

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 15, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair
Committee on Health and Human Services

FROM: Cathy Betts, Director

SUBJECT: **HB 470 SD2– RELATING TO MINORS.**

Hearing: March 17, 2023, 1:00 pm
Conference Room 225 & Via videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill and offers comments.

PURPOSE: The bill requires a provider who renders no cost emergency shelter and related services to take steps to ensure pertinent youth obtain and receive services from the juvenile justice or child welfare systems. Makes permanent the definition of "provider" as it relates to entities eligible to provide no cost emergency shelter and related services to consenting minors. Effective 6/30/3000. (HD2)

The HD1 defected the effective date. The HD2 amended the measure by:

- (1) Requiring a provider who renders no cost emergency shelter and related services to a minor to take steps to ensure that pertinent youth obtain and receive services from the juvenile justice or child welfare systems, as applicable, as required by the federal Runaway and Homeless Youth Act; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

DHS appreciates the House Committee on Judiciary & Hawaiian Affairs amendments and the Legislature's commitment to addressing the needs of minors experiencing homelessness.

Minors experiencing housing instability and homelessness need safe places to seek shelter and receive assistance. [Act 23](#), Session Laws of Hawaii (SLH) 2021, amended section 346-17.6, Hawaii Revised Statutes (HRS). Act 23 allows organizations that are not child placing organizations or child caring institutions regulated by the DHS Child Welfare Services Branch (CWS) to provide shelter and services to minors without the consent of their parents for up to 30 days. These amendments sunset on 6/30/2023.

Currently, DHS CWS does not oversee shelters that are not a child placing organizations (CPOs) or child caring institutions (CCIs).

However, DHS CWS strongly prefers that all providers sheltering minors become appropriately licensed by DHS CWS or the Department of Health. Act 23 also gave DHS CWS time to consider whether additional licensing requirements should be developed to address providers who shelter minors experiencing or at risk of homelessness. Upon review of licensing options, DHS CWS's position is that providers should have some oversight by an appropriate licensing entity. DHS CWS has three licensing options to provide shelter services for minor children.

To ensure the safety and well-being of minors to the extent possible, the Department's position is that any individual, organization, or institution providing substitute care for children or youth in Hawaii must have appropriate oversight. To comply with federal regulations and State law, DHS offers three types of licenses based on standards outlined in Title IV-E of the Social Security Act: (1) Resource Caregiver homes (RCGs) are the least restrictive, most family-like settings and can house up to 5 unrelated minors or up to 6 minors to accommodate sibling groups; (2) Child Caring Institutions (CCIs) are for short-term stays and can accommodate 6-25 minors; (3) Child Placing Organizations (CPOs) support or oversee RCG homes.

Hawaii does not have a specific type of license for youth homeless shelters, though the youth shelters with whom Child Welfare Services (CWS) contracts fall under CCI licensure. Section 346-16, HRS, defines a CCI as "any institution other than an institution of the State, maintained for the purpose of receiving six or more minor children for care and maintenance, not of common parents, apart from their parents or guardians on a twenty-four-hour basis for

monetary payment. This term shall not apply to any boarding school which is essentially and primarily engaged in educational work.”

The Department’s licensure process for CCIs includes conducting background checks; confirming the legitimacy of business, insurance, leadership, and finances and accounting; ensuring compliance with business, health and sanitation, zoning, and building codes; ensuring adequate and appropriate space, facilities, and utilities; reviewing rules and policies that impact staff and clients, including ethics and confidentiality, admission and discharge criteria, services provided, supervision, communications with family and other agencies, emergency response, and disaster preparedness; and providing training related to child development, child care, trauma-informed care, cultural sensitivity.

Other than through DOH, DHS is unaware of any other means by which an emergency youth shelter in Hawaii may be regulated and therefore remains concerned about the omission of “license” from the definition of provider proposed in this measure. Further, CWS will not be able to contract with such an entity that does not meet one of the three licensing options. However, CWS will work with providers to obtain the appropriate licensure.

