

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 804

CHILD WELFARE GENERAL PROVISIONS

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Historical Note: This chapter is based substantially upon Rule 15 §§5001.10-5001.16 "Governing Social Services To Family and Children's Services," Public Welfare Division, Department of Social Services and Housing. [Eff as Rule 64 §§2001.10-2001.16 10/21/77; ren to Rule 15 10/31/78; R 7/19/82]

§17-804-1 Goals. Child welfare services shall be directed at helping children achieve or maintain the following goals:

- (1) Self sufficiency, by assisting children to attain or maintain a level of social functioning consistent with individual capabilities;
- (2) Preventing or remedying abuse, neglect, or

- exploitation of children, or preserving, rehabilitating, or reuniting families;
- (3) Preventing or reducing institutionalization of children; and
 - (4) Securing admission to institutional care when other forms of care are not appropriate. [Eff 7/19/82; am and comp JUL 30 1992]
(Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §1392.55)

§17-804-2 Definitions. For the purpose of this chapter:

"Application" means a written request for services for a minor made by parents, persons legally responsible for a minor, community agency, or interested individual.

"Child" means any minor under eighteen years of age.

"Child welfare services" means social services which supplement or substitute for parental care and supervision for the purpose of:

- (1) Preventing or remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children;
- (2) Protecting and caring for homeless, dependent, or neglected children; and
- (3) Otherwise protecting and promoting the welfare of children.

"Primary recipient" means an eligible individual for whom a specific goal is established and who is provided specified social services in order to achieve that goal.

"Title XX" means title XX of the Social Security Act (42 U.S.C. §1397). [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-804-3 Application for child welfare services.

(a) The application for services for a minor shall be in writing and shall be completed by parents, persons legally responsible for the minor, a community agency, or an interested individual. When a referral is made by another agency, a written referral and a social summary shall be requested of that agency. The department social worker shall verify with the agency

that the child's parents or legal guardians understand the referral to the department.

(b) The date of application shall be the date the application is received by the branch.

(c) The applicant or the applicant's authorized representative shall provide the department with the necessary information in writing to:

(1) Establish eligibility for child welfare services; and

(2) Identify the nature or type of services needed from the department.

(d) If the individual requesting services is a minor, the following conditions shall be met:

(1) The application for services shall be completed by the parent or legal guardian of the minor;

(2) The minor shall be involved in planning for services to the extent of the minor's capacities; and

(3) Minors applying without the knowledge of parents shall be provided counseling services to assist in understanding the need for parental involvement.

(e) When the application is received, the social worker shall determine:

(1) The applicant's eligibility for child welfare services according to the eligibility requirements of section 17-804-4;

(2) The nature of the problem as stated by the applicant;

(3) Whether the identified problem may be appropriately addressed by the child welfare services offered by the department;

(4) The service goals of the applicant; and

(5) The need to inform the applicant of and refer the applicant to other community resources if appropriate, in order to:

(A) Provide freedom of choice for the applicant; and

(B) Help the applicant secure services not available from the department. [Eff

7/19/82; am and comp *JUL 30 1992*]

(Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.40, 1392.49)

§17-804-4 Eligibility requirements. Child welfare services shall be provided children under

eighteen years of age and on behalf of the child to the child's parents, relatives, or caretakers on the basis of need for services to the extent that departmental funds and resources are available. Child welfare services shall not be denied on the basis of financial need, legal residence, social status, or religion. [Eff 7/19/82; comp JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §§1392.55; 1392.62)

§17-804-5 Disposition of application. The disposition of applications shall be made by taking one of the following actions:

- (1) The applicant shall be determined eligible for child welfare services when information provided establishes that the applicant meets the eligibility requirements of section 17-804-4 for child welfare services;
- (2) The applicant shall be determined ineligible for child welfare services when it is clearly established and recorded that the child does not meet the eligibility requirements described in section 17-804-4 and the program eligibility requirements of chapters 17-805 through 17-807.
 - (A) Applicants who leave Hawaii or applicants whose whereabouts are unknown shall be determined ineligible.
 - (B) Applicants requesting services which are not included in the scope of child welfare services provided by the department shall be determined ineligible; or
- (3) The department shall discontinue applications which are withdrawn because the applicant decides not to use the services of the department. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.40, 1392.49)

§17-804-6 Time limits for application disposition. (a) The disposition of all applications for child welfare services shall be made within thirty calendar days from the date of application.

