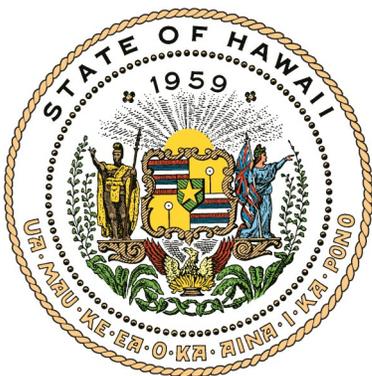


Don't Say "NO" Until You "KNOW"

A Guide for Caregivers to Promote Normalcy and Well-Being for Children and Youth in Foster Care

Presented by the State of Hawai'i's
Department of Human Services
Child Welfare Services



INTRODUCTION

To “know” means knowing policy and it especially means knowing the child/young person’s needs and maturity level. Parental decision making about normalcy requires good judgement.

Resource Caregivers shall use the reasonable and prudent parent standard in determining whether to give permission for children/young people to participate in age or developmentally appropriate extracurricular, social, and cultural activities.

The CWS Worker and the Resource Caregiver and/or the Child Caring Institution staff shall work together to ensure activities and opportunities for children/young people who are in foster care. These questions and answers are presented as a guide and does not cover every situation or scenario. Please connect with your social worker or the child/youth’s GAL/CASA for answers about something not covered in here or for further clarification.

**Disclaimer regarding Hawai‘i Administrative Rules (HAR) and Hawai‘i Revised Statutes (HRS) in this document: They do not include all laws and may change so please due diligence and check if HAR and HRS have changed.*

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EXTRACURRICULAR, SOCIAL, CULTURAL AND SPIRITUAL ACTIVITIES

Question 1: Are children/young people who are in foster care allowed to participate in sports activities and attend other social activities/functions?

Answer: Yes. ALL children/young peoples who are in foster care, whether they are in a resource family home or in a Child Caring Institution, need and deserve the opportunities and experiences appropriate to their age and maturity. This includes participation in social activities, dating, recreational, school dances, cultural, religious and community activities. A child/young person's participating in sports, whether it is through their school or in their community is a normal part of being a child.

Permission and encouragement of the child/young person, is dependent on his or her age and maturity level, to engage in appropriate social and extracurricular activities in order to promote social development, if approved, have contact with family members, have access to phone usage, have reasonable curfews, and travel with other youth or adults.

Hawaii Revised Statutes 587A Child Protective Act

587A-42 Educational, medical, dental and recreational needs. Upon the first day of placement, a child's resource family shall have the authority, for the child placed in the resource family's care: (1) To consent to routine educational and recreational needs and activities.

Hawaii Administrative Rules Title 17-1625 Licensing of Resource Family Homes for Children and Hawaii Administrative Rules 17-1627 Licensing of Child Caring Institutions

Hawaii Administrative Rules 17-1625-36 Member of Resource Family Home. (a) A foster child shall be cared for as a family member.

Hawaii Administrative Rules 17-1625-41 Recreation and Social Activities. (a) A well balanced daily program including time for rest appropriate to the child's age, regular meal hours, and recreation shall be provided for the foster child. (b) The resource family shall cooperate with agency, or with the legal custodian in independent placements, to encourage the child to participate in social and recreational activities in the community.

Hawaii Administrative Rules 17-1625-44 Religion and Culture. The religious faith and cultural heritage of each child shall be respected. The child shall be provided the opportunity to attend the church, temple, Sunday school, and religious and cultural activities of the child's legal custodian, or in their absence, of the child's choice.

Hawaii Administrative Rules 17-1627-33 Social life and leisure time. (a) The program shall provide appropriate age and developmental socialization opportunities for the child. (b) Visit with legal custodians, relatives, or friends shall be encouraged and opportunities shall be provided for the visits when the visits are in the best interest of the child. (c) Visitation shall not be used as a means of discipline or reward.

Question 2: Can a child/young person go surfing and/or body boarding, swimming, diving (ocean/water activities)?

Answer: Yes. The Resource Caregiver or the Child Caring Institution staff will need to know the child/young person's experience and ability, to do this activity before they can give their permission. The level of supervision will depend on age of the child/young person and the ability of child/young person to swim.

In Hawaii, ocean/water activities are very common for families. These activities vary on the level of safety and risk, the Resource Caregivers or the Child Caring Institution staff will need to know and understand the inherent risk and the young person's ability and experience in the particular area to participate in the higher risk activities before they can give their permission.

