
A BILL FOR AN ACT

RELATING TO JUVENILE JUSTICE REFORM.

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

1 SECTION 1. In 2014, the legislature passed Act 201, to
2 reform Hawaii's juvenile justice system, commit to improve
3 outcomes for Hawaii's youth in the juvenile justice system, and
4 maximize the effective use of the Hawaii youth correctional
5 facility's appropriations and treatment options.

6 With incarceration costing over \$200,000 annually per bed,
7 diversion of youth away from the traditional incarceration model
8 of the Hawaii youth correctional facility to an alternative
9 therapeutic and rehabilitative program has substantially reduced
10 the facility's population and expenses.

11 The legislature finds that critical services to reduce
12 delinquency, including mental health, youth homelessness,
13 vocational services, and substance abuse treatment, are still
14 insufficiently resourced and insufficiently accessible to
15 Hawaii's at-risk youth population.

16 Hawaii's commitment to the prevention of juvenile
17 delinquency and support of Hawaii's youth must also include



1 services for the homeless, drug addicted, mentally ill, and
2 trafficked youth. The 2017 Hawaii statewide point in time count
3 reported the increasing significance of unaccompanied youth and
4 youth who are parents who are experiencing homelessness. For
5 purposes of the point in time count, the United States
6 Department of Housing and Urban Development defines youth as
7 individuals twenty-four years or younger. In 2017, Hawaii's
8 point in time count reported three hundred nineteen
9 unaccompanied youth, with two hundred sixty-three or eighty-two
10 per cent, living unsheltered. Twenty-four individuals under the
11 age of eighteen were found living unsheltered without any
12 accompanying adults. The 2017 total unaccompanied youth count
13 of three hundred sixteen was similar to the three hundred nine
14 unaccompanied youth counted in 2016.

15 In accordance with section 20.1 of Act 119, Session Laws of
16 Hawaii 2015, as added by section 4(17) of Act 124, Session Laws
17 of Hawaii 2016, the department of human services identified a
18 gap in services for homeless youth aged twenty-four and under.
19 The report stated that the population of unaccompanied youth is
20 difficult to count as these youth tend to be mobile and
21 transient, that some do not want to be found, and that



1 unaccompanied youth are generally not connected to the formal
2 support service system.

3 Further, although overall juvenile arrests are down, recent
4 news reports indicate an increase in juvenile arrests,
5 particularly in Waikiki involving youth who may also be
6 homeless.

7 Regarding substance use by youth, most recent reports show
8 that while use of marijuana and cigarettes appear to be
9 declining amongst youth aged twelve to seventeen, the Substance
10 Abuse and Mental Health Services Administration published
11 *Behavioral Health Barometer: Hawaii, Volume 4: Indicators as*
12 *measured through the 2015 National Survey on Drug Use and*
13 *Health, the National Survey of Substance Abuse Treatment*
14 *Services, and the Uniform Reporting System (SAMHSA report),*
15 reporting that "[i]n Hawaii, an annual average of about 6,000
16 adolescents aged 12-17 (6.2% of all adolescents) in 2014-2015
17 used marijuana in the past month. The annual average percentage
18 in 2014-2015 was lower than the annual average percentage in
19 2011-2012." With regard to cigarette use, the same report
20 states "[i]n Hawaii, an annual average of about 3,000
21 adolescents aged 12-17 (3.1% of all adolescents) in 2014-2015



1 used cigarettes in the past month. The annual average
2 percentage in 2014-2015 was lower than the annual average
3 percentage in 2011-2012." As to alcohol use in the last month,
4 the report states "[i]n Hawaii, an annual average of about
5 10,000 adolescents aged 12-17 (10.6% of all adolescents) in
6 2014-2015 used alcohol in the past month. The annual average
7 percentage in 2014-2015 was not significantly different from the
8 annual average percentage in 2011-2012."

9 Act 201 (2014) paved the way to improved working
10 relationships between and among the judiciary, the departments
11 of health, of education and of human services, and the office of
12 youth services. However, securing mental health treatment
13 services for Hawaii's most troubled youth remains problematic.
14 To avoid continued placement of Hawaii's youth in mainland
15 facilities, a secured mental health treatment facility in Hawaii
16 is preferred. In the general population, the SAMHSA report
17 stated, "[i]n Hawaii, an annual average of about 10,000
18 adolescents aged twelve to seventeen (9.9% of all adolescents)
19 in 2014-2015 had experienced MDE [major depressive episode] in
20 the past year. The annual average percentage in 2014-2015 was
21 not significantly different from the annual average percentage



1 in 2011-2012." Also, the SAMHSA report stated, "[i]n Hawaii, an
2 annual average of about 3,000 adolescents aged 12-17 with past
3 year MDE (32.6% of all adolescents with past year MDE) from 2009
4 to 2015 received treatment for their depression in the past
5 year."

