

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 23, 2023

TO: The Honorable Representative David A. Tarnas, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: [HB 470 HD1](#) – RELATING TO MINORS.

Hearing: February 24, 2023, 2:00 p.m.  
Conference Room 325 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this bill and offers comments and concerns.

**PURPOSE:** The bill repeals the sunset date of Act 23, Session Laws of Hawai'i 2021. Effective 6/30/3000. (HD1)

The HD1 amended the measure by defecting the effective date.

Minors experiencing housing instability and homelessness need safe places to seek shelter and receive assistance. [Act 23](#), Session Laws of Hawaii (SLH) 2021, amended section 346-17.6, Hawaii Revised Statutes (HRS). Act 23 added to the definition of "provider" as it relates to the entities eligible to provide no cost emergency shelter and related services to a consenting minor, including certain organizations that are not a child placing organizations or child caring institutions. These amendments sunset on 6/30/2023.

The impact of Act 23 allowed organizations, that are not child placing organizations or child care institutions regulated by DHS Child Welfare Services Branch (CWS), to provide shelter and services to minors without the consent of their parents for up to 30 days. Currently, DHS

CWS does not provide oversight over any shelters that are not child placing organizations or child care institutions, and the preference is that all providers sheltering minors become appropriately licensed by CWS or the Department of Health. Act 23 also gave DHS CWS time to consider whether additional licensing requirements should be developed to address providers who shelter minors who are experiencing homelessness or who are at risk of homelessness. Upon review of licensing options, DHS CWS position is that providers should have some oversight by an appropriate licensing entity. DHS CWS has three licensing options to provide shelter services for minor children.

Last year [Act 130](#), SLH 2022, established the Safe Spaces for Youth Pilot Program within DHS and requires the pilot program to collaborate with all state and county departments that offer services to ensure the well-being of youth in Hawai'i to coordinate the identification of youth who are experiencing homelessness and placement of these youth at a shelter for homeless youth. Act 130 aims to establish a statewide and comprehensive system of services for youth at risk of homelessness. The Safe Spaces for Youth pilot program will repeal on 6/30/2025.

Within DHS, the Office of Youth Services (OYS) is leading the pilot program and is proposed administration measure [HB1069](#), amending Act 130, SLH 2022. However, the current and only vehicle is [HB223 HD2](#) that clarifies the population the Safe Spaces for Youth pilot program may serve and expands the definition of homelessness to include, amongst other things, youth residing with friends or family or referred to as "couch surfing." OYS and CWS agree that the Safe Spaces for Youth pilot program will be the most comprehensive approach to address youth shelter services Statewide.

Notably, DHS received guidance from the Administration for Children and Families regarding facilities that provide shelter services to youth involved in the juvenile justice or child welfare systems. HB223 HD2 seeks to add a provision to Act 130 requiring that,

"facilities shall also take steps to ensure that youth who are or should be under the legal jurisdiction of the juvenile justice or child welfare systems obtain and receive services from those systems until such time as they are released from the jurisdiction of those systems as required by the Runaway and Homeless Youth Act as amended, 42 U.S.C. 5701, et seq."

To keep all shelter services aligned and compliant with federal regulations, we respectfully request an amendment adding the same language to section 346-17.6(h), HRS.

To ensure safety and well-being of minors to the extent possible, the Department's position is that any individual, organization, or institution providing substitute care for children or youth in Hawaii must have appropriate oversight. To comply with federal regulations and state law, DHS offers three types of licenses based on standards set forth in Title IV-E of the Social Security Act: (1) Resource Caregiver homes (RCGs) are the least restrictive, most family-like settings and can house up to 5 unrelated minors or up to 6 minors to accommodate sibling groups; (2) Child Care Institutions (CCIs) are for short-term stays and can accommodate 6-25 minors; (3) Child Placing Organizations (CPOs) support or oversee RCG homes.