Question 3: Do the individuals who participate in community, cultural, and extracurricular activities with the child/young person have to undergo a background clearance before the child/young person can participate in the activity?

Answer: No. Background screening of individuals is not a requirement for a child/young person's participation in community, cultural and extracurricular activities. Only the licensed Resource Caregiver(s), where the child or youth is placed and all adult household members residing with the resource caregiver(s) will need to meet licensing requirements of fingerprinting, Hawaii State Criminal History Background Clearance and the Child Abuse and Neglect (CA/N) clearance. The criminal history and background requirements are in licensing rules and Hawaii Revised Statute.

Refer to Hawaii Administrative Rules (HAR) 17-1625 Licensing of Resource Family Homes for Children §17-1625-17 Personal qualifications required.

Hawaii Revised Statutes (HRS) §346-17 Child placing organizations, child caring institutions, and resource family homes; authority over, investigation of, and standards for.

- (j) The department or its designee shall request:
- (1) A criminal history record check through the Hawaii criminal justice data center on all operators, employees, and new employees of child care institutions, child placing organizations, and resource family homes, including all adults residing in the resource family homes, subject to licensure pursuant to section 846-2.7; and
 - (2) A child abuse and neglect registry check on all operators, employees, and new employees of child care institutions, child placing organizations, and adults residing in a resource family home subject to licensure in accordance with departmental procedures.

**Question 4: Is there funding available through the Department to help pay for some of the costs of extracurricular activities?
Example: community football, dance lessons, cheerleading, etc.**

Answer: Yes. Resource Caregivers may ask the child/young person's social worker for assistance in helping pay the cost of extracurricular activities. The worker will look at availability of funds through the Department's payment system as well as through the *Enhancement funds and *Ho'ola Na Mana'o (Friends of Children's Justice Center) funds. **limited funding amount available each year*

Question 5: What liability does a Resource Caregiver and identified Child Caring Institution staff have in allowing a child/young person to participate in age appropriate activities?

Answer: A Resource Caregiver and identified Child Caring Institution staff are **not liable for harm** caused to a child/young person who participates in an activity approved by the Resource Caregiver, **provided that the caregiver has acted in accordance with the reasonable and prudent parent standard.** Additionally, the caregiver is required to promote normalcy for the child/young person to the fullest extent possible and shall allow the child/young person to participate in age-appropriate activities at home, in school, and in the community. (*Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183/H.R. 4980 Section 111 Supporting Normalcy for Children in Foster Care).*)

Question 6: Does a birth parent's wishes have to be followed if they disagree with an activity involving their child/young person?

Answer: The **birth parent's wishes are to be considered** and brought before the Family Court, the GAL, and parent's attorney, for decision on our recommendation that the child/young person participate in an activity that the parent disagrees with. *The matter should be taken before the FCT. Parents have rights while their child is in FC and if they object, we have an obligation to have it heard before the FCT.*

The Department and Resource Caregivers shall be sensitive to the input of the child/young person's parents as to the types of activities they would like their child/young person to participate in, and whenever possible, include them in the decision making.

Also, normalcy activities cannot override case plans or other court-ordered requirements. For example, if a Resource Caregiver's family vacation would cause a child/young person to miss a scheduled visit with a birth parent, the agency and the Resource Caregiver shall work with the birth parent for an alternate visit schedule.

Question 7: Are birth parents allowed to come to their child/young person's school functions, sports activities, cultural and religious functions?

Answer: Yes. Birth parent involvement in their child/young person's daily life is encouraged, however Resource Caregivers shall first consult with the child/young person's CWS worker and/or GAL prior to allowing any type of contact.

Hawaii Administrative Rules 17-1625-47 Preservation of Family (a) A primary function of resource families will be to ensure contact with siblings, biological parents, relative, kith and kin. (b) With the exception of relationships explicitly prohibited by a family court, resource families shall encourage foster children to maintain these pre-existing family relations.

Hawaii Administrative Rules 17-1627-33 Social life and leisure time. (a) The program shall provide appropriate age and developmental socialization opportunities for the child. (b) Visit with legal custodians, relatives, or friends shall be encouraged and opportunities shall be provided for the visits when the visits are in the best interest of the child. (c) Visitation shall not be used as a means of discipline or reward.

Question 8: Do the children/young people placed in Child Caring Institutions have the right to participate in community, extracurricular and social activities just like children/young people placed in resource homes?

