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# A BILL FOR AN ACT

RELATING TO THE ROOM CONFINEMENT OF CHILDREN AT DETENTION AND  
SHELTER FACILITIES.

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

1           SECTION 1. Section 571-32, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§571-32 Detention; shelter; release; notice.~~ (a) If a  
4 child who is believed to come within section 571-11(1) or (2) is  
5 not released as provided in section 571-31 [~~and~~], is not deemed  
6 suitable for diversion, and is a non-status offender, the child  
7 shall be taken without unnecessary delay to the court or to the  
8 place of detention or shelter designated by the court. If the  
9 court determines that the child requires care away from the  
10 child's own home but does not require secure physical  
11 restriction, the child shall be given temporary care in any  
12 available nonsecure child caring institution, foster family  
13 home, or other shelter facility.

14           (b) The officer or other person who brings a child to a  
15 detention or shelter facility shall give notice to the court at  
16 once, stating the legal basis therefor and the reason why the



1 child was not released to the child's parents. If the facility  
2 to which the child is taken is not an agency of the court, the  
3 person in charge of the facility in which the child is placed  
4 shall promptly give notice to the court that the child is in  
5 that person's custody. Prior to acceptance of the child for  
6 detention or shelter care, a prompt inquiry shall be made by a  
7 duly authorized staff member of the detention or shelter  
8 facility or officer of the court. Where it is deemed in the  
9 best interests of the child, the judge, officer, staff member,  
10 or the director of detention services may then order the child  
11 to be released, if possible, to the care of the child's parent,  
12 guardian, legal custodian, or other responsible adult, or the  
13 judge may order the child held in the facility subject to  
14 further order or placed in some other appropriate facility.

15 (c) As soon as a child is detained, the child's parents,  
16 guardian, or legal custodian shall be informed, by personal  
17 contact or by notice in writing on forms prescribed by the  
18 court, that they may have a prompt hearing held by a circuit  
19 judge or district family judge regarding release or detention.  
20 A child may be released on the order of the judge with or  
21 without a hearing. The director of detention services may order



1 the release of the child if an order of detention has not been  
2 made.

3 (d) A child may be placed in room confinement in a  
4 juvenile detention or adult jail facility only under the  
5 following conditions:

6 (1) Room confinement may only be used as a temporary  
7 response to a child's behavior, and only if:

8 (A) The behavior poses an immediate and substantial  
9 risk of danger to the child's self or another  
10 individual, or a serious and immediate threat to  
11 the safety and orderly operation of the facility;  
12 or

13 (B) The child is an imminent escape risk;

14 (2) Because of the potential impact on a child's mental or  
15 physical health, room confinement may only be used for  
16 the minimum time necessary for the child to regain  
17 self-control, and only after less restrictive options  
18 or techniques, including de-escalation, conflict and  
19 behavioral management techniques, and intervention by  
20 a qualified mental health professional, have been  
21 attempted, exhausted, and failed;



- 1        (3) If a child is placed in room confinement, the reasons  
2        for the room confinement shall be explained to the  
3        child. The child shall also be informed that release  
4        from room confinement will occur immediately when the  
5        child exhibits self-control and is no longer deemed a  
6        threat to the child's safety or the safety of others;
- 7        (4) If a child is placed in room confinement, the  
8        following individuals shall be notified on the next  
9        business day and provided the reasons for the room  
10       confinement as well as the location and duration of  
11       the confinement:
- 12       (A) The senior judge of the family court;  
13       (B) The presiding judge who ordered the child to be  
14       held at the facility;  
15       (C) The deputy chief court administrator; and  
16       (D) The social services manager of the juvenile  
17       client services branch for the circuit court of  
18       the first circuit.
- 19       (5) Room confinement shall never be used for purposes of  
20       punishment or disciplinary sanction, coercion,



1 convenience, retaliation, or to address staffing  
2 shortages at the facility;

3 (6) A child may be held in room confinement for no more  
4 than three hours unless the on-call duty judge grants  
5 an extension of no more than three additional hours of  
6 confinement. Thereafter, the child shall be returned  
7 to the general population; provided that, if a child  
8 is held in room confinement for more than three hours,  
9 a hearing shall be held before the family court on the  
10 next business day, at which the child shall be  
11 provided legal representation;

12 (7) If the child is not returned to the general population  
13 following a hearing pursuant to paragraph (6), the  
14 child shall be transferred to a location where  
15 services may be provided to the child without the need  
16 for room confinement; provided that, if a qualified  
17 mental health professional determines that the level  
18 of crisis service needed is not presently available at  
19 the location, the superintendent or deputy  
20 superintendent of the facility shall initiate a



1           referral to a facility that can meet the needs of the  
2           child;

3           (8) All rooms used for room confinement shall have  
4           adequate and operational lighting, ventilation for the  
5           comfort of the child, and shall be clean and resistant  
6           to suicide and self-harm;

7           (9) Children in room confinement shall have access to  
8           drinking water, toilet facilities, hygiene supplies,  
9           and reading materials approved by a qualified mental  
10          health professional;

11          (10) Children in room confinement shall have the same  
12          access as provided to children in the general  
13          population of the facility to meals, contact with  
14          parents or legal guardians, legal assistance,  
15          educational programs, and medical and mental health  
16          services; and

17          (11) Children in room confinement shall be continuously  
18          monitored by facility staff.