Hawaii does not have a specific type of license for youth homeless shelters, though the youth shelters with whom Child Welfare Services (CWS) contracts fall under CCI licensure. Section 346-16, HRS, defines a CCI as “any institution other than an institution of the State, maintained for the purpose of receiving six or more minor children for care and maintenance, not of common parents, apart from their parents or guardians on a twenty-four-hour basis for monetary payment. This term shall not apply to any boarding school which is essentially and primarily engaged in educational work.”

The Department’s licensure process for CCIs includes conducting background checks; confirming the legitimacy of business, insurance, leadership, and finances and accounting; ensuring compliance with business, health and sanitation, zoning, and building codes; ensuring adequate and appropriate space, facilities, and utilities; reviewing rules and policies that impact staff and clients, including ethics and confidentiality, admission and discharge criteria, services provided, supervision, communications with family and other agencies, emergency response, and disaster preparedness; and providing training related to child development, child care, trauma-informed care, cultural sensitivity.

While Hawaii DHS does not have a separate license for emergency youth shelters, the Runaway and Homeless Youth Program (45 C.F.R. 1351) does provide some federal guidance and specifies that grantees shall:

- ensure that all shelters that they operate are licensed and determine that any shelters to which they regularly refer clients have evidence of current licensure in states or localities with licensure requirements,
- develop adequate plans for contacting the parents or other relatives of the youth and ensuring the safe return of the youth according to the best interests of the youth, for contacting local government officials,
- develop and implement a plan for addressing youth who have run away from foster care placement or correctional institutions, in accordance with federal, state, or local laws or regulations that apply to these situations. In accordance with section 312(b)(4) of the Act, Basic Center grantees must also develop a plan that ensures the return of runaway and homeless youth who have run away from the correctional institution back to the correctional institution, and
- take steps to ensure that youth who are or should be under the legal jurisdiction of the juvenile justice or child welfare systems obtain and receive services from those systems until such time as they are released from the jurisdiction of those systems.

Other than through DOH, DHS is unaware of any other means by which an emergency youth shelter in Hawaii may be regulated and therefore remains concerned about the omission of “license” from the definition of provider proposed in this measure. Further, CWS will not be able to contract with such an entity who does not meet one of the three licensing options. However, CWS will work with providers to obtain the appropriate licensure.

Thank you for the opportunity to provide additional comments.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
**OFFICE OF YOUTH SERVICES**  
1010 Richards Street, Suite 314  
Honolulu, Hawaii 96813

February 23, 2023

TO: The Honorable Representative David A. Tarnas, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Leanne Gillespie, Executive Director

SUBJECT: [HB 0470 HD 1](#) – RELATING TO MINORS.  
Hearing: February 24, 2023, 2:00 PM  
Conference Room 415 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Office of Youth Services (OYS) submits comments.

**PURPOSE:** The purpose of this bill is to repeal the sunset date of Act 23, Session Laws of Hawai'i 2021.

Minors experiencing homelessness need to have safe and secure places of refuge to stabilize, heal and access resources. The Office of Youth Services believes strongly that all facilities proving minors with shelter should be licensed and have third-party oversight to ensure the safety and well-being of minors seeking shelter. As such, licensing is required for all minor shelter services contracted by the OYS.

Thank you for the opportunity to provide comments.



## HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Vonnell Ramos, President  
Cyd Hoffeld, Vice President  
Sione Ford Naeata, Treasurer  
Jefferson Gourley, Secretary