(b) For applicants determined eligible, services shall be initiated or arranged within:

- (1) Fifteen calendar days after notification of

- eligibility; or
- (2) Thirty calendar days after acceptance of a request for service.
 - (c) When the eligible recipient or applicant cannot be served within the forty-five calendar day period, the applicant shall be assisted to:
 - (1) Consider other community or department resources; or
 - (2) Consider voluntary withdrawal of the application. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.40, 1392.49)

§17-804-7 Establishment and implementation of the service plan. (a) The department social worker shall establish with the client a service plan which shall be recorded and shall include:

- (1) Identification of the problem;
 - (2) Goals to be achieved, including:
 - (A) Self-care or self-sufficiency;
 - (B) Protection;
 - (C) Prevention of inappropriate institutionalization; and
 - (D) Institutional care; and
 - (3) Barriers that stand in the way of achieving the goals.
- (b) The social worker shall assess the problem and shall define the goals to be achieved prior to approval of an application for a service. The remainder of the service plan shall be completed as soon as possible thereafter.
- (c) The social worker and client shall carry out the mutually identified tasks to remove barriers for goal achievement and the social worker shall assist the client where appropriate to carry out tasks.
- (d) Implementation of the service plan shall be carried out in accordance with rules specified in chapters 17-804 through 17-807. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.40; 1392.49)

§17-804-8 Notice to the applicant of application disposition. (a) The department shall notify applicants about the applicants' eligibility for service within fifteen calendar days after the department makes a decision.

(b) The applicant shall be sent a written notice that contains a statement of the action taken, the reasons for the action, the specific rules supporting the action, and of the right to appeal the department's decision through established fair hearing procedures. [Eff 7/19/82; comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.40, 1392.49)

§17-804-9 Right to a fair hearing. Every applicant or recipient shall be informed in writing at the time a decision is made regarding a child welfare service application or request for additional services, and at the time of any department action affecting the service the recipient is receiving:

- (1) Of the applicant's or recipient's right to a fair hearing;
- (2) Of the method for obtaining a hearing; and
- (3) That the applicant or recipient may be represented by legal counsel, relatives, a friend, any other spokesperson the applicant or recipient chooses; or that the applicant or recipient may be self represented. [Eff 7/19/82; comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.11, 1392.49)

§17-804-10 Authorization for service. (a) The department shall provide services only as part of a social service plan for those individuals who meet the eligibility requirements for the specific service.

(b) The services shall be authorized by the department social worker and shall be for a predetermined period during which services are necessary. Services authorized shall not cover a period prior to the actual date from which the individual was determined eligible for the service.

(c) Payment for services shall be provided through purchase order.

(d) Payment for services shall not be made for services which are not included in the service plan and which are provided the recipient without prior written authorization of the department. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.40, 1392.49)

§17-804-11 Request for additional services. (a)

There shall be written documentation of a recipient's request for services in addition to the services the recipient is already receiving. The documentation may be:

- (1) A written request completed by the individual; or
- (2) A recording of the request by departmental staff.

(b) A request for additional services shall be determined in accordance with sections 17-804-3 through 17-804-8. Disposition shall be made within thirty calendar days from the date the request is received by the department. [Eff 7/19/82; am and comp

JUL 30 1992] (Auth: HRS §346-14) (Imp: HRS §346-14, 45 C.F.R. 1392.49)

§17-804-12 Redetermination of eligibility for child welfare services. (a) The department shall redetermine eligibility for continued child welfare services:

- (1) When information is obtained of anticipated changes in the individual's situation that may make the individual ineligible for services;
- (2) Within thirty days after information is received that changes have occurred in the individual's circumstance which may make the individual ineligible for services; and
- (3) At least every six months from the month eligibility for service was approved.

(b) Each service plan shall be reviewed at least every six months from the month eligibility for service was approved. The review shall:

- (1) Determine the continued existence of the conditions for which services were approved;
- (2) Be adjusted according to new developments and progress made; and
- (3) Determine the need for continuation of services.

(c) Redetermination of eligibility for a specific service shall be made in the same manner as an application. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§1392.40, 1392.49)

§17-804-13 Confidentiality. The provisions of chapter 17-601 shall be applicable to the specific services identified in chapters 17-804 through 17-807. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §1391.3)

§17-804-14 Basis for termination. Services shall be terminated when:

- (1) The recipient is ineligible for continued services;
- (2) The recipient and the worker agree except when the recipient is not available;
- (3) The service is no longer included in the department's scope of services for child welfare services;
- (4) The recipient is unwilling or unable to make constructive use of the service;
- (5) The recipient leaves the State;
- (6) The recipient dies; or
- (7) The recipient's whereabouts are unknown. [Eff 7/19/82; am and comp JUL 30 1992] (Auth: HRS §346-14) (Imp: 45 C.F.R. §1392.49)