19          For the purposes of this subsection, "room confinement"  
20          means the placement of a child in a room, cell, or area with  
21          minimal or no contact with persons other than court staff and



1 attorneys. "Room confinement" does not include confinement of a  
2 child in a single-person room or cell for brief periods of  
3 locked room time as necessary for required institutional  
4 operations and does not include confinement during sleep hours.

5       ~~(d)~~ (e) No child shall be held in a detention facility  
6 for juveniles or shelter longer than twenty-four hours,  
7 excluding weekends and holidays, unless a petition or motion for  
8 revocation of probation, or motion for revocation of protective  
9 supervision has been filed, or unless the judge orders otherwise  
10 after a court hearing. No ex parte motions shall be considered.  
11 If there is probable cause to believe that the child comes  
12 within section 571-11(1), the child may be securely detained in  
13 a certified police station cellblock or community correctional  
14 center. The detention shall be limited to six hours. In areas  
15 which are outside a standard metropolitan statistical area, the  
16 detention may be up to twenty-four hours, excluding weekends and  
17 holidays, if no detention facility for juveniles is reasonably  
18 available. Any detention in a police station cellblock or  
19 community correctional center shall provide for the sight and  
20 sound separation of the child from adult offenders.



1           ~~[(e)]~~ (f) No child may be held after the filing of a  
2 petition or motion, as specified in subsection ~~[(d),]~~ (e),  
3 unless an order for continued detention or shelter has been made  
4 by a judge after a court hearing. If there is probable cause to  
5 believe that the child comes within section 571-11(1), the child  
6 may be securely detained, following a court hearing, in a  
7 detention facility for juveniles or may be held in a shelter.  
8 If there is probable cause to believe that the child comes  
9 within section 281-101.5 or 571-11(2), the child may be held,  
10 following a court hearing, in a shelter but may not be securely  
11 detained in a detention facility for juveniles for longer than  
12 twenty-four hours, excluding weekends and holidays, unless the  
13 child is subject to the provisions of chapter 582, Interstate  
14 Compact on Juveniles, or chapter 582D, Interstate Compact for  
15 Juveniles, or is allegedly in or has already been adjudicated  
16 for a violation of a valid court order, as provided under the  
17 federal Juvenile Justice and Delinquency Prevention Act of 1974,  
18 as amended.

19           ~~[(f)]~~ (g) No child shall be released from detention except  
20 in accordance with this chapter.



1           ~~[(g)]~~ (h) Where a child transferred for criminal  
2 proceedings pursuant to waiver of family court jurisdiction is  
3 detained, the child shall be held in the detention facility used  
4 for persons charged with crime. When a child is ordered  
5 committed to an agency or institution, the child shall be  
6 transported promptly to the place of commitment.

7           ~~[(h)]~~ (i) Provisions regarding bail shall not be  
8 applicable to children detained in accordance with this chapter,  
9 except that bail may be allowed after a child has been  
10 transferred for criminal prosecution pursuant to waiver of  
11 family court jurisdiction.

12           ~~[(i)]~~ (j) The official in charge of a facility for the  
13 detention of adult offenders or persons charged with crime shall  
14 inform the court immediately when a child who is or appears to  
15 be under eighteen years of age is received at the facility.

16           ~~[(j)]~~ (k) Any other provision of law to the contrary  
17 notwithstanding, any person otherwise subject to proceedings  
18 under chapter 832 and who is under the age of eighteen may be  
19 confined in a detention facility or correctional facility by  
20 order of a judge for the purposes set forth in section 832-12,  
21 832-15, or 832-17.



1           ~~[(k)]~~ (l) The department of human services through the  
2 office of youth services shall certify police station cellblocks  
3 and community correctional centers that provide sight and sound  
4 separation between children and adults in secure custody. Only  
5 cellblocks and centers certified under this subsection shall be  
6 authorized to detain juveniles pursuant to ~~[section 571-32(d)-.]~~  
7 subsection (e). The office of youth services may develop sight  
8 and sound separation standards, issue certifications, monitor  
9 and inspect facilities for compliance, cite facilities for  
10 violations, withdraw certifications, and require certified  
11 facilities to submit such data and information as requested. In  
12 addition, the office of youth services may monitor and inspect  
13 all cellblocks and centers for compliance with ~~[section 571-~~  
14 ~~32(d)-.]~~ subsection (e)."

15           SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 3. This Act shall take effect on May 1, 2029.



**Report Title:**

Judiciary Package; Juveniles; Room Confinement; Detention;  
Shelter Facility

**Description:**

Establishes conditions and time limits for placing a child in  
room confinement at a detention or shelter facility. Effective  
5/1/2029. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

