



GOV. MSG. NO. **784**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 23, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 23, 2007, the following bill was signed into law:

SB1444 SD1 HD1

A BILL FOR AN ACT RELATING TO THE PURPOSE
OF THE HAWAII YOUTH CORRECTIONAL
FACILITY.
(ACT 033)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO THE PURPOSE OF THE HAWAII YOUTH CORRECTIONAL FACILITY.

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

1 SECTION 1. Section 352-2.1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) This chapter creates within the department of human
4 services, and to be placed within the office of youth services
5 under the supervision of the director and such other
6 subordinates as the director shall designate, the Hawaii youth
7 correctional facilities, [~~in order~~] to provide for the
8 [~~incarceration, punishment,~~] custody, rehabilitation, and
9 institutional care and services to [~~reintegrate~~] prepare for
10 reentry into their communities and families, [~~children~~] youth
11 committed by the courts of the State."

12 SECTION 2. Section 571-48, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§571-48 Decree, if informal adjustment or diversion to a**
15 **private or community agency or program has not been effected.**

16 When a minor is found by the court to come within section 571-
17 11, the court shall so decree and in its decree shall make a



1 children; or place the child in a private home.
2 If legal custody of the child is vested in a
3 private agency or institution in another state,
4 the court shall select one that is approved by
5 the family or juvenile court of the other state
6 or by that state's department of social services
7 or other appropriate department; or

8 (C) The court may fine the child for a violation
9 which would be theft in the third degree by
10 shoplifting if committed by an adult. The court
11 may require the child to perform public services
12 in lieu of the fine;

13 (2) As to a child adjudicated under section 571-11(2):

14 (A) The court may place the child under protective
15 supervision, as hereinabove defined, in the
16 child's own home, or in the custody of a suitable
17 person or agency elsewhere, upon conditions
18 determined by the court; or

19 (B) The court may vest legal custody of the child,
20 after prior consultation with the agency or
21 institution, in a local governmental agency or
22 institution licensed or approved by the State to



1 periodic during minority, but no order shall have any
2 force or effect beyond the period authorized by
3 section 571-13. An agency granted legal custody shall
4 be subject to prior approval of the court in any case
5 in which the child is to reside without the
6 territorial jurisdiction of the court and may be
7 subject to prior approval in other cases. An
8 individual granted legal custody shall exercise the
9 rights and responsibilities personally unless
10 otherwise authorized by the court;

11 (4) Whenever the court commits a child to the care of the
12 director of human services or executive director of
13 the office of youth services, or vests legal custody
14 of a child in an institution or agency, it shall
15 transmit with the order copies of the clinical
16 reports, social study, and other information pertinent
17 to the care and treatment of the child, and the
18 institution or agency shall give to the court any
19 information concerning the child that the court may at
20 any time require. An institution or agency receiving
21 a child under this paragraph shall inform the court
22 whenever the status of the child is affected through



1 for the welfare of the child. The court may also make
2 appropriate orders concerning the parents or other
3 persons having custody of the child and who are
4 parties to the proceeding. If such persons fail to
5 comply with the requirement or with the court order,
6 the court may proceed against them for contempt of
7 court;

8 (8) In support of any order or decree for custody or
9 support, the court may make an order of protection
10 setting forth reasonable conditions of behavior to be
11 observed for a specified time, binding upon both
12 parents or either of them. This order may require
13 either parent to stay away from the home or from the
14 other parent or children, may permit the other to
15 visit the children at stated periods, or may require a
16 parent to abstain from offensive conduct against the
17 children or each other;

18 (9) The court may dismiss the petition or otherwise
19 terminate its jurisdiction at any time;

20 (10) In any other case of which the court has jurisdiction,
21 the court may make any order or judgment authorized by
22 law;



1 (11) The court may order any person adjudicated pursuant to
2 section 571-11(1) to make restitution of money or
3 services to any victim who suffers loss as a result of
4 the child's action, or to render community service;

5 (12) The court may order any person adjudicated pursuant to
6 section 571-11(2) to participate in community service;
7 and

8 (13) The court may order the parents of an adjudicated
9 minor to make restitution of money or services to any
10 victim, person, or party who has incurred a loss or
11 damages as a result of the child's action."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.



GOVERNOR OF THE STATE OF HAWAII

Approved this day: APR 23 2007