6 To improve access by adolescents to mental health services,
7 in 2016 the legislature passed Act 181, which reduced the age of
8 consent for adolescent mental health services to fourteen years
9 old. The conference committee report no. 11-16 stated "[t]he
10 purpose of this measure is to reduce barriers to accessing
11 mental health services for minors by lowering the age of consent
12 to receive treatment and services, other than prescription
13 medication or out-of-home or residential treatment, from
14 eighteen years of age to fourteen years." The Committee on
15 Conference further found that requiring parental consent for
16 minors to receive substance abuse treatment and family planning
17 services may pose a barrier to health care. Therefore, minors
18 may find desired mental health services inaccessible due to the
19 discomfort and even opposition caused by obtaining parental
20 consent. By allowing access to mental health services for
21 consenting minors of a certain age, individuals seeking improved



1 emotional and mental well-being may be served in a timely
2 manner.

3 With regard to youth who may be also victims of human
4 trafficking, in 2017 the legislature passed Act 16, which
5 brought the State into compliance with the federal Justice for
6 Victims of Trafficking Act of 2015 and the federal Child Abuse
7 Prevention and Treatment Act of 2010. Act 16, among other
8 things, amended the definition of "child abuse or neglect" to
9 include sex trafficking or severe forms of trafficking in
10 persons.

11 Hawaii is not isolated from human and sex trafficking.
12 Hawaii's location in the Pacific makes it a highly sought after
13 tourist destination and lucrative place for national and
14 international conferences, thereby creating a demand for
15 prostitution, which may include sex trafficking of minors.

16 Youth in foster care are at a higher risk of being victims
17 of sex trafficking because of the often continuing
18 vulnerabilities that stem from being maltreated or neglected as
19 children. It is difficult to obtain an accurate picture of this
20 issue due to the covert nature of sex trafficking and the fact
21 that victims may not and do not identify themselves as victims.



1 However, it is anticipated that with the change in mandated
2 reporting requirements, the numbers of youth who are victims of
3 human trafficking in Hawaii will be better identified.

4 The purposes of this Act are to:

- 5 (1) Support ho'opono mamo, the new Hawaii youth diversion
6 system through the establishment of the Kawaihoa youth
7 and family wellness center, operated and maintained by
8 the Hawaii youth correctional facilities;
- 9 (2) Improve and enhance Hawaii's juvenile justice
10 system by strengthening services available to
11 prevent juvenile delinquency and recidivism and to
12 support rehabilitation; and
- 13 (3) Re-invest savings from the reduction of the number of
14 youth in secure confinement at Hawaii youth
15 correctional facility into the provision of services
16 to prevent juvenile delinquency, specifically mental
17 health and substance abuse treatment and
18 rehabilitation, and to provide a more successful and
19 supportive community reentry transition.



1 SECTION 2. Chapter 352, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§352- Authority for Hawaii youth correctional facility
5 to accept youth at risk and youth diverted from the juvenile
6 justice system, and young adults at risk between the ages of
7 eighteen to twenty-four. (a) The office of youth services
8 designates the Hawaii youth correctional facilities as the
9 authority to establish, build, repair, maintain, and operate the
10 Kawailoa youth and family wellness center, as set forth in
11 section 352D- , from funds appropriated or approved by the
12 legislature for these purposes, facilities, and programs
13 necessary to implement the provisions of this chapter and
14 chapter 352D.

15 (b) Persons committed to the Hawaii youth correctional
16 facility shall be kept segregated from the diverted youth at
17 risk and young adults at risk admitted to the Kawailoa youth and
18 family wellness center."

19 SECTION 3. Section 352D-3, Hawaii Revised Statutes, is
20 amended by adding a new definition to be appropriately inserted
21 and to read as follows:



1 "Young adult at risk" or "young adult" means any adult
 2 between the ages of eighteen and twenty-four who has been
 3 arrested, or who has had contact with the police, or who is
 4 experiencing social, emotional, psychological, educational,
 5 or physical problems, or who is no longer eligible for
 6 child protective services provided by the State of Hawaii
 7 due to their age."

8 SECTION 4. Chapter 352D, Hawaii Revised Statutes, is
 9 amended by adding a new section to be appropriately designated
 10 and to read as follows:

11 "§352D- Kawaihoa youth and family wellness center;
 12 creation. (a) The office of youth services shall create and
 13 develop at the site of the Hawaii youth correctional facility a
 14 central youth service center that shall be called the Kawaihoa
 15 youth and family wellness center. The Hawaii youth correctional
 16 facility shall operate and maintain the Kawaihoa youth and
 17 family wellness center, within the scope of the authority
 18 granted to it by the office of youth services, pursuant to
 19 chapter 352D.



1 (b) The primary objective of the Kawaiiloa youth and family
2 wellness center is delinquency prevention as set forth in
3 section 352D-7.

4 (c) The population eligible for services at the Kawaiiloa
5 youth and family wellness center is all youths in need of
6 services and all young adults at risk.

7 (d) The objectives of the Kawaiiloa youth and family
8 wellness center shall be to:

9 (1) Offer residential programs in delinquency prevention
10 including the youth services as defined in this
11 chapter;

12 (2) Provide a wider range of informal dispositions,
13 particularly alternatives to the juvenile justice
14 system; and

15 (3) Develop an improved system of intake, assessment, and
16 follow-up for youths and young adults between the ages
17 of eighteen to twenty-four.