Answer: Yes, the role of an identified Child Caring Institution (CCI) staff is no different than that of the Resource Caregiver when it comes to ensuring that the young people in care are provided with normalcy by providing them with opportunities to participate in age appropriate community and extracurricular activities.

Each Child Caring Institution licensed by the Department shall identify someone to be the "caregiver" responsible for making such decisions for each child in their care. A person must be identified as the caregiver, not a committee or an office.

Hawaii Administrative Rules 17-1627-33 Social life and Leisure time. (a) The program shall provide appropriate age and developmental socialization opportunities for the child. (d) The leisure time needs of the child shall be met by a program that: (1) Is flexible, well rounded, and is appropriate for the child's stage of development; (2) Allows the child freedom of choice in selecting leisure time activities; (3) Allows the child, where possible, to become an active participant in appropriate community groups; and (4) Recognizes the need for the child to be alone at times.

Question 9: Can children/young people in resource homes and Child Caring Institutions attend church and cultural activities of their choice?

Answer: Yes. Children/young people who are in foster care are allowed to attend their church and participate in cultural activities significant to them and experience these activities either with or without adult supervision with the permission of their resource caregiver. Resource Caregivers assess the age and level of maturity of the child/young person who is in foster care to approve unsupervised attendance to church and cultural activities.

Hawaii Administrative Rules Title 17-1625 Licensing of Resource Family Homes for Children and Hawaii Administrative Rules 17-1627 Licensing of Child Caring Institutions

Hawaii Administrative Rules (HAR) 17-1625-44 Religion and Culture. The religious faith and cultural heritage of each child shall be respected. The child shall be provided the opportunity to attend the church, temple, Sunday school, and religious and cultural activities of the child's legal custodian, or in their absence, of the child's choice.

Hawaii Administrative Rules 17-1627-32 Religion and culture. (a) The institution shall have a written statement regarding religious practices within the institution. (b) The institution shall be responsible for providing children with opportunities for religious education and experience not in conflict with the expressed wishes of the person having a right to determine the child's religious practices. (c) The institution shall recognize, encourage, and support the child's religious beliefs, cultural heritage, and language.

Question 10: Are children/young people who are in foster care allowed to attend or have sleepovers with friends or relatives?

Answer: **Yes.** The children/young people who are in foster care may have sleepovers with friends or relatives up to two days with the Resource Caregiver's approval. Resource Caregivers shall use the reasonable and prudent parent standard in determining whether to give permission for sleepovers.

*A Resource Caregiver shall not approve sleepovers if there is a court order or service plan (see Section 1 paragraph 5 Pre-existing court order) that would prevent sleepovers or the child's CWS worker has instructed that sleepovers shall not occur with a specific person(s).

Some helpful guidelines for overnight stays:

Resource Caregivers should talk to the parents where the child/young person is spending the night to avoid relying on child to child communication for all information. Who is going to be in the home? Confirm pick up and drop off times and locations. What are the plans for the evening? Pet or food allergies, medications required to take. If plans change, ensure they know to call so you can give verbal approval. Make a plan if the child/young person becomes uncomfortable. Exchange phone numbers with the parents. Give the child/young person YOUR phone number.

Hawaii Administrative Rules (HAR) 17-1625-46 Child's absence from resource home. This rule supports normalcy for children and youth in foster care by stating, "When a child is to be absent from the resource family home overnight or longer, WITH THE EXCEPTION OF SLEEP-OVERS WITH FRIENDS OR RELATIVES OF UP TO TWO DAYS WITH RESOURCE FAMILY APPROVAL."

Question 11: For a child/young person in foster care to stay overnight at a friend's house, do the adults living or staying in the friend's house have to undergo a Child Abuse and Neglect (CA/N) and Hawaii State Criminal History Check?

Answer: **No.** The friend's parents are not considered resource caregivers and do not need a background check. Only the Resource Caregivers and adoptive parents, their adult household members, and staff at Child Caring Institutions are required to undergo background checks.

Hawaii Administrative Rules (HAR) 17-1625 Licensing of Resource Family Homes for Children
§17-1625-17 Personal qualifications required.

- (b) The agency receiving the application shall conduct criminal history, child abuse and neglect (CA/N) registry checks, background, and any other checks deemed necessary, such as employment checks, on applicants, employees, and household members.

Hawaii Revised Statutes (HRS) §346-17 Child placing organizations, child caring institutions, and resource family homes; authority over, investigation of, and standards for.

