child at substantial risk of  
9 being harmed in the family home. Each appropriate resource,  
10 public and private, family and friend, should be considered and  
11 used to maximize the legal custodian's potential for providing a  
12 safe family home for the child. Full and careful consideration  
13 shall be given to the religious, cultural, and ethnic values of  
14 the child's legal custodian when service plans are being  
15 discussed and formulated. Where the court has determined, by  
16 clear and convincing evidence, that the child cannot be returned  
17 to a safe family home, the child shall be permanently placed in  
18 a timely manner.

19 The policy and purpose of this chapter includes the  
20 protection of children who have been harmed or are threatened  
21 with harm by:



- 1           (1) Providing assistance to families to address the causes  
2           for abuse and neglect;
- 3           (2) Respecting and using each family's strengths,  
4           resources, culture, and customs;
- 5           (3) Ensuring that families are meaningfully engaged and  
6           children are consulted in an age-appropriate manner in  
7           case planning;
- 8           (4) Enlisting the early and appropriate participation of  
9           family and the family's support networks;
- 10          (5) Respecting and encouraging the input and views of  
11          caregivers; and
- 12          (6) Ensuring a permanent home through timely adoption or  
13          other permanent living arrangement, if safe  
14          reunification with the family is not possible.

15          The child protective services under this chapter shall be  
16 provided with every reasonable effort to be open, accessible,  
17 and communicative to the persons affected by a child protective  
18 proceeding without endangering the safety and best interests of  
19 the child under this chapter.



1           This chapter shall be liberally construed to serve the best  
2 interests of the children affected and the purpose and policies  
3 set forth herein."

4           SECTION 4. Section 587A-3.1, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6           "(a) The department or an authorized agency shall ensure,  
7 whenever possible, that a child in foster care will:

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

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

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

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

16           (5) Have regular, supervised or unsupervised, in-person,  
17                 telephone, or other forms of contact with the child's  
18                 parents, grandparents, and siblings while the child is  
19                 in foster care, unless the contact is either  
20                 prohibited by court order or is deemed to be unsafe by  
21                 the child's child welfare services worker, therapist,



1 guardian ad litem, or court appointed special  
2 advocate[-]; provided that if a child's biological  
3 parents are deceased, the child's biological  
4 grandparents shall be vested with the rights and  
5 duties of the biological parents under this paragraph.

6 Withholding visitation shall not be used as  
7 punishment. If the department or authorized agency  
8 denies supervised or unsupervised visits with the  
9 child's parents, grandparents, 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 that  
19 shall include the specific reasons why visits are  
20 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, the authorization shall  
18 be in accordance with the reasonable and prudent  
19 parent standard, as defined in title 42 United States  
20 Code section 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  
4           system, which shall include reunification or other  
5           permanency, and written information concerning  
6           independent living programs, foster youth  
7           organizations, and transitional planning services that  
8           are available to all children in foster care who are  
9           twelve years of age or older and their resource  
10          families;
- 11          (12) If the child is fourteen years of age or older, have  
12          the right to be involved in developing a case plan and  
13          planning for the child's future;
- 14          (13) If the child is fourteen years of age or older,  
15          receive the child's credit report, free of charge,  
16          annually during the child's time in foster care and  
17          receive assistance with interpreting the report and  
18          resolving inaccuracies, including, when feasible,  
19          assistance from the child's guardian ad litem; and
- 20          (14) If the child is seventeen years of age, receive prior  
21          to aging out of care certain personal records, such as



1 an official or certified copy of the child's United  
2 States birth certificate, a Social Security card  
3 issued by the Commissioner of Social Security, health  
4 insurance information, a copy of the child's medical  
5 records or information to access the child's medical  
6 records free of charge, immigration documents, and a  
7 driver's license or civil identification card issued  
8 by the State; provided that the department or  
9 authorized agency shall obtain the personal records  
10 for the child."

11 SECTION 5. Section 587A-4, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By amending the definition of "aggravated  
14 circumstances" to read:

15 ""Aggravated circumstances" means that:

16 (1) The parent has murdered, or has solicited, aided,  
17 abetted, attempted, or conspired to commit the murder  
18 or voluntary manslaughter of, another child of the  
19 parent;



- 1           (2) The parent has committed a felony assault that results  
2           in serious bodily injury to the child or another child  
3           of the parent;
- 4           (3) The parent's rights regarding a sibling of the child  
5           have been judicially terminated or divested;
- 6           (4) The parent has tortured the child;
- 7           (5) The child is an abandoned infant;
- 8           (6) The parent has committed sexual abuse against another  
9           child of the parent; [~~or~~]
- 10          (7) The parent is required to register with a sex offender  
11          registry under section 113(a) of the Adam Walsh Child  
12          Protection and Safety Act of 2006, title 42 United  
13          States Code section 16913(a) [~~-~~];
- 14          (8) An independent evaluation by a clinical psychologist  
15          determines that the child is experiencing physical,  
16          mental, psychological, or emotional harm; or
- 17          (9) A child who has been emotionally, physically,  
18          psychologically, or mentally abused or has been  
19          witness to such abuse in the family home, as  
20          determined by a clinical psychologist with training  
21          and experience in domestic violence and abuse."



