

## How Hawaii's New Child Protective Act Impacts YOU

On September 1, 2010, Hawai'i's Child Protective Act (Hawaii Revised Statutes (H.R.S.) Chapter 587A) went into effect to align Hawai'i's laws with the federal Title IV-E law and regulations, eliminate the "patchwork" of provisions resulting from years of piecemeal amendments, and to make the law more accessible to all.

The goal of this factsheet is to alert you to significant changes in Hawai'i's Child Protective Act. Remember, however, that laws change frequently, so to keep current on new laws and proposed changes under consideration by the Hawai'i State Legislature, go to [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov). To read the Child Protective Act in its entirety, go to [www.ittakesanohana.org](http://www.ittakesanohana.org).

Three key statutory changes directly affect resource caregivers, also referred to as foster parents:

### Definitions of "foster parent," "foster family," and "resource family":

- *Foster family or foster parent* "means a person or family licensed by the department or another authorized agency to provide foster care services for children and can be used interchangeably with 'resource family.'"
- *Resource family* "means a person or family licensed by the department or another authorized agency to provide foster care services for children and can be used interchangeably with 'foster parent' and 'foster family.'"
- Use of the term "resource family" reflects a nationwide trend.

### Definition of "party":

- Under the new law's definition of "party," foster families, foster parents, and resource families are NOT automatically recognized as parties in Child Protective Act cases. A motion to intervene may be required if a foster parent wants to become a party in the case.
- Foster parents, foster families and resource families are, however, "automatically parties" ONLY for the purpose of providing notice of the child protective hearings. This means that resource families must be given prior notice of the child's child protective hearings.
- It is important to note, however, that resource families *may participate* in the hearing to provide the court information on the child's current status. *Please remember that resource caregivers have important information for the court from their day-to-day care of the child and regular contact with therapists, teachers, and other service providers. By giving the Family Court current and detailed information about the child, you can assist the Court in making the best possible decisions about the child in your home.*

### Educational, Medical, Dental and Recreational Needs:

The new law gives foster parents the authority to seek and obtain ordinary medical and dental care for the child. This includes immunizations and well-baby/well-child medical services.

*Two other noteworthy changes are:*

- The Hawai'i Department of Human Services (DHS) must make reasonable efforts to identify and notify all relatives of the child entering care, within 30 days after assuming foster custody of the child (§587A-10(b)).
- Reinstatement of parental rights can be requested by a child, the child's guardian ad litem, the child's attorney (if any), or the DHS.
  - For a child to make this request, she/he MUST be at least 14 years old and have been in permanent custody for at least twelve months. The child cannot have been adopted or under a legal guardianship.
  - The court has discretion to order a trial home placement; a motion for reinstatement does not mean a trial home placement or reinstatement will automatically occur.
  - A parent whose rights have been terminated CANNOT move for a reinstatement of parental rights under this section.