- (j) The department or its designee shall request:
- (1) A criminal history record check through the Hawaii criminal justice data center on all operators, employees, and new employees of child care institutions, child placing organizations, and resource family homes, including all adults residing in the resource family homes, subject to licensure pursuant to section 846-2.7; and
 - (2) A child abuse and neglect registry check on all operators, employees, and new employees of child care institutions, child placing organizations, and adults residing in a resource family home subject to licensure in accordance with departmental procedures.

TRAVEL

Question 12: Can a child/young person travel with their Resource Caregivers to the Neighbor Island or out of state?

Answer: Yes, with approval from CWS, the Family Court, the GAL, and the parents. Resource Caregivers are encouraged to take their child/young person on vacation with them.

This does require **advance planning** with the Resource Caregiver, the CWS worker and Family Court as there may be several steps that will need to happen in order for the child/young person to travel (see process below). Informing the parents ahead of time of the travel plans and explaining how the child/young person will benefit from the experience will help the parents feel comfortable consenting and supporting their child's traveling.

Below are the Procedures for Child Welfare Services regarding children/young people traveling with their resource caregiver:

Voluntary Foster Care: for children/young people traveling off island or out of state with the resource caregiver, the child's worker must make efforts to inform the parents and obtain their consent. If parents do not consent, the child/young person cannot travel. If parents are in agreement that the child may travel, the CWS worker will obtain signed written consent from the parents.

Foster Care (court case): For a child/young person to travel off island or out of state with a resource caregiver, the child's worker must make efforts to inform the parents and obtain consent. If the parent's consent and the CASA/GAL is in agreement, the Department will inform the court that there are no objections by the parents and CASA/GAL and provide the court with the travel dates and destination, purpose of trip and where the child/younger person and resource caregiver will be staying.

If there is an objection by the parents or the CASA/GAL to the child/young person traveling with the resource caregiver, the Department must ask the Department of Attorney General (DAG) to file a motion. The Family Court will hear the matter and render a decision on whether the child/young person can travel.

**For Emergency travel, contact your child's social worker immediately.

***International travel will require **significantly more** advance planning.

If funding is needed to pay for the child/young person's airfare for neighbor island and/or mainland travel, please talk to the CWS worker as DHS can assist with the airfare for a child/young person to go on vacation with the resource caregiver.

LBGTQ

Question 13: Does the prudent parenting standard apply to the Lesbian, gay, bisexual, transgender and questioning (LBGTQ) children/young people?

Answer: Yes. Normalcy and prudent parenting standards apply to all children/young people who are in foster care and are no different for the children/young people who identify as LBGTQ.

Ensuring that the Resource Caregiver and/or the Child Caring Institution is welcoming to all differences, including race, ethnicity, disability, religion, gender, and sexual orientation, will help ensure that all children/young people in resource homes and/or Child Caring Institutions feel safe and that they can grow into adults who embrace diversity in all of its forms.

Question 14: Is part of providing normalcy for the LBGTQ child/young person assisting the child/young person to “see” that they are not really LBGTQ?

Answer: No. LBGTQ identity cannot be changed. Medical and psychological experts agree that attempting to change someone’s sexual orientation or gender identity does not work and often causes harm.

It is crucial for the child/young person’s development and well-being that resource caregivers and Child Caring Institution staff support/allow LBGTQ children/young people to express their identity and show acceptance and understanding of their sexual orientation.

Resource Caregivers and Child Caring Institution staff shall work with the CWS worker in finding supportive services, such as peer support groups or other community resources that would help to ameliorate feelings of isolation and depression for an LBGTQ child/young person.

PRIVILEGES FOR OLDER YOUTH IN CARE

Question 15: Are children/young people who are in foster care allowed to participate on Facebook or other age-appropriate social media?

Answer: Yes. Children/young people can participate in social media, including Facebook (13+) with the permission of the Resource Caregiver and depending on the age of the child, supervision of their Resource Caregiver; this includes young people placed in Child Caring Institutions.

Some common forms of social media are Facebook, and messaging services such as Kix, Instagram, Twitter, Snapchat, video-sharing services such as YouTube and photo sharing services such as Flickr.

Social media can be used to socialize and communicate and help you do things, for example, get a message to many people at once, or find a job, but you may not have thought about some of the problems it can cause for you.

What can Resource Caregivers and Child Caring Institution staff do to help the child/young person who are using various forms of social media? Educate them about some of the unintended consequences of posting information.

Share with the child/young person that they need to think before posting information, including photos or videos online, or sending them to friends. Explain to the young person that their privacy is important. There may be negative consequences for the child/young person now as well as in the future as once it is out there it can be in many places that you don't even think about. Their friends can copy what the child/young person post and send it to people that they don't know who can then send it to even more people. This information, videos and photos that the child/young person sends to their friends could be sent on to other people without the child/young person's knowledge or permission.