1           2. By amending the definition of "family" to read:  
2           ""Family" means each legal parent of a child; the birth  
3 mother, unless the child has been legally adopted; the concerned  
4 birth father as provided in section 578-2(a)(5), unless the  
5 child has been legally adopted; each parent's spouse or former  
6 spouse; each grandparent; each biological grandparent, in the  
7 case where a child's biological parents are deceased; each  
8 sibling or person related by blood or marriage; each person  
9 residing in the dwelling unit; and any other person or legal  
10 entity with:

- 11           (1) Legal or physical custody or guardianship of the  
12           child, or
- 13           (2) Responsibility for the child's care.

14 For purposes of this chapter, the term "family" does not apply  
15 to an authorized agency that assumes the foregoing legal status  
16 or relationship with a child."

17           SECTION 6. Section 587A-7, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19           "(a) The following factors shall be fully considered when  
20 determining whether a child's family is willing and able to  
21 provide the child with a safe family home:



- 1           (1) Facts relating to the child's current situation, which  
2           shall include:
- 3           (A) The child's age, vulnerability, and special needs  
4           that affect the child's attachment, growth, and  
5           development;
- 6           (B) The child's developmental, psychological,  
7           medical, and dental health status and needs,  
8           including the names of assessment and treatment  
9           providers;
- 10          (C) The child's peer and family relationships and  
11          bonding abilities;
- 12          (D) The child's educational status and setting, and  
13          the department's efforts to maintain educational  
14          stability for the child in out-of-home placement;
- 15          (E) The child's living situation;
- 16          (F) The child's fear of being in the family home;
- 17          (G) The impact of out-of-home placement on the child;
- 18          (H) Services provided to the child and family; and
- 19          (I) The department's efforts to maintain connections  
20          between the child and the child's siblings, if  
21          they are living in different homes;



- 1           (2) The initial and any subsequent reports of harm and  
2           threatened harm to the child;
- 3           (3) Dates and reasons for the child's out-of-home  
4           placement; description, appropriateness, and location  
5           of the placement; and who has placement  
6           responsibility;
- 7           (4) Facts regarding the alleged perpetrators of harm to  
8           the child, the child's parents, and other family  
9           members who are parties to the court proceedings,  
10          which facts shall include:
- 11           (A) Birthplace and family of origin;
- 12           (B) Manner in which the alleged perpetrator of harm  
13           was parented;
- 14           (C) Marital and relationship history; and
- 15           (D) Prior involvement in services;
- 16          (5) Results of psychiatric, psychological, or  
17          developmental evaluations of the child, the alleged  
18          perpetrators, and other family members who are  
19          parties; provided that the evaluations under this  
20          paragraph shall be performed by an independent



1           provider with specialized training in the treatment of  
2           the effects of physical, mental, and emotional abuse;

3           (6) Whether there is a history of abusive or assaultive  
4           conduct by the child's family members and others who  
5           have access to the family home;

6           (7) Whether there is a history of substance abuse by the  
7           child's family or others who have access to the family  
8           home;

9           (8) Whether any alleged perpetrator has completed services  
10          in relation to any history identified in paragraphs  
11          (6) and (7), and acknowledged and accepted  
12          responsibility for the harm to the child;

13          (9) Whether any non-perpetrator who resides in the family  
14          home has demonstrated an ability to protect the child  
15          from further harm and to ensure that any current  
16          protective orders are enforced;

17          (10) Whether there is a support system available to the  
18          child's family, including adoptive and hanai  
19          relatives, friends, and faith-based or other community  
20          networks;



- 1 (11) Attempts to locate and involve extended family,  
2 friends, and faith-based or other community networks;
- 3 (12) Whether the child's family has demonstrated an  
4 understanding of and involvement in services that have  
5 been recommended by the department or court-ordered as  
6 necessary to provide a safe family home for the child;
- 7 (13) Whether the child's family has resolved identified  
8 safety issues in the family home within a reasonable  
9 period of time; ~~and~~
- 10 (14) Interviews and documentation provided by family  
11 members to the department; provided that the  
12 department shall follow-up with interviewees and  
13 documentation provided by family members and shall  
14 include this follow-up information in the written  
15 report filed with the court; and
- 16 ~~[(14)]~~ (15) The department's assessment, which shall include  
17 the demonstrated ability of the child's family to  
18 provide a safe family home for the child~~[7]~~ and full  
19 investigation report of all people in the child's  
20 life, and recommendations."



