

Family Court of the First Circuit — THE JUDICIARY • STATE OF HAWAII

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FRANCES Q.F. WONG
SENIOR JUDGE

PATRICK W. BORDER
CIRCUIT COURT JUDGE

RHONDA A. NISHIMURA
CIRCUIT COURT JUDGE

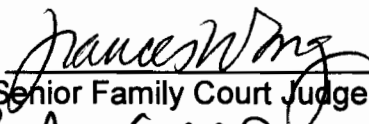
July 31, 2008

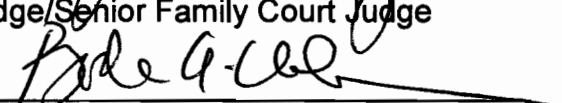
DISTRICT FAMILY JUDGES

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KAREN M. RADIUS
BODE A. UALE

MEMORANDUM

TO: Family Court Judges and Staff
Department of Human Services
Department of Education
Department of Health
Attorneys and Guardians ad Litem (in H.R.S. Chapter 587 cases)
Family Law Division, Department of the Attorney General
Child Law Section, Hawaii State Bar Association
Foster Families Program

FROM: Frances Q. F. Wong 
Deputy Chief Judge/Senior Family Court Judge

Bode A. Uale 
Lead Judge, Juvenile Division

RE: Family Court Policies Regarding Independent Living Plans for Older Youth in Foster Care in H.R.S. Chapter 571 and 587 Cases

The Family Court judges of the First Circuit have agreed to the following policies regarding older youth in foster care or other out-of-home placement (other than detention or correction) and will be applying them in their courtrooms.

Reviews will be held at or about the juvenile's 16th, 17th, and 18th birthdays; these may be either regular or special settings. Please note that the timeframes mandated by these policies serve as benchmarks. For many children and youth, many of these tasks must and should be undertaken much earlier. For example, immigration status must be established prior to a permanent custody determination regardless of the age of the child. Also, transitional

services for many youth can and should be requested earlier than their 16th birthday.

Prior to a juvenile's 16th birthday, a determination must be made whether the juvenile is an immigrant or from the Compact States. Even before this birthday, it is extremely important to make this determination prior to termination of parental rights or placement in long term foster or permanent custody so that appropriate court orders can be made and appropriate referrals made to Na Loio on behalf of the juvenile in order to apply for Special Immigrant Juvenile Status with the USCIS.

At or about a juvenile's 16th birthday, a special independent living plan (ILP) will be prepared by the Department of Human Services (DHS), or other foster/permanent custodian, or the court officer (for the HRS 571 case), in concert with the juvenile and the guardian ad litem (GAL), if any. ILPs should be specific to the juvenile rather than formulaic and should be in plain English. The juvenile may also invite other trusted adults to help (for example, a teacher, a foster parent, a sibling). Youth Circles are highly encouraged.

At a minimum, the ILP will specifically address:

- support system development (this should be broadly and realistically defined and could range from participation in a mentoring program to planning for safe contacts with birth and extended family whether or not parental rights have been terminated)
- life skills training (including relational skills, budgeting, marketing, cooking, cleaning, personal hygiene, driving)
- health and dental care
- the school the youth will remain at until 18 and the person or agency who will gather and continue to update the youth's education/DOE records (the most current IEP should be attached and incorporated)
- education, vocational, career, college planning (including: transitional services via DOE/DVR, job/vocational training, high school diploma/GED/C-base, post-high school/college preparation, counseling, scholarships)
- housing (identify the person/family the youth will live with after turning 18)
- counseling
- financial assistance for youth in foster care and/or with special needs
- federal, state, other public funds and benefits
- the juvenile's immigrant status.

At the first review at or about the juvenile's 17th birthday, the record must reflect that the DHS and/or the assigned court officer (for the HRS 571 case) has supplied the youth with the following documents and very specific information regarding:

- family history (including the facts surrounding the youth's 587 case and contact information with family and siblings, list of known relatives with addresses and phone numbers, religious background)—note: this item can be waived by the court in the child's best interest
- social security card
- birth certificate
- health/medical/dental records
- health/dental insurance cards and information regarding how to maintain/renew this insurance
- educational records
- state identification card and/or driver's license
- immigration status and related documentation
- contact information for the Hawaii Foster Youth Coalition.

The DHS and/or the assigned court officer (for the HRS 571 case) shall continue to update this information and these documents until jurisdiction is terminated.

At or about the juvenile's 18th birthday, the court will seriously consider extending jurisdiction, in consultation with the youth and the parties, if there are significant portions of the ILP that have not yet been completed or if it is in youth's best interest. If jurisdiction is extended, the case will be reviewed at least every 6 months until completion; however, the youth can be excused from court reviews if the youth is attending school and/or work.

When appropriate, these guiding principles can be applied to youth younger than 16 and can also be applied to youth living in their family homes.

Thank you for your anticipated cooperation.