Please refer to handouts: "Social Media: Tips for Youth in Foster Care" from the Child Welfare Information Gateway and "Resource Caregivers and Child Caring Institution staff can Help Protect Children/Young People: Use and Safety Consideration of Social Networking Websites" taken from the National Crime Prevention Council.

Question 16: Are children/young people who are in foster care allowed to have cell phones?

Answer: Yes. A child/young person who is in foster care may have a cell phone. Consideration should be given to the method of payment for obtaining and maintaining the cell phone before making a decision and insurance coverage on the phone is encouraged. As with any family unit, considerations as to whether the child/young person gets a cell phone includes responsibility, available funds to purchase the phone and monthly cost. Some young people could buy their own cell phone. Some biological parents may be willing to buy a cell phone for their child/young person who is in foster care. There is no expectation for a Resource Caregiver to use their personal funds to purchase the cell phone.

There are a variety of methods that child/young person may obtain and pay for a cell phone which include: the child/young person may have a cell phone that is part of the contract with their biological family, the Resource Caregiver has agreed to add the child/young person on their own family cell phone plan, the child/young person has a prepaid or pay-as-you-go plan, or the child/young person has his/her own individual contract.

According to the Pew Research Center's Internet & American Life Project, "Teens and Technology 2013" Smartphone adoption among American teens has increased substantially and mobile access to the internet is pervasive. One in four teens are "cell-mostly" internet users, who say they *mostly go online using their phone* and not using some other device such as a desktop or laptop computer. These are among the new findings from a national survey of 802 teens ages 12-17 and their parents which shows that.

- 78% of teens now have a cell phone, and almost half (47%) of those own smartphones. That translates into 37% of all teens who have smartphones, up from just 23% in 2011.
- One in four teens (23%) have a tablet computer, a level comparable to the general adult population.
- Nine in ten (93%) teens have a computer or have access to one at home. Seven in ten (71%) teens with home computer access say the laptop or desktop they use most often is one they share with other family members.

Mobile access to the internet is common among American teens, and the cell phone has become an especially important access point for certain groups:

- About three in four (74%) teens ages 12-17 say they access the internet on cell phones, tablets, and other mobile devices at least occasionally.
- One in four teens are "cell-mostly" internet users — far more than the 15% of adults who are cell-mostly. Among teen smartphone owners, half are cell-mostly.
- Older girls are especially likely to be cell-mostly internet users; 34% of teen girls ages 14-17 say they mostly go online using their cell phone, compared with 24% of teen boys ages 14-17. This is notable since boys and girls are equally likely to be smartphone owners.
- Among older teen girls who are smartphone owners, 55% say they use the internet mostly from their phone.

Main Findings of the survey: Fully 95% of teens are online, a percentage that has been consistent since 2006. Yet, the nature of teens' internet use has transformed dramatically during that time — from stationary connections tied to desktops in the home to always-on connections that move with them throughout the day. In many ways, teens represent the leading edge of mobile connectivity, and the patterns of their technology use often signal future changes in the adult population. Teens are just as likely to have a cell phone as they are to have a desktop or laptop computer. And increasingly these phones are affording teens always-on, mobile access to the internet — in some cases, serving as their primary point of access. Smartphone ownership among teens has grown substantially since 2011; 37% of American youth ages 12-17 now have a smartphone, up from 23% in 2011. Tablets are also taking hold, as close to one in four teens say they have one of these devices. Taken together, teens have more ways than ever to stay connected throughout the day — and night.

Question 17: How do you know if a child/young person is ready for a cell phone?

Answer: When considering if a child/young person is ready for a cell phone, his/her **age is as important as his/her maturity level**; ability to follow your (and the school's) rules, and being responsible. A child/young person's being technologically savvy may not have the ability and good judgment to use a cell phone, You may need to say, "No, not yet."

Here are some questions to consider:

Does the child/young person show a sense of responsibility, such as letting you know when they going to be late because they have something after school?

Does the child/young person tend to lose things, such as backpacks or homework folders?

Does the child/young person need to be in touch for safety reasons?

Would having easy access to friends benefit them for social reasons?

Do you think the child/young person will use the cell phone responsibly-for example, not texting during class or disturbing others with their phone conversations?

Can they adhere to limits you set for minutes talked and apps downloaded?

