
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,
2 Session Laws of Hawaii 2014, (Act 201), to reform Hawaii's
3 juvenile justice system, commit to improve outcomes for Hawaii's
4 youth in the juvenile justice system, and maximize the effective
5 use of the Hawaii youth correctional facilities' appropriations
6 and treatment options.

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

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



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

17 In accordance with Act 119, Session Laws of Hawaii 2015, as
18 amended by Act 124, Session Laws of Hawaii 2016, the department
19 of human services identified a gap in services for homeless
20 youth aged twenty-four and under. The department noted that the
21 population of unaccompanied youth is difficult to count as these



1 youth tend to be mobile and transient, some do not want to be
2 found, and unaccompanied youth are generally not connected to
3 the formal support service system.

4 The legislature further finds that, although overall
5 juvenile arrests are down, recent news reports indicate an
6 increase in juvenile arrests, particularly in Waikiki involving
7 youth who may also be homeless.

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



1 adolescents aged 12-17 (3.1% of all adolescents) in 2014-2015
2 used cigarettes in the past month. The annual average
3 percentage in 2014-2015 was lower than the annual average
4 percentage in 2011-2012." As to alcohol use in the last month,
5 the report states, "In Hawaii, an annual average of about 10,000
6 adolescents aged 12-17 (10.6% of all adolescents) in 2014-2015
7 used alcohol in the past month. The annual average percentage in
8 2014-2015 was not significantly different from the annual
9 average percentage in 2011-2012."

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



1 different from the annual average percentage in 2011-2012." In
2 addition, the SAMHSA report states, "In Hawaii, an annual
3 average of about 3,000 adolescents aged 12-17 with past year
4 [major depressive episode] (32.6% of all adolescents with past
5 year [major depressive episode]) from 2009 to 2015 received
6 treatment for their depression in the past year."

7 To improve access by adolescents to mental health services,
8 the legislature passed Act 181, Session Laws of Hawaii 2016,
9 which reduced the age of consent for adolescent mental health
10 services to fourteen years old. Conference committee report no.
11 11-16 states:

12 The purpose of this measure is to reduce barriers
13 to accessing mental health services for minors by
14 lowering the age of consent to receive treatment and
15 services, other than prescription medication or out-
16 of-home or residential treatment, from eighteen years
17 of age to fourteen years.

18 Your Committee on Conference finds that requiring
19 parental consent for minors to receive substance abuse
20 treatment and family planning services may pose a
21 barrier to health care. Minors may find desired



1 mental health services inaccessible due to the
2 discomfort and even opposition caused by obtaining
3 parental consent. By allowing access to mental health
4 services for consenting minors of a certain age,
5 individuals seeking improved emotional and mental
6 well-being may be served in a timely manner.

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

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

20 Youth in foster care are at a higher risk of being victims
21 of sex trafficking because of the often continuing



1 vulnerabilities that stem from being maltreated or neglected as
2 children. It is difficult to obtain an accurate picture of this
3 issue due to the covert nature of sex trafficking and the fact
4 that victims may not and do not identify themselves as victims.
5 However, it is anticipated that with the change in mandated
6 reporting requirements, the numbers of youth who are victims of
7 human trafficking in the State will be better identified.

8 The purpose of this Act is to:

9 (1) Support ho'opono mamo, the new Hawaii youth diversion
10 system, through the establishment of the Kawaiiloa
11 youth and family wellness center, operated and
12 maintained by the Hawaii youth correctional
13 facilities;

14 (2) Improve and enhance Hawaii's juvenile justice system
15 by strengthening services available to prevent
16 juvenile delinquency and recidivism and to support
17 rehabilitation; and

18 (3) Re-invest savings from the reduction of the number of
19 youth in secure confinement at Hawaii youth
20 correctional facility into the provision of services
21 to prevent juvenile delinquency, specifically mental



1 health and substance abuse treatment and
2 rehabilitation, and to provide a more successful and
3 supportive community reentry transition.

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

7 "§352- Hawaii youth correctional facilities; Kawaiiloa
8 youth and family wellness center authority. (a) The office of
9 youth services shall designate the Hawaii youth correctional
10 facilities as the authority to establish, build, repair,
11 maintain, and operate the Kawaiiloa youth and family wellness
12 center, as set forth in section 352D- , from funds appropriated
13 or approved by the legislature for the purposes, facilities, and
14 programs necessary to implement this chapter and chapter 352D.