1 SECTION 7. Section 587A-10, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) The department shall provide the child's relative an  
4 application to be the child's resource family within fifteen  
5 days of the relative's request to provide foster placement for  
6 the child. Foster placement preference shall be given to an  
7 approved relative; provided that such preference is in the best  
8 interest of the child. If the application is submitted and  
9 denied, the department shall provide the applicant with the  
10 specific reasons for the denial and an explanation of the  
11 procedures for an administrative appeal[-]; provided that the  
12 department's denial of application shall be made without bias or  
13 prejudice, subject to investigation and disciplinary action, as  
14 appropriate."

15 SECTION 8. Section 587A-11, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§587A-11 Investigation; department powers.** (a) Upon  
18 receiving a report that a child is subject to imminent harm, has  
19 been harmed, or is subject to threatened harm, and when an  
20 assessment is required by this chapter, the department shall  
21 cause such investigation to be made [~~as it deems to be~~

1 ~~appropriate~~]. In conducting the investigation, the department  
2 [~~may~~] shall:

- 3 (1) Enlist the cooperation and assistance of appropriate  
4 state and federal law enforcement authorities, who may  
5 conduct an investigation and, if an investigation is  
6 conducted, shall provide the department with all  
7 preliminary findings, including the results of a  
8 criminal history record check of an alleged  
9 perpetrator of harm or threatened harm to the child;
- 10 (2) Conduct a criminal history record check of an alleged  
11 perpetrator and all adults living in the family home,  
12 with or without consent, to ensure the safety of the  
13 child;
- 14 (3) Interview the child without the presence or prior  
15 approval of the child's family and temporarily assume  
16 protective custody of the child for the purpose of  
17 conducting the interview;
- 18 (4) Resolve the matter in an informal fashion that it  
19 deems appropriate under the circumstances;
- 20 (5) Close the matter if the department finds, after an  
21 assessment, family input, and independent evaluation



1 of the child's parents pursuant to section 587A- ,  
2 that the child is residing with a caregiver who is  
3 willing and able to meet the child's needs and provide  
4 a safe and appropriate placement for the child;

5 (6) Immediately enter into a service plan:

6 (A) To safely maintain the child in the family home;

7 or

8 (B) To place the child in voluntary foster care

9 pursuant to a written agreement with the child's  
10 parent.

11 If the child is placed in voluntary foster care and  
12 the family does not successfully complete the service  
13 plan within three months after the date on which the  
14 department assumed physical custody of the child, the  
15 department shall file a petition. The department is  
16 not required to file a petition if the parents agree  
17 to adoption or legal guardianship of the child and the  
18 child's safety is ensured; provided that the adoption  
19 or legal guardianship hearing is conducted within six  
20 months of the date on which the department assumed  
21 physical custody of the child;



1 (7) Assume temporary foster custody of the child and file  
2 a petition with the court within three days, excluding  
3 Saturdays, Sundays, and holidays, after the date on  
4 which the department assumes temporary foster custody  
5 of the child, with placement preference being given to  
6 an approved relative[+] without prejudice or bias by  
7 the department; or

8 (8) File a petition or ensure that a petition is filed by  
9 another appropriate authorized agency in court under  
10 this chapter.

11 (b) The department shall provide a written response  
12 regarding the disposition of the investigation to the  
13 complainant within forty-five days of completing the  
14 investigation; provided that any information provided under this  
15 subsection shall be disclosed in a manner that safeguards the  
16 confidentiality of records as required by federal law."

17 SECTION 9. Section 587A-19, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "[+]§587A-19[+] **Testimony by department social worker.** A  
20 person employed by the department as a social worker in the area  
21 of child protective services or child welfare services shall be



1 presumed to be qualified to testify as an expert on child  
2 protective or child welfare services[-]; provided that the  
3 social worker shall be unbiased and reflect no prejudice in the  
4 social worker's professional assessments, subject to  
5 disciplinary action. Any party may move the court to qualify a  
6 person employed by the department as a social worker in the area  
7 of child protective services or child welfare services called to  
8 testify as an expert on child protective or child welfare  
9 services."

10 SECTION 10. Section 587A-28, Hawaii Revised Statutes, is  
11 amended by amending subsection (e) to read as follows:

12 "(e) If the court finds that the child's physical or  
13 psychological health or welfare has been harmed or is subject to  
14 threatened harm by the acts or omissions of the child's family,  
15 the court:

16 (1) Shall enter a finding that the court has jurisdiction  
17 pursuant to section 587A-5;

18 (2) Shall enter a finding regarding whether, before the  
19 child was placed in foster care, the department made  
20 reasonable efforts to prevent or eliminate the need to  
21 remove the child from the child's family home;



1 (3) Shall enter orders:

2 (A) That the child be placed in foster custody if the  
3 court finds that the child's remaining in the  
4 family home is contrary to the welfare of the  
5 child and the child's parents are not willing and  
6 able to provide a safe family home for the child,  
7 even with the assistance of a service plan; or

8 (B) That the child be placed in family supervision if  
9 the court finds that the child's parents are  
10 willing and able to provide the child with a safe  
11 family home with the assistance of a service  
12 plan;

13 (4) Shall determine whether aggravated circumstances are  
14 present.