Judith F. Clark, Executive  
Director

### Network Membership

*Bay Clinic*

*Big Brothers Big Sisters Hawai`i*

*Big Island Substance Abuse  
Council*

*Bobby Benson Center*

*Child and Family Service*

*Coalition for a Drug-Free Hawai`i*

*Collins Consulting, LLC*

*Domestic Violence Action Center*

*EPIC `Ohana, Inc.*

*Family Programs Hawai`i*

*Family Support Hawai`i*

*Friends of the Children's Justice*

*Center of Maui*

*Get Ready Hawai`i*

*Hale Kipa, Inc.*

*Hale `Opio Kaua`i, Inc.*

*Hawai`i Children's Action*

*Network*

*Hawai`i Health & Harm*

*Reduction Center*

*Ho`ola Na Pua*

*Ho`okele Coalition of Kaua`i*

*Ka Hale Pomaika`i*

*Kahi Mohala*

*Kokua Kalihi Valley*

*Kaua`i Planning and Action*

*Alliance*

*Maui Youth and Family Services*

*Na Pu`uwai Molokai Native*

*Hawaiian Health Care*

*Systems*

*P.A.R.E.N.T.S., Inc.*

*Parents and Children Together*

*PHOCUSED*

*PFLAG—Kona, Big Island*

*Planned Parenthood of the*

*Great Northwest, Hawaii*

*Alaska, Kentucky, Indiana*

*Residential Youth Services*

*& Empowerment (RYSE)*

*Salvation Army Family*

*Intervention Services*

*Sex Abuse Treatment Center*

*Susannah Wesley Community*

*Center*

*The Catalyst Group*

February 11, 2023

To Representative David Tarnas, Chair,  
And members of the Committee on Judiciary

### **TESTIMONY IN SUPPORT OF THE INTENT OF HB 470 HD 1 RELATING TO MINORS**

Hawaii Youth Services Network (HYSN) supports HB 470 HD 1 Relating to Minors.

HYSN has coordinated a statewide runaway and homeless youth partnership since 1981.

Enabling minors to consent for admission to an emergency youth shelter ensures that they are able to escape the dangers of living on the streets in those rare situations in which consent from a parent or guardian cannot be obtained.

In some circumstances, notifying parents or guardians of the minor's location could increase risk of harm by family members or guardians. Physical, sexual and emotional abuse committed by a family member or guardian is often the reason why the minor is seeking a safe shelter. Provider coordination with Child Welfare Services as a reason to allow minor consent for shelter increases the safety of these vulnerable youth.

Placement of an unaccompanied minor in a shelter that also houses adults should be limited to times when there are no beds available in youth shelters. And our focus should be to ensure that there are adequate resources to house minors safely and appropriately.

Residential Youth Services and Empowerment (RYSE) has provided safe and appropriate shelter to 27 unaccompanied minors since the statute was enacted and should be allowed to continue to provide shelter to this vulnerable population.

The reason that a sunset clause was included in the 2021 legislation was to allow the Department of Human Services to amend its licensing rules for shelters to address this issue. HYSN believes that the statute should be extended, but not made permanent, so that DHS can make needed rule changes.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Judith F. Clark". The signature is written in a cursive style with a large, stylized initial "J".

Judith F. Clark, MPH  
Executive Director

**HB-470-HD-1**

Submitted on: 2/22/2023 10:24:26 AM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 470 HD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH



**Residential Youth Services & Empowerment**

February 23, 2023

TO: House Committee on Judiciary and Hawaiian Affairs  
Chair Tarnas, Vice Chair Takayama , and Members of the Committee.

FROM: Carla Houser, Executive Director  
Residential Youth Services & Empowerment (RYSE)

SUBJECT: HB 470, HD 1 Relating to Minors

Hearing: February 24, 2023, 2pm  
State Capitol, Conference Room 325

**POSITION: RYSE strongly supports this measure.**

Since passage of Act 23, Session Laws of Hawaii 2021, RYSE has sheltered more than 30 unaccompanied minors with parental consent and without the unnecessary involvement of the Child Welfare System. Requiring community based organizations who are working with the minors and their families to be a licensed child placing institution defeats the purpose and original intent of this bill.

Community based organizations want to create a safe place for vulnerable youth **before** they are targeted for trafficking, physical abuse, or prolonged exposure to the traumas associated with living unsheltered.

In 2022, 40% of the 18-24 yr olds seeking emergency shelter at RYSE indicated they had previous child welfare involvement. Community based providers who are not child placing organizations or child caring institutions should be permitted to provide an alternative to child welfare system involvement so long as they are compliant with all safety and zoning requirements.

**Please repeal the sunset date so we may continue to serve these opportunity youth.** Mahalo for the opportunity to submit testimony.