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

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



1 "§352D- Kawailoa youth and family wellness center;
2 creation. (a) The office of youth services shall create and
3 develop a central youth service center, to be called the
4 Kawailoa youth and family wellness center, at the site of the
5 Hawaii youth correctional facilities. The Hawaii youth
6 correctional facilities shall operate and maintain the Kawailoa
7 youth and family wellness center, within the scope of the
8 authority granted to it by the office of youth services pursuant
9 to section 352- .

10 (b) The primary objective of the Kawailoa youth and family
11 wellness center is delinquency prevention as set forth in
12 section 352D-7.

13 (c) All youth in need of services and all young adults at
14 risk shall be eligible for services at the Kawailoa youth and
15 family wellness center.

16 (d) The objectives of the Kawailoa youth and family
17 wellness center shall be to:

18 (1) Offer residential programs in delinquency prevention,
19 including youth services, as defined in section
20 352D-3;



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

4 (3) Develop an improved system of intake, assessment, and
5 follow-up for youth and young adults at risk.

6 (e) The Kawaiiloa youth and family wellness center programs
7 may include but shall not be limited to the establishment and
8 operation of mental health services and programs, substance
9 abuse treatment programs, crisis shelters for homeless youth,
10 crisis shelters for victims of human and sex trafficking,
11 vocational training, group homes, day treatment programs,
12 aftercare, independent and family counseling services,
13 educational services, and other services that may be required to
14 meet the needs of youth or young adults."

15 SECTION 4. Section 352-2.1, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§352-2.1 Purpose.** (a) This chapter creates within the
18 department of human services, and to be placed within the office
19 of youth services under the supervision of the director and such
20 other subordinates as the director shall designate, the Hawaii
21 youth correctional facilities, to provide for the custody,



1 rehabilitation, and institutional care and services to prepare
2 for reentry into their communities and families, youth committed
3 by the courts of the State.

4 (b) This chapter further creates within the department of
5 human services, and to be placed within the office of youth
6 services under the supervision of the director and such other
7 subordinates as the director shall designate, and under the
8 supervision of the Hawaii youth correctional facilities, a
9 youth services center called the Kawaiiloa youth and family
10 wellness center, to provide services and programs for youth at
11 risk in the State and young adults at risk between the ages of
12 eighteen and twenty-four, to prevent delinquency and reduce the
13 incidence of recidivism among youth and young adults between the
14 ages of eighteen and twenty-four through the provision of
15 prevention, rehabilitation, and treatment services.

16 ~~[(b)]~~ (c) The policy and purpose of this chapter is to
17 harmonize the sometimes conflicting requirements of public
18 safety, secure placement, and individualized services for law
19 violators in the custody and care of the director. To that end,
20 the director shall provide the opportunity for intelligence and
21 aptitude evaluation, psychological testing and counseling,



1 prevocational and vocational training, and employment counseling
2 to all persons committed to the Hawaii youth correctional
3 facilities[-] and to all youth and young adults between the ages
4 of eighteen and twenty-four admitted to the Kawaiiloa youth and
5 family wellness center. Counseling services shall be available
6 to the committed or admitted person's or young adult's family
7 during the term of commitment[-] or admission to the Kawaiiloa
8 youth and family wellness center. The director shall coordinate
9 services provided to the facilities by other departments and
10 agencies, to realize these policies and purposes."

11 SECTION 5. Section 352D-3, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

14 "Young adult at risk" or "young adult" means any adult
15 between the ages of eighteen and twenty-four who has been
16 arrested, who has had contact with the police, who is
17 experiencing social, emotional, psychological, educational,
18 physical problems, or who is no longer eligible for child
19 protective services provided by the State due to the adult's
20 age."



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

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

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



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

(3) Develop an improved system of intake, assessment, and follow-up for youths[+], including youth at risk and young adults at risk; and

(4) Provide better coordination of juvenile justice and nonjuvenile justice services in order to reduce overlaps and gaps in services.

(b) Each center shall:

(1) Be responsible for coordinating all services, justice system or non-justice system, both public and private, to the youth and young adults at risk referred to it; and

(2) Be responsive to the needs of its immediate community and offer an array of services that are tailored to the needs of its constituents.

(c) Every youth and young adult at risk referred to a youth services center shall, as soon as possible, be appropriately placed with a service provider and provided 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 ensure that [~~the~~] each youth is fully
10 diverted from the juvenile justice system."

11 SECTION 7. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 8. This Act shall take effect upon its approval.
14



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 changes the approach of juvenile justice to a therapeutic model.
(SD1)

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