Thank you for the opportunity to provide additional comments.



HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Jefferson Gourley, Secretary

Judith F. Clark, Executive
Director

Network Membership

Bay Clinic

Big Brothers Big Sisters Hawai`i

*Big Island Substance Abuse
Council*

Bobby Benson Center

Child and Family Service

Coalition for a Drug-Free Hawai`i

Collins Consulting, LLC

Domestic Violence Action Center

EPIC `Ohana, Inc.

Family Programs Hawai`i

Family Support Hawai`i

Friends of the Children's Justice

Center of Maui

Get Ready Hawai`i

Hale Kipa, Inc.

Hale `Opio Kaua`i, Inc.

Hawai`i Children's Action

Network

Hawai`i Health & Harm

Reduction Center

Ho`ola Na Pua

Ho`okele Coalition of Kaua`i

Ka Hale Pomaika`i

Kahi Mohala

Kokua Kalihii Valley

Kaua`i Planning and Action

Alliance

Maui Youth and Family Services

Na Pu`uwai Molokai Native

Hawaiian Health Care

Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together

PHOCUSED

PFLAG - Kona, Big Island

Planned Parenthood of the

Great Northwest, Hawaii

Alaska, Kentucky, Indiana

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

March 15, 2023

To Senator Joy San Buenaventura, Chair,
And members of the Committee on Health and Human Services

COMMENTS ON
HB 470 HD 2 RELATING TO MINORS

Hawaii Youth Services Network (HYSN) supports the intent of HB 470 HD 2 Relating to Minors.

HYSN has coordinated a statewide runaway and homeless youth partnership since 1981 using federal funds under the Runaway and Homeless Youth Act.

Enabling minors to consent for admission to an emergency youth shelter ensures that they are able to escape the dangers of living on the streets in those rare situations in which consent from a parent or guardian cannot be obtained or when the youth may be in danger from a family member.

Youth on the streets are subject to physical and sexual abuse and exploitation, experience hunger, and have difficulty accessing to health care and education. They risk engagement with the law enforcement and juvenile justice systems as 1/3 of Hawaii's juvenile arrests are for running away from home. It is critical for homeless youth to have access to shelter.

The goal of the federal Runaway and Homeless Youth Act and of local youth homelessness providers is to help young people enter safe and appropriate living environments. Our priority is to safely reunite youth with their families and help them resolve the issues that led to their homelessness. We seek foster care and other long term residential option when other placements cannot be found.

Foster care is one of the options that may be pursued if there are no other more positive alternatives. The minor consent to shelter law was created because the minor's situation often does not meet the requirements for Child Welfare Services to open an investigation. Thus, some of our homeless youth are not eligible for CWS services.

This is a complicated issue that needs further discussion between state

Many homeless youth have had previous unpleasant and traumatic experiences with foster care and juvenile justice systems. The idea of being forced to accept services from those systems can be a deterrent to accepting help.

This is a complicated issue that needs further discussion among state government agencies and runaway and homeless youth service providers.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Judith F. Clark". The signature is written in a cursive style with a large, sweeping initial 'J'.

Judith F. Clark, MPH
Executive Director

HB-470-HD-2

Submitted on: 3/14/2023 2:33:09 PM

Testimony for HHS on 3/17/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 470 HD 2.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

HB-470-HD-2

Submitted on: 3/14/2023 1:37:56 PM

Testimony for HHS on 3/17/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports HB470. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

Opportunity Youth Action Hawai‘i

March 17, 2023

Senate Committee on Health and Human Services

Hearing Time: 1:00 PM
Location: State Capitol Conference Room 225
Re: HB 470, HD2 Relating to Minors

Aloha e Chair San Buenaventura, Vice Chair Aquino, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai‘i hui, we are writing in **strong support** of HB 470 HD2, relating to minors. This bill will require a provider who renders no cost emergency shelter and related services to take steps to ensure pertinent youth obtain and receive services from the juvenile justice or child welfare systems; and make permanent the definition of "provider" as it relates to entities eligible to provide no cost emergency shelter and related services to consenting minors.

