

STAND. COM. REP. NO.

583

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 921
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 921, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow a child services provider to provide emergency shelter and related services if the provider obtains the minor's consent in lieu of the consent of the minor's parent, legal guardian, or custodian, to protect the health and safety of the minor.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, Planned Parenthood of Hawaii, and four individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that this measure will increase the safety of minors who are runaways or homeless by allowing them to consent for admission to an emergency youth shelter if their parents or guardians cannot be reached to provide consent or if the parent refuses consent but will not allow the minor to return home. As raised in testimony submitted to your Committee, minors become homeless for a variety of reasons. According to the National Runaway Switchboard, the most common reason for young people wanting to run away or to actually leave home is conflict at home. Parental or guardian consent may not be available

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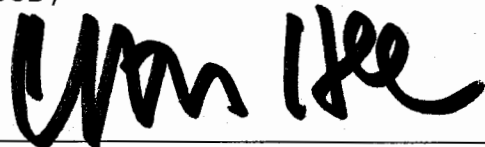
because a parent is unreachable or unwilling to consent, or because reaching out to the parent or guardian may jeopardize the minor's safety and wellbeing. Allowing a minor to consent to emergency shelter and related service in lieu of parental or guardian consent safeguards the minor while not placing the provider into a precarious legal situation for attempting to help the minor.

Your Committee has amended this measure by:

- (1) Conforming subsection (g) of the proposed new statutory section, relating to the good faith effort required by the provider to contact the minor's parent, guardian, or custodian, to the provisions regarding the minor's consent in the proposed subsection (b);
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 921, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 921, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 921 SD1	Committee Referral: HMS, JDL	Date: 2/24/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**