Will they use text, photo, and video functions responsibly and not to embarrass or harass others? (Please see in one of question and answer, how resource caregivers can educate the child/young person about the use of social media).

Question 18: Can children/young people who are in foster care receive an allowance?

Answer: Yes. Earning an allowance teaches children/young people the value and use of money, a skill they will need in the future.

Hawaii Administrative Rules 17-1625-42 Discipline and Guidance. (f) The foster child shall be provided an allowance and/or earned privileges as practiced by the resource family with their own children.

Question 19: Are children/young people that reside in Child Caring Institution allowed to earn an allowance? Does the facility pay the allowance out of contract money that they receive?

Answer: Yes. The Child Caring Institution where children/young people reside may provide opportunities for children/young people to learn the value and use of money through the giving of an allowance, provision of opportunity for earning, spending, and saving. If the Child Caring Institution has a process for giving young people an allowance, the facility shall include in their process a means of keeping children/young people's money secure and a record of monies being held for children/young people. The Child Caring Institution shall ensure that the children/young people's allowance is kept separate from the facility's financial accounts.

Question 20: Are children/young people who are in foster care allowed to attend functions without adult supervision?

Answer: Yes. Resource Caregivers and the identified Child Caring Institution staff should encourage their child/young person to participate in community, school, recreational and cultural activities that are appropriate to their age and development.

Resource Caregiver and the Child Caring Institution staff shall use the prudent parent standards to determine what activity would not require adult supervision.

Question 21: Can young people who are in foster care date or attend the prom?

Answer: Yes. Resource Caregivers can help the young person understand healthy dating practices by assisting with recognizing healthy and unhealthy behavior, developing coping skills for addressing jealousy and anger, recognizing when a relationship may no longer be working, and knowing how to end a relationship.

Prom can feel like a rite of passage for young people and the high school prom is usually the first formal event in the lives of young people. Attending prom can be both exciting and stress producing, it can provide an opportunity for the young person, Resource Caregiver, and peers, to collaborate in the development of planning for the event and engaging in communicate about logistics, behavior and contingencies.

Some additional Guidelines for Resource Caregivers and Child Caring Institution staff on young people dating

Meet the date. Confirm transportation arrangements (who is driving, etc.). Confirm pick up and drop off times. What are the plans for the evening? If date is driving, verify driver's license. If plans change, ensure they know to call before they make the changes. Make a plan with the young person if they become uncomfortable. Give the young person YOUR phone number. Get the date's phone number.

If funding is needed to help pay the cost of prom, the CWS worker will look at availability of funds through the Department's payment system as well as through the *Enhancement funds and *Ho'ola Na Mana'o (Friends of Children's Justice Center) funds. *limited funding amount available each year

ACTIVITIES IN PREPARATION FOR ADULTHOOD

Question 22: Can a young person obtain their learner's permit while in foster care?

Answer: Yes. Allowing a young person to learn to drive and get his/her learner's permit and subsequently a driver's license is part of normalcy for adolescents and teenagers.

Question 23: Can the resource caregiver sign for the young person's learner permit?

Answer: No. The Department has a process in place for a young person in foster care to obtain their permit. The Resource Caregiver or the CWS worker can help the young person complete the application, however the signature for the application is a Department designee. Please consult with the CWS worker on assisting the young person to obtain their learner's permit.

Hawaii Revised Statutes (HRS) 587A-15 (b) If an authorized agency has foster custody it has the following duties and rights (7) Providing consent for the child's application for driver's instructional permit, provisional driver's license, or driver's license.

Hawaii Revised Statutes (HRS) 286-112(a)(3) states that, "The director of human services, or the director's designee, shall sign and verify the application of any applicant who is under foster care." Child Welfare Services (CWS) Section Administrators (SAs) have been designated as the director's designee

If the young person is not able to participate in driver's education through the school due to waiting list, then Resource Caregivers may ask the CWS worker and GAL/CASA for assistance in helping pay the cost of private driver's education. The CWS worker will look at availability of funds through the Department's payment system first then look through the *Enhancement Funds, *Ho'ola Na Mana'o (Friends of Children's Justice Center) funds, and other enhancement funds. *limited funding amount available each year, enhancement funds may be different by island.

Question 24: Can a child/young person ride in the back of a truck?

Answer: Not if the child is 12 and under. HRS 291-14 ...12 and under are not allowed to ride in the bed of the truck. It is not against the law for children 13 and above to ride in the back of a truck.

Question 25: Who pays for the motor vehicle insurance for the young person?

