

A Bill for an Act Relating to Youth Transitioning from Foster Care.

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

SECTION 1. The legislature finds that improving the transition of foster youth and former foster youth to the challenges of adulthood requires a supportive safety net and system that include an opportunity for higher education. The legislature finds that providing financial assistance for higher education for former foster youth is one important part of the supportive safety net. Existing law allows former foster youth to apply for higher education payments until the age of twenty-two. The legislature finds that for many former foster youth, readiness for higher education may come after they attain twenty-two years of age, and that extending the age to twenty-six would afford former foster youth more time to access higher education.

In further support of youth transitioning from foster care to adulthood, in 2013, the legislature passed Act 252, Session Laws of Hawaii 2013, creating the young adult voluntary foster care program, which became effective on July 1, 2014. However, there are some key areas regarding eligibility and program requirements that need clarification for ongoing implementation.

The purpose of this Act is to extend the deadline for former foster youth to apply for financial assistance for higher education costs from age twenty-two to age twenty-six, to clarify that financial assistance available to Hawaii's former foster youth is for related higher education costs and not specifically limited to room and board costs, and to clarify eligibility and program requirements for the ongoing implementation of the young adult voluntary foster care program.

SECTION 2. Section 346-17.4, Hawaii Revised Statutes, is amended to read as follows:

**“§346-17.4 Higher education ~~[board-allowance]~~ stipends for students.**

(a) An eligible former foster youth shall be eligible for a higher education [board allowance] stipend after reaching the age of majority, and the higher education ~~[board allowance] stipend~~ for that former foster youth shall be paid to an ~~[accredited institution of higher education, another]~~ intermediary contracted by the department, to the former foster youth, or to the former foster youth's former [foster parents] resource caregivers, adoptive parents, or legal custodians, as appropriate; provided that:

- (1) The former foster youth is twenty-six years old or younger;
- (2) The former foster youth has submitted ~~[an]~~ a completed application for ~~[the] a higher education [board allowance through the age of twenty-one years old, except that a former foster youth who is between the ages of twenty-two years and twenty-six years on July 1, 2008, and attending an institution of higher education, may apply for a higher education board allowance after July 1, 2008, and no later than June 30, 2009;]~~ stipend six months prior to the youth's twenty-seventh birthday; and
- (3) The former foster youth is attending or has been accepted to attend an accredited institution of higher education.

(b) The higher education ~~[board allowance] stipend~~ may be issued and applied to costs incurred while the former foster youth is attending an accredited institution of higher education on a full-time basis or on a part-time basis, in accordance with rules adopted by the department.

~~[(e) Reimbursement to foster parents for the former foster youth's higher education board cost up to the maximum allowable board amount shall be made retroactive to the former foster youth's entry into an accredited institution of higher education on a full-time basis, but no earlier than July 1, 1987, or on a part-time basis for the first academic year, but no earlier than July 1, 1999.~~

~~(d) Higher education board allowances may be applied by the former foster youth to costs incurred in undertaking full-time studies or part-time studies at an institution of higher education in accordance with rules adopted by the department.~~

~~(e) (c) The duration of the total higher education [board allowance] stipend shall not exceed a cumulative total of sixty months.~~

~~(d) The amount of the higher education stipend shall be based on the financial support the department provides in accordance with rules adopted by the department.~~

~~(f) (e) The department's standards relating to income resources of foster children shall be applicable to this section.~~

~~(g) (f) Higher education [board allowances] stipends shall be provided subject to the availability of state and federal funds."~~

SECTION 3. Section 346-395, Hawaii Revised Statutes, is amended to read as follows:

~~["§346-395] Eligibility. A young adult may continue to receive services under this part if the young adult meets the following criteria:~~

- ~~(1) The young adult was:
 
  - ~~(A) Under the permanent [or] custody, foster custody, voluntary foster custody, or court-ordered temporary foster custody of the department at the time the young adult attained the age of eighteen;~~
  - ~~(B) A child who was placed in guardianship after attaining the age of sixteen[;] and the legal guardians are no longer willing to provide emotional and financial support; or~~
  - ~~(C) A child who was adopted after attaining the age of sixteen[;] and the adoptive parents are no longer willing to provide emotional and financial support;~~~~
- ~~(2) The young adult voluntarily consents to participate in the young adult voluntary foster care program[;] and meets the program requirements;~~
- ~~(3) The court finds that exercising jurisdiction under this part is in the young adult's best interest; and~~
- ~~(4) The young adult is:
 
  - ~~(A) Completing secondary education or a program leading to an equivalent credential;~~
  - ~~(B) Enrolled in an institution that provides post-secondary or vocational education;~~
  - ~~(C) Participating in a program or activity designed to promote or remove barriers to employment;~~
  - ~~(D) Employed for at least eighty hours per month; or~~
  - ~~(E) Incapable of doing any of the activities described in subparagraphs (A) to (D) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the young adult."~~~~

SECTION 4. Section 346-396, Hawaii Revised Statutes, is amended to read as follows:

~~“[§346-396]~~ **Voluntary care agreement.** If a young adult is no longer under jurisdiction pursuant to chapter 587A ~~[but]~~ as the subject child and chooses to participate in the young adult voluntary foster care program and meets the eligibility criteria set forth in section 346-395, the department and the young adult shall enter into a voluntary care agreement that shall include, at a minimum, the following:

- (1) The obligation for the young adult to continue to meet the conditions for eligibility described in section 346-395 and the program requirements for the duration of the voluntary care agreement;
- (2) The young adult's right to terminate the voluntary care agreement at any time; and
- (3) The voluntary nature of the young adult's participation in the young adult voluntary foster care program.”

SECTION 5. Section 346-407, Hawaii Revised Statutes, is repealed.

SECTION 6. Statutory material to be repealed is bracketed and stricken.<sup>1</sup> New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2016.

(Approved June 29, 2016.)

**Note**

1. Edited pursuant to HRS §23G-16.5.