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# A BILL FOR AN ACT

RELATING TO THE RIGHTS OF CHILDREN IN FOSTER CARE.

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

1           SECTION 1. Chapter 587A, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§587A- Rights of children in foster care. (a) The  
5 department or an authorized agency shall ensure that a child in  
6 foster care will:

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

9           (2) Receive adequate food, shelter, and clothing;

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

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

16          (5) Have regular, supervised or unsupervised, in-person,  
17 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 that must include the specific  
18 reasons why visits are being denied;

19 (6) Receive notice of court hearings and, if the child  
20 wishes to attend the hearings, ensure that the child  
21 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, the authorization must  
14       be in accordance with the reasonable and prudent  
15       parenting standard, as defined in title 42 United  
16       States Code section 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  
20       system, which shall include reunification or other  
21       permanency, and written information concerning



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

6 (12) If the child is fourteen years or older, have the  
7 right to be involved in developing a case plan and  
8 planning for the child's future;

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

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



1 records or information to access the child's medical  
2 records, and a driver's license or civil  
3 identification card issued by the State in accordance  
4 with the requirements of Public Law 109-13;

5 (b) In addition to the rights established in subsection  
6 (a), a child in foster care shall have the following rights:

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

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

17 (3) To have regular in person contact with the child's  
18 court appointed guardian ad litem, court appointed  
19 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 to be in the child's  
6        best interest, and to be provided cost-effective  
7        transportation to be maintained in the child's school  
8        of origin; provided that if the child changes school  
9        during a school year, the child should be enrolled  
10       immediately in the new school; and  
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, department of education, department of health,  
16       guardian ad litem, court appointed special advocate, or  
17       probation officer to ensure the child is provided with the  
18       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.

18



**Report Title:**

Rights of Children in Foster Care

**Description:**

Amends the Child Protective Act, chapter 587A, Hawaii Revised Statutes, by repealing the existing section, guiding principles for children in foster care, and inserting a new section, rights of children in foster care. (SD1)

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