Answer: The department does not provide, pay or reimburse for motor vehicle insurance. If a Resource Caregiver allows the young person to drive their vehicle then they need to make sure that they are added to their insurance policy.

§346-17.3 Motor vehicle insurance. The parents of a child under foster care who has obtained a driver's license shall pay the costs of the child's motor vehicle insurance, unless the court determines the parents to be financially unable to pay the costs, in which case the child's insurance costs shall be paid pursuant sections 431:10C-407 and 431:10C-410. [L 2010, c 135, pt of §2].

If the court has determined that parents are unable to pay the car insurance then the car insurance can be paid through the State welfare office. This would require that the young person has an automobile in his name.

For a young person who does not have a car in their name, but the Resource Caregiver allows the young person to drive their vehicle, the Resource Caregiver will need to add the young person to their insurance policy.

A young person added to a caregiver's insurance policy may not be a factor that results in an increase premium. A persons driving record (accidents or violations) and type of vehicle are reasons that an insurance company can increase an individual's premium. Every insurance company may have policies that are written different so resource caregivers would need to check their policy language when adding a young person on their car insurance policy. It will be the responsibility of the Resource Caregiver to cover the cost of the increase premium.

Question 26: Can children/young people ride in a car driven by another licensed minor?

Answer: Yes. They may ride with other licensed adults and licensed teen drivers with the permission of their resource caregiver. Resource Caregivers shall use the reasonable and prudent parent standard in determining whether to give permission. Drivers shall have the proper equipment in the car (i.e.: in accordance with the law).

Please see Hawaii Revised Statutes HRS 286-102.6 Provisional license for person under the age of eighteen.

Hawaii Revised Statutes 286-102.6 – Provisional license for persons under the age of eighteen

286-102.6 Provisional license for persons under the age of eighteen. (a) A person may be granted a provisional license to drive passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants, and trucks and vans having a gross vehicle weight rating of fifteen thousand pounds or less if the person:

- (1) Is at least sixteen years of age but under the age of eighteen;
 - (2) Holds an instruction permit and has held the permit for a period of at least one hundred eighty days and there is no pending proceeding that might result in the suspension or revocation of the instruction permit; and
 - (3) Satisfactorily completes all requirements of sections 286-108 and 286-109.
- (b) The provisional license shall entitle the provisional licensee to drive the class of motor vehicles specified in subsection (a) upon the roadways of the State; provided that:
- (1) The provisional licensee shall have the provisional license in the provisional licensee's immediate possession while driving;
 - (2) All occupants of the motor vehicle shall be restrained by safety belts or a child passenger restraint system as required under sections 291-11.5 and 291-11.6;
 - (3) The provisional licensee shall not transport more than one person under the age of eighteen, unless the person is, with respect to the provisional licensee:
 - (A) A household member; or
 - (B) A household member's foster or hanai child,
 without being accompanied and supervised by a licensed driver who is the provisional licensee's parent or guardian; and
 - (4) Except as provided in subsection (c), whenever the provisional licensee is driving between the hours of 11:00 p.m. and 5:00 a.m., a licensed driver who is the provisional licensee's parent or guardian and is licensed to operate the same category of motor vehicle as the licensee, shall be in the motor vehicle and shall occupy the passenger seat beside the licensee.
- (c) A provisional licensee may drive between the hours of 11:00 p.m. and 5:00 a.m. without a licensed parent or guardian in the motor vehicle under the following conditions:
- (1) The provisional licensee is traveling to or from the provisional licensee's place of employment, operation of the motor vehicle is necessary for this purpose, and the provisional licensee keeps in the provisional licensee's possession a signed statement from the employer containing the employer's name, address, telephone number, and verification of employment and work hours; or
 - (2) The provisional licensee is traveling to or from a school-authorized activity of the provisional licensee, operation of a motor vehicle is necessary for this purpose, and the provisional licensee keeps in the provisional licensee's possession a signed statement from a parent or guardian containing the parent's or guardian's name, address, and telephone number, and verification that operation of the motor vehicle by the provisional licensee is necessary to travel to or from the school-authorized activity;
- provided that the provisional licensee shall not transport more than one person under the age of eighteen between the hours of 11:00 p.m. and 5:00 a.m. without being accompanied and supervised by a licensed driver who is the provisional licensee's parent or guardian.

Question 27: Can a young person work a part time job? What does the law say about minors working?