15 (A) If aggravated circumstances are present, the  
16 court shall:

17 (i) Conduct a permanency hearing within thirty  
18 days, and the department shall not be  
19 required to provide the child's parents with  
20 an interim service plan or interim  
21 visitation; and



1 (ii) Order the department to file, within sixty  
2 days after the court's finding that  
3 aggravated circumstances are present, a  
4 motion to terminate parental rights unless  
5 the department has documented in the safe  
6 family home factors or other written report  
7 submitted to the court a compelling reason  
8 why it is not in the best interest of the  
9 child to file a motion[-]; and

10 (B) If aggravated circumstances are not present or  
11 there is a compelling reason why it is not in the  
12 best interest of the child to file a motion to  
13 terminate parental rights, the court shall order  
14 that the department make reasonable efforts to  
15 reunify the child with the child's parents, so  
16 long as first and foremost, the emotional,  
17 physical, psychological, and mental health of the  
18 child is assured, and order an appropriate  
19 service plan;

20 (5) Shall order reasonable supervised or unsupervised  
21 visits for the child and the child's family, including



- 1 with the child's siblings<sup>[7]</sup> and grandparents, unless  
2 such visits are determined to be unsafe or detrimental  
3 to, and not in the best interests of, the child;
- 4 (6) Shall order each of the child's birth parents to  
5 complete the medical information forms and release the  
6 medical information required under section 578-14.5,  
7 to the department. If the child's birth parents  
8 refuse to complete the forms or to release the  
9 information, the court may order the release of the  
10 information over the parents' objections;
- 11 (7) Shall determine whether each party understands that  
12 unless the family is willing and able to provide the  
13 child with a safe family home, even with the  
14 assistance of a service plan, within the reasonable  
15 period of time specified in the service plan, their  
16 respective parental and custodial duties and rights  
17 shall be subject to termination;
- 18 (8) Shall determine the child's date of entry into foster  
19 care as defined in this chapter;
- 20 (9) Shall set a periodic review hearing to be conducted no  
21 later than six months after the date of entry into



1 foster care and a permanency hearing to be held no  
2 later than twelve months after the date of entry into  
3 foster care;

4 (10) Shall set a status conference, as the court deems  
5 appropriate, to be conducted no later than ninety days  
6 after the return hearing; and

7 (11) May order that:

8 (A) Any party participate in, complete, be liable  
9 for, and make every good faith effort to arrange  
10 payment for such services or treatment as are  
11 authorized by law and that are determined to be  
12 in the child's best interests;

13 (B) The child be examined by a physician, surgeon,  
14 psychiatrist, or psychologist; and

15 (C) The child receive treatment, including  
16 hospitalization or placement in other suitable  
17 facilities, as is determined to be in the child's  
18 best interests."

19 SECTION 11. This Act does not affect rights and duties  
20 that matured, penalties that were incurred, and proceedings that  
21 were begun before its effective date.



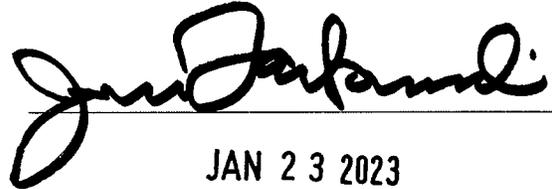
# H.B. NO. 879

1           SECTION 12. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3           SECTION 13. This Act shall take effect upon its approval.

4

INTRODUCED BY:

  
JAN 23 2023



# H.B. NO. 879

**Report Title:**

Child Protective Act; Foster Care; Independent Evaluation; Grandparents; Safe Family Home; Relative Placement Preference; Written Response

**Description:**

Requires an independent evaluation of a child's parents before a child is returned to the child's family home, under certain conditions. Clarifies the purpose of the child protective act. Allows certain contact between grandparents and a child in foster care. Provides a child's biological grandparents with certain rights and duties. Amends the definition of "aggravated circumstances". Includes grandparents under the definition of "family". Expands the factors to be considered when providing a child with a safe family home to include evaluations conducted by an independent provider with certain specialized training. Establishes certain requirements for interviewees, documentation, and assessments by DHS. Requires foster placement preference to be given to relatives, if it is in the best interest of the child. Establishes certain requirements for DHS when conducting investigations. Establishes written response requirements for DHS to a complainant after child abuse or neglect investigation. Specifies that a department social worker shall be unbiased and reflect no prejudice in their professional assessments.

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

