

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 129
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 129 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the provisions for a minor to consent to no-cost emergency shelter and related services under certain circumstances provided that the provider supplying the shelter is licensed and in compliance with zoning and safety regulations;
- (2) Require the Department of Human Services to make every effort to have a shelter for minors on each island;
- (3) Make permanent, the amendments to the definition of "provider" to include organizations that are not child placing organizations or child caring institutions that meet certain criteria; and
- (4) Require the Department of Human Services to amend its administrative rules to allow non-licensed child placing organizations with documented experience providing shelter and supportive services to be pre-qualified for



a certificate of approval from the Department of Human Services.

Your Committee received testimony in support of this measure from Rainbow Family 808.com Inc., Stonewall Caucus of the Democratic Party of Hawai'i, Hawai'i Youth Services Network, Hawai'i Health & Harm Reduction Center, and three individuals. Your Committee received comments on this measure from the Department of Human Services, Office of Youth Services, Department of the Attorney General, Opportunity Youth Action Hawai'i, and Residential Youth Services & Empowerment.

Your Committee finds that addressing the needs of unaccompanied homeless minors is a multi-faceted, statewide challenge, and that the State must take action to better provide services for homeless unaccompanied minors throughout the islands. This measure supports youth experiencing homelessness by increasing opportunities for them to access shelters and related services and independently consent to these services.

Your Committee acknowledges testimony by the Department of the Attorney General recommending that the provision in this measure requiring shelter providers to be licensed and in compliance with zoning and safety regulations be removed, as a provider's obligation to contact a minor's parent when the minor seeks emergency shelter is unrelated to licensing and zoning and safety regulations.

Your Committee also notes certain testimony by the Department of Human Services stating that non-licensed child placing organizations do not exist in the State, thereby making moot the measure's requirement that the Department amend its administrative rules to pre-qualify non-licensed child placing organizations for a license.

Your Committee further acknowledges the concerns raised by the Office of Youth Services over the co-habitation of unrelated minors and adults within the same facility without fully separated service areas. Your Committee also notes testimony that the Safe Spaces for Youth Pilot Program, an inter-agency initiative to provide safe spaces in each county for youth experiencing homelessness that was established by Act 130, Session Laws of Hawaii 2022, already requires the Department of Human Services to



procure contracts to operate homeless shelters in each county for youth aged fourteen to twenty-four years of age.

Therefore, amendments to this measure are necessary to address these matters.

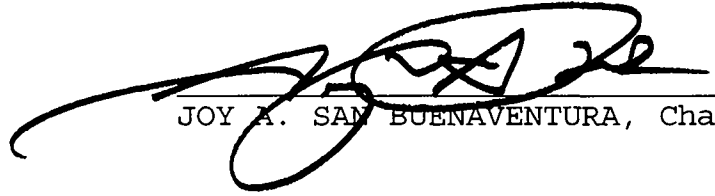
Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have required providers supplying shelter to be licensed and be in compliance with zoning and safety regulations with regard to a provider's obligation to contact the parents of the minor seeking emergency shelter;
- (2) Deleting language that would have required the Department of Human Services to make every effort to ensure every island has a shelter for unaccompanied minors;
- (3) Clarifying that providers shall maintain separation for unrelated adults and minor children;
- (4) Deleting section 3 of the measure, which would have required the Department of Human Services to amend its administrative rules to allow certain non-licensed child placing organization to be pre-qualified for a certificate of approval;
- (5) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (6) 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 Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 129, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 129, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,

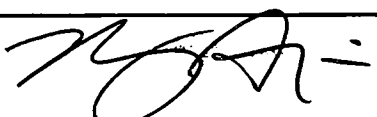


JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SB 129	Committee Referral: HHS, JDC / WAM	Date: 02 / 15 / 23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton			✓	
TOTAL	4		1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes