



GOV. MSG. NO. 1236

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 29, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 29, 2016, the following bill was signed into law:

SB2878 SD1 HD1

RELATING TO YOUTH TRANSITIONING FROM
FOSTER CARE
ACT 134 (16)

Sincerely,

A handwritten signature in black ink that reads "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUN 29 2016

THE SENATE
TWENTY-EIGHTH LEGISLATURE, 2016
STATE OF HAWAII

ACT 134
S.B. NO. 2878
S.D. 1
H.D. 1

A BILL FOR AN ACT

RELATING TO YOUTH TRANSITIONING FROM FOSTER CARE.

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

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

14 In further support of youth transitioning from foster care
15 to adulthood, in 2013, the legislature passed Act 252, Session
16 Laws of Hawaii 2013, creating the young adult voluntary foster
17 care program, which became effective on July 1, 2014. However,



1 there are some key areas regarding eligibility and program
2 requirements that need clarification for ongoing implementation.

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

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

13 "§346-17.4 Higher education [~~board allowances~~] stipends
14 for students. (a) An eligible former foster youth shall be
15 eligible for a higher education [~~board allowances~~] stipend after
16 reaching the age of majority, and the higher education [~~board~~
17 ~~allowance~~] stipend for that former foster youth shall be paid to
18 an [~~accredited institution of higher education, another~~]
19 intermediary contracted by the department, to the former foster
20 youth, or to the former foster youth's former [~~foster parents~~]



1 resource caregivers, adoptive parents, or legal custodians, as
2 appropriate; provided that:

3 (1) The former foster youth is twenty-six years old or
4 younger;

5 (2) The former foster youth has submitted [~~an~~] a completed
6 application for [~~the~~] a higher education [~~board~~
7 allowance through the age of twenty-one years old,
8 except that a former foster youth who is between the
9 ages of twenty-two years and twenty-six years on
10 July 1, 2008, and attending an institution of higher
11 education, may apply for a higher education board
12 allowance after July 1, 2008, and no later than
13 June 30, 2009,] stipend six months prior to the
14 youth's twenty-seventh birthday; and

15 (3) The former foster youth is attending or has been
16 accepted to attend an accredited institution of higher
17 education.

18 (b) The higher education [~~board allowance~~] stipend may be
19 issued and applied to costs incurred while the former foster
20 youth is attending an accredited institution of higher education



1 on a full-time basis or on a part-time basis, in accordance with
2 rules adopted by the department.

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

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

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

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



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

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

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

9 "[~~+~~]\$346-395[~~-~~] Eligibility. A young adult may continue
10 to receive services under this part if the young adult meets the
11 following criteria:

12 (1) The young adult was:

13 (A) Under the permanent [~~or~~] custody, foster custody,
14 voluntary foster custody, or court-ordered
15 temporary foster custody of the department at the
16 time the young adult attained the age of
17 eighteen;

18 (B) A child who was placed in guardianship after
19 attaining the age of sixteen[~~-~~] and the legal
20 guardians are no longer willing to provide
21 emotional and financial support; or



- 1 (C) A child who was adopted after attaining the age
2 of sixteen[-] and the adoptive parents are no
3 longer willing to provide emotional and financial
4 support;
- 5 (2) The young adult voluntarily consents to participate in
6 the young adult voluntary foster care program[-] and
7 meets the program requirements;
- 8 (3) The court finds that exercising jurisdiction under
9 this part is in the young adult's best interest; and
- 10 (4) The young adult is:
- 11 (A) Completing secondary education or a program
12 leading to an equivalent credential;
- 13 (B) Enrolled in an institution that provides
14 post-secondary or vocational education;
- 15 (C) Participating in a program or activity designed
16 to promote or remove barriers to employment;
- 17 (D) Employed for at least eighty hours per month; or
- 18 (E) Incapable of doing any of the activities
19 described in subparagraphs (A) to (D) due to a
20 medical condition, which incapability is



1 supported by regularly updated information in the
2 case plan of the young adult."

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

5 "[+]§346-396[+] Voluntary care agreement. If a young
6 adult is no longer under jurisdiction pursuant to chapter 587A
7 ~~[but]~~ as the subject child and chooses to participate in the
8 young adult voluntary foster care program and meets the
9 eligibility criteria set forth in section 346-395, the
10 department and the young adult shall enter into a voluntary care
11 agreement that shall include, at a minimum, the following:

12 (1) The obligation for the young adult to continue to meet
13 the conditions for eligibility described in section
14 346-395 and the program requirements for the duration
15 of the voluntary care agreement;

16 (2) The young adult's right to terminate the voluntary
17 care agreement at any time; and

18 (3) The voluntary nature of the young adult's
19 participation in the young adult voluntary foster care
20 program."



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

3 ~~["§346-407] Reporting requirement. The department shall~~
4 ~~submit an annual report to the legislature, no later than twenty~~
5 ~~days prior to the convening of each regular session, on the~~
6 ~~status, efficacy, and any other relevant information regarding~~
7 ~~the young adult voluntary foster care program established by~~
8 ~~this part."]~~

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

APPROVED this 29 day of JUN, 2016



GOVERNOR OF THE STATE OF HAWAII