Answer: Yes. A young person who is in foster care can obtain part time employment as long as they follow Child Labor Law. Resource Caregivers and Child Caring Institution staff shall **encourage** and **support** the young person to seek part-time employment as this helps them to learn life skills, build work ethics and learn money management. The Resource Caregiver and Child Caring Institution staff can assist the young person to balance work, school, and household responsibilities.

Resource Caregivers and Child Caring Institution staff shall assist the young person to address any barriers to employment, like transportation. When possible, provide transportation to and from the young person's employment or ensure that the young person has a way to and from work. Depending on the CWS unit, the young person can obtain a bus pass from the CWS worker or the Resource Caregiver will need to purchase a bus pass and get reimbursed from the Department. Please check with your young person's CWS worker for how they handle bus passes for young people. Resource Caregivers that provide transportation to and from the young person's work can claim mileage.

Child Labor Law

§390-2 Employment of minors under eighteen years of age. (a) No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any gainful occupation at any time except as otherwise provided in this section. In no event, however, shall the minor be permitted to be employed or permitted to work in, about, or in connection with adult entertainment or any gainful occupation prohibited by law or which has been declared by rule of the director to be hazardous for the minor.

(b) A minor who has attained the age of sixteen years but not eighteen years may be employed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school; provided that the employer of the minor records and keeps on file the number of a valid certificate of age issued to the minor by the department.

(c) A minor who has attained the age of fourteen years but not sixteen years may be employed or permitted to work:

- (1) During periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;
- (2) If the employer of the minor procures and keeps on file a valid certificate of employment;
- (3) No more than five hours continuously without an interval of at least thirty consecutive minutes for a rest or lunch period;
- (4) Between 7:00 a.m. and 7:00 p.m. of any day; provided that during any authorized school break, the minor may be employed between 6:00 a.m. and 9:00 p.m.;
- (5) No more than six consecutive days;
- (6) No more than eighteen hours in a calendar week during which the minor is legally required to attend school, and no more than forty hours in a calendar week during which the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;
- (7) No more than three hours on any school day; and
- (8) No more than eight hours on any non-school day.

(d) A minor under fourteen years of age may be employed or permitted to work in theatrical employment or in harvesting of coffee under circumstances and conditions prescribed by the director by rule; provided that:

- (1) The work is performed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school;
- (2) With respect to employment in harvesting of coffee, the director has determined after a public hearing that sufficient adult labor to perform the work is unavailable; and
- (3) The employer of the minor procures and keeps on file a valid certificate of employment. [L 1969, c 162, pt of §2; am L 1977, c 86, §1; gen ch 1985; am L 2003, c 61, §3]

OTHER QUESTIONS

Question 28: Is parental/guardian permission required prior to a child/young person receiving a haircut/coloring?

Answer: The Department's policy is that the **parent's or guardian's consent is required** for the child/young person to have a hair cut, hair color, body piercing, and tattoo. The Resource Caregiver or the Child Caring Institution are to consult with the child's CWS worker, who will contact the parents. When parents' whereabouts are unknown or parents are not responding, the matter can be brought before the GAL and Family Court.

Personal parental preference: (some parents have not cut their child's hair since the child was born, some parents want to be present when the child's hair is cut or ears pierced), religion, culture, and family practice, need to be considered.

Hawaii Administrative Rules 17-1625-47 Preservation of family connections. (a) A primary function of resource families will be to ensure contact with siblings, biological parents, relative, kith and kin.

Question 29: Can Resource Caregivers look for therapy for the child/young person in their care?

Answer: **It is not the Resource Caregiver's responsibility to find a therapist for the child/young person.** However, Resource Caregivers may have other children/young people that have used a certain therapist and they are able to get the child/young person in to begin therapy sooner. The Department does have contract providers and if specialized treatment is needed (i.e.: sex abuse) resource caregivers should always have a conversation with the child's worker to make sure that everyone is on the same page for the child/young person's treatment plan.

Question 30: Do babysitters who watch a child/young person who is in foster care need to undergo a Child Abuse and Neglect (CA/N) and Hawaii State Criminal History Check before they are able to watch the child/young person?

Answer: No. The Resource Caregiver is responsible to ensure the babysitter is suitable to complete the job and is provided guidance of what to do in an emergency. Furthermore, disciplinary procedures and confidentiality is explained to the babysitter.

If the Resource Caregiver is receiving child care subsidy through the Department of Human Services, Benefit Employment Social Services Division (BESSD) to pay for child care cost for the child, then the Resource Caregiver shall ensure that the babysitter is in compliance with Hawaii Administrative Rules 17-798.2 Child Care Services.