The significance of providing homeless youth with emergency shelter and services cannot be overstated as shelter is a foundation of stability and access to essential resources, fostering positive life outcomes and mitigating the potential for future adversities. According to a recent street youth study, over three fourths of homeless youth in our state have experienced physical, emotional, or sexual abuse. About a quarter of homeless youth reported that their reason for becoming homeless is physical abuse or parental substance abuse. For many young people, being returned immediately to their families or foster care is less than optimal, leaving them with no meaningful choice but homelessness. For children, homelessness reflects a most extreme loss of family and caretaking. On top of shelter, children and young adults deserve the right to services and programs that could aid them in their journey of life, offering much needed support that these youth may not have experienced before.

Our collective, Opportunity Youth Action Hawai‘i (OYAH), works to support young people under age 25 who are disconnected from school and work, referred to as “opportunity youth.” This developmental time period is extremely consequential to the individual growth and overall life chances of our children. Although HB 74 specifically pertains to minors, we also support the legislature’s ongoing efforts to address the needs of opportunity youth more broadly.

Opportunity Youth Action Hawai‘i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

Please support HB 470, HD2.

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840

HB-470-HD-2

Submitted on: 3/15/2023 7:38:34 AM

Testimony for HHS on 3/17/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Act 23 provides an important expansion of the circumstances in which a minor may consent to no-cost emergency shelter. This is a safeguard against abuse, domestic violence and neglect that is particularly important for youth that identify as LGBTQ+, who disproportionately experience violence at home simply for being who they are.

Youth who experience abuse in their homes have the choice between two paths: They can either enter the foster care system or reunite with their family. When those options appear or are untenable, many are forced by circumstance to choose a third option: to live on the street.

According to the 2018 street youth study, over three fourths of homeless youth have experienced some sort of abuse rather it be physical, emotional, or sexual. Parental substance abuse also takes a heavy toll on the welfare of a child. Consequently, around a quarter of homeless youth list their reason for becoming homeless as physical abuse, or parental substance abuse.

Youth in Hawai'i have historically faced significant and life-threatening challenges when they enter the cycle of homelessness. According to some reports, nearly half of homeless youth are Native Hawaiian (Yuan, S., Stern, I. R., Gauci, K. T., & Liu, L. (2018). Street Youth Study. Honolulu, HI: University of Hawai'i, Center on the Family).

HRS § 346-17.6 was enacted into law through SB921 (2011) and created the definition of "provider" as well as the legal framework for childcare providers to supply shelter and services to homeless youth. HB 282 (2021) expanded the definition of "provider" to include organizations that supply homeless youth with housing and services. The previous definition for providers was only limited to licensed childcare and child placing organizations. Furthermore, HB282 established a sunset date set for June 30, 2023.

Previously, minors could not be provided housing without consent from a parent or guardian. Following the commencement of the law, organizations could provide minors with no cost housing and other services for a short term without the consent from a parent or guardian. These needs are especially relevant for youths who have suffered abuse at the hands of family members.

Please pass HB470 HD2.

HB-470-HD-2

Submitted on: 3/16/2023 10:55:57 AM

Testimony for HHS on 3/17/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Houser	Testifying for RYSE (Residential Youth Services & Empowerment)	Comments	Remotely Via Zoom

Comments:

RYSE is a community based organization that has been providing shelter and supportive services to unaccompanied minors experiencing homelessness for more than 2 years. We are not a licensed Child Care Institute but currently adhere to the ensurances of compliance with business, health and sanitation, safe facilities, communication with families and other agencies, emergency response, trauma informed care and cultural sensitivity. Our objection to CCI licensure is not pertaining to these health and safety standards but to the required involvement of the child welfare and judiciary systems. We have written consent from the familes and/or legal guardians for these minors to be in the care of our organization.