18 (e) The Kawaiiloa youth and family wellness center
19 programs may include, but shall not be limited to, the
20 establishment and operation of mental health services and
21 programs, substance abuse treatment programs, crisis



1 shelters for homeless youth, crisis shelters for victims of
 2 human and sex trafficking, vocational training, group homes,
 3 day treatment programs, aftercare, independent and family
 4 counseling services, educational services, and such other
 5 services as may be required to meet the needs of youth or
 6 young adults."

7 SECTION 5. Section 352-2.1, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 "**§352-2.1 Purpose.** (a) This chapter creates within the
 10 department of human services, and to be placed within the office
 11 of youth services under the supervision of the director and such
 12 other subordinates as the director shall designate, the Hawaii
 13 youth correctional facilities, to provide for the custody,
 14 rehabilitation, and institutional care and services to prepare
 15 for reentry into their communities and families, youth committed
 16 by the courts of the State.

17 (b) This chapter further creates within the department of
 18 human services, and to be placed within the office of youth
 19 services under the supervision of the director and such other
 20 subordinates as the director shall designate, and under the
 21 supervision of the Hawaii youth correctional facilities, a



1 youth services center as provided in chapter 352D which shall be
 2 called the Kawaiiloa youth and family wellness center, to provide
 3 services and programs for youth at risk in the state and young
 4 adults at risk between the ages of eighteen to twenty-four, to
 5 prevent delinquency and reduce the incidence of recidivism among
 6 youth and young adults between the ages of eighteen to twenty-
 7 four through the provision of prevention, rehabilitation, and
 8 treatment services.

9 [~~(b)~~] (c) The policy and purpose of this chapter is to
 10 harmonize the sometimes conflicting requirements of public
 11 safety, secure placement, and individualized services for law
 12 violators in the custody and care of the director. To that end,
 13 the director shall provide the opportunity for intelligence and
 14 aptitude evaluation, psychological testing and counseling,
 15 prevocational and vocational training, and employment counseling
 16 to all persons committed to the Hawaii youth correctional
 17 facilities and to all youth and young adults between the ages of
 18 eighteen to twenty-four admitted to the Kawaiiloa youth and
 19 family wellness center. Counseling services shall be available
 20 to the committed or admitted person's or young adult's family
 21 during the term of commitment or admission to the Kawaiiloa youth



1 and family wellness center. The director shall coordinate
2 services provided to the facilities by other departments and
3 agencies, to realize these policies and purposes."

4 SECTION 6. Section 352D-7, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§352D-7 Youth services centers; creation. (a) Beginning
7 July 1, 1991, the office of youth services shall create,
8 develop, and operate youth service centers throughout the State
9 including one or more in each county. This may be done either
10 directly or by contract with private parties. Delinquency
11 prevention shall be a primary objective of these centers. The
12 population eligible for services at the centers would be all
13 youths in need of services[-] and all young adults at risk. All
14 referrals and admissions to a youth services center shall be
15 voluntary. Centers would also develop individualized intake
16 capabilities, program plans, delivery of services, and a
17 comprehensive referral network. The objectives of the youth
18 service centers shall be to:

- 19 (1) Develop and implement programs in delinquency
20 prevention;



- 1 (2) Provide a wider range of informal dispositions,
2 particularly alternatives to the juvenile justice
3 system;
- 4 (3) Develop an improved system of intake, assessment, and
5 follow-up for youths[+], including youth at risk and
6 young adults at risk; and
- 7 (4) Provide better coordination of juvenile justice and
8 nonjuvenile justice services in order to reduce
9 overlaps and gaps in services.
- 10 (b) Each center shall:
- 11 (1) Be responsible for coordinating all services, justice
12 system or nonjustice system, both public and private,
13 to the youth and young adults at risk referred to it;
14 and
- 15 (2) Be responsive to the needs of its immediate community
16 and offer an array of services that are tailored to
17 the needs of its constituents.
- 18 (c) Every youth and young adults at risk referred to a
19 youth services center shall, as soon as possible, be
20 appropriately placed with service provider and provided
21 services. The center shall develop procedures [~~which~~] that will



1 ~~[insure]~~ ensure that appropriate service providers are available
2 on a twenty-four hour basis for each youth[-] and young adult at
3 risk. The center may contract with such service providers for
4 such services.

5 (d) Each youth service center shall maintain a registry of
6 every youth and young adult at risk referred to it and shall
7 monitor and supervise the follow-up services that are provided
8 to the youth[-] and young adult at risk. Each center shall be
9 primarily responsible to ~~[insure]~~ ensure that the youth is fully
10 diverted from the juvenile justice system.

11 (e) The office of youth services shall create, develop,
12 and operate at the site of the Hawaii youth correctional
13 facility a youth service center that shall be called the
14 Kawailoa youth and family wellness center as set forth in
15 section 352D- ."

16 SECTION 7. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

Department of Human Services; Office of Youth Services; Juvenile Justice Reform; Kawaiiloa Youth and Family Wellness Center

Description:

Establishes the Kawaiiloa Youth and Family Wellness center and transforms the approach of juvenile justice to a therapeutic model. (HB2364 HD1)

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