

S.B. NO. 3115

JAN 24 2024

A BILL FOR AN ACT

RELATING TO RELATIVE RESOURCE CAREGIVERS.

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

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

3 "(a) The department shall provide [~~the~~] a child's relative
4 an application to be licensed as the child's resource family
5 within fifteen days of the relative's request to provide foster
6 placement for the child. The department shall only issue a
7 license if the relative submits an application and meets the
8 licensing standards for a child-specific license established by
9 the department in rules adopted pursuant to chapter 91 and the
10 child is placed with the relative.

11 (1) If the application is submitted and the license is
12 denied[7] due to the failure of the applicant to meet
13 the licensing standards set out in rules adopted by
14 the department, the department shall provide the
15 applicant with the specific reasons for the denial and
16 an explanation of the procedures for an administrative
17 appeal[-] to contest the denial based on the licensing
18 standards; or

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Report Title:

Relative; Resource caregiver; Foster home; Licensing;
Administrative appeal

Description:

Clarifies when a relative seeking to be a resource caregiver for a child is entitled to an administrative appeal for denial of a foster home license.

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DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO RELATIVE RESOURCE CAREGIVERS.

PURPOSE: To clarify, an administrative appeal is only available to a child's relative whose application to be the child's resource caregiver is denied for failing to meet the Department's licensing standards.

MEANS: Amend section 587A-10, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Currently, section 587A-10, HRS, requires the Department to provide "the specific reasons for the denial and an explanation of the procedures for an administrative appeal" when a relative is denied a license to be a child's resource caregiver.

This proposal clarifies that an administrative review is not available when multiple relatives meet licensing standards and are suitable placement options, and the Department places the child with one suitable applicant. Applicants who meet licensing standards and are not selected often mistakenly request an administrative hearing on the issue of the child's placement when the child is placed in another suitable home. However, the Department's choice of one suitable candidate over another is not a denial to issue a license.

The Department's or the court's choice of one suitable candidate over the other is unrelated to the licensing standards; for example, the chosen candidate's home may be closer to the child's school. While there may be more than one suitable placement, the Department's administrative rules only allow the Department to issue one license to the

suitable applicant where the child is placed.

When a suitable applicant mistakenly requests administrative review of the child's placement with another suitable applicant, the Department's Administrative Hearings Officers dismiss these requests for administrative review for lack of authority to decide the placement issue. These requests are time-consuming and an inefficient use of limited administrative resources. Further, relatives requesting the administrative review become frustrated and distrustful of the Department and court processes. They may also incur unnecessary legal expenses pursuing an administrative appeal, particularly if the family court or attorneys have mistakenly advised the relative to seek an administrative appeal.

Impact on the public: The public will better understand when a relative who applied to be a resource caregiver for a specific child may request an administrative review. If the Department does not issue a license because the child is placed in the home of another appropriate resource caregiver, the relative-applicant must address the placement decision through the family court process and not through an administrative appeal.

Impact on the department and other agencies: This will prevent unnecessary filings in the Department's Administrative Appeals Office. This may impact the Judiciary and the Department of the Attorney General if relatives challenge placement decisions.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

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OTHER AFFECTED
AGENCIES:

Department of the Attorney General;
Judiciary.

EFFECTIVE DATE:

Upon approval.