

ACT 106

S.B. NO. 1779

A Bill for an Act Relating to Children.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 587-2, Hawaii Revised Statutes, is amended by amending the definition of “party” to read as follows:

““Party” means an authorized agency, the child, the child’s family member or members who are required to be summoned pursuant to section 587-32(a), any other member of the child’s family, or any other person who is alleged in the petition filed under this chapter or who is subsequently determined at any child protective proceeding to be encouraging, causing, or contributing to the acts or conditions which bring the child within this chapter, and who has been duly served with a summons and a copy of the petition filed under this chapter; provided that the court may limit a party’s right to participate in any child protective proceeding if the court deems such limitation of such party’s participation to be consistent with the best interests of the child and such party is not a family member who is required to be summoned pursuant to section 587-32(a), except as [is] provided in section ~~[587-73(b)(4);]~~ 587-73(b)(1)(D).”

SECTION 2. Section 587-73, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If the court determines that the criteria set forth in subsection (a) are established by clear and convincing evidence~~[, the court shall order:]~~ and:

(1) The goal of the permanent plan is for the child to be adopted or remain in permanent custody, the court shall order:

[4)] (A) That the existing service plan be terminated and that the prior award of foster custody be revoked;

[2)] (B) That permanent custody be awarded to an appropriate authorized agency;

[3)] (C) That an appropriate permanent plan be implemented concerning the child whereby the child will:

[(A)] (i) Be adopted pursuant to chapter 578; provided that the court shall presume that it is in the best interests of the child to be adopted, unless the child is or will be in the home of family or a person who has become as family and who for good cause is unwilling or unable to adopt the child but is committed to and is capable of being the child’s guardian or permanent custodian;

[(B)] ~~Be placed under guardianship pursuant to chapter 560;~~ or

[(C)] (ii) Remain in permanent custody until the child is subsequently adopted, placed under a guardianship, or reaches the age of majority, and that such status shall not be subject to modification or revocation except upon a showing of extraordinary circumstances to the court;

[4)] (D) That such further orders as the court deems to be in the best interests of the child, including[;] but not limited to[;] restricting

- or excluding unnecessary parties from participating in adoption or other subsequent proceedings, be entered; and
- [~~(5)~~] (E) Until adoption or guardianship is ordered, that each case be set for a permanent plan review hearing not later than one year after the date that a permanent plan is ordered by the court, or sooner if required by federal law, and thereafter, that subsequent permanent plan review hearings be set not later than each year, or sooner if required by federal law; provided that at each permanent plan review hearing, the court shall review the existing permanent plan and enter such further orders as are deemed to be in the best interests of the child~~[-]; or~~
- (2) The goal of the permanent plan is for the child to be placed under guardianship pursuant to part 2 of article V of chapter 560, the court shall order:
- (A) That the prior award of foster custody be continued and that the existing service plan be terminated;
- (B) That an appropriate permanent plan be implemented concerning the child whereby the child will be placed under guardianship pursuant to part 2 of article V of chapter 560; and
- (C) That, until the guardianship is ordered, each case be set for a permanent plan review hearing not later than six months after the date that a permanent plan is ordered by the court, or sooner if required by federal law; provided that at each permanent plan review hearing, the court shall review the existing permanent plan and enter such further orders as are deemed to be in the best interests of the child.”

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

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

(Approved May 29, 2007.)