Sincerely,

Carla Houser  
Executive Director, RYSE

# Opportunity Youth Action Hawai‘i

February 24, 2023

House Committee on Judiciary & Hawaiian Affairs

Hearing Time: 02:00 PM

Location: State Capitol House Conference Room 325

Re: HB 470 HD1, Relating to Minors

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai‘i hui, we are writing in **strong support** of HB 470 HD1, relating to minors. This bill repeals the sunset date of Act 23, Session Laws of Hawai‘i 2021, thereby making it permanent.

The current law will end in June if this bill does not pass. It expanded the longstanding “youth right to housing” framework, allowing minors to be sheltered on a short-term, emergency basis without consent from a parent or guardian. The significance of providing homeless youth with emergency shelter cannot be overstated as shelter is a foundation of stability and access to essential resources, fostering positive life outcomes and mitigating the potential for future adversities. According to a recent street youth study, over three fourths of homeless youth in our state have experienced physical, emotional, or sexual abuse. About a quarter of homeless youth reported that their reason for becoming homeless is physical abuse or parental substance abuse. For many young people, being returned immediately to their families or foster care is less than optimal, leaving them with no meaningful choice but homelessness. For children, homelessness reflects a most extreme loss of family and caretaking. We must be able to help them.

Our collective, Opportunity Youth Action Hawai‘i (OYAH), works to support young people under age 25 who are disconnected from school and work, referred to as “opportunity youth.” This developmental time period is extremely consequential to the individual growth and overall life chances of our children. Although HB 74 specifically pertains to minors, we also support the legislature’s ongoing efforts to address the needs of opportunity youth more broadly.

The Opportunity Youth Action Hawai‘i hui is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

**Please support HB 470, HD1.**

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840

**HB-470-HD-1**

Submitted on: 2/22/2023 9:18:39 AM

Testimony for JHA on 2/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Act 23 provides an important expansion of the circumstances in which a minor may consent to no-cost emergency shelter. This is a safeguard against abuse, domestic violence and neglect that is particularly important for youth that identify as LGBTQ+, who disproportionately experience violence at home simply for being who they are.

Youth who experience abuse in their homes have the choice between two paths: They can either enter the foster care system or reunite with their family. When those options appear or are untenable, many are forced by circumstance to choose a third option: to live on the street.

According to the 2018 street youth study, over three fourths of homeless youth have experienced some sort of abuse rather it be physical, emotional, or sexual. Parental substance abuse also takes a heavy toll on the welfare of a child. Consequently, around a quarter of homeless youth list their reason for becoming homeless as physical abuse, or parental substance abuse.

Youth in Hawai'i have historically faced significant and life-threatening challenges when they enter the cycle of homelessness. According to some reports, nearly half of homeless youth are Native Hawaiian (Yuan, S., Stern, I. R., Gauci, K. T., & Liu, L. (2018). Street Youth Study. Honolulu, HI: University of Hawai'i, Center on the Family).

HRS § 346-17.6 was enacted into law through SB921 (2011) and created the definition of "provider" as well as the legal framework for childcare providers to supply shelter and services to homeless youth. HB 282 (2021) expanded the definition of "provider" to include organizations that supply homeless youth with housing and services. The previous definition for providers was only limited to licensed childcare and child placing organizations. Furthermore, HB282 established a sunset date set for June 30, 2023.

Previously, minors could not be provided housing without consent from a parent or guardian. Following the commencement of the law, organizations could provide minors with no cost housing and other services for a short term without the consent from a parent or guardian. These needs are especially relevant for youths who have suffered abuse at the hands of family members.

Please pass HB470 HD1.

**HB-470-HD-1**

Submitted on: 2/22/2023 8:12:43 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marilyn Mick	Individual	Support	Written Testimony Only

Comments:

Aloha,

Act 23 provides an important expansion of the circumstances in which a minor may consent to no-cost emergency shelter. This is a safeguard against abuse, domestic violence and neglect that is particularly important for youth that identify as LGBTQ+, who disproportionately experience violence at home simply for being who they are.

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Please pass HB470 HD1.

Mahalo, Marilyn Mick, Honolulu

**HB-470-HD-1**

Submitted on: 2/24/2023 2:27:04 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support