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CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

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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 14, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health & Human Services

FROM: Cathy Betts, Director

SUBJECT: [SB 869](#) - RELATING TO THE YOUTH COMMISSION.

Hearing: February 15, 2023, 1:00 p.m.
Conference Room 225 & Videoconferencing, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the measure's intent and defers to the Hawaii Youth Commission and the Office of Youth Services. DHS additionally requests clarification.

PURPOSE: This bill clarifies that a majority of the members appointed to the Youth Commission shall constitute a quorum to do business. Authorizes the Youth Commission to appoint an executive director.

DHS requests clarification as to whether the Legislature intends to add another position with the proposed executive director. DHS does not think there is enough work to support two full-time employees 100% dedicated to the Youth Commission. There is an existing administrator position for the Youth Commission; however, the position is vacant and in recruitment. There was a recent interview; however, the candidate declined the offer. If the Legislature prefers an executive director instead of the current civil service position, DHS will require an additional appropriation to address the difference in salary and benefits and time to add the new position to the organization.

The Department supports the mission of the Youth Commission, which is to advise the governor and Legislature on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the youth of the State per section 352D-11, Hawaii Revised Statutes. As the Youth Commission is attached to the Office of Youth Services, which is attached to DHS, the proposed exempt Executive Director of the Youth Commission would also be a DHS employee and will be expected to follow and comply with all applicable state and federal laws and policies and procedures of the Office of Youth Services and the DHS.

From an employment perspective, to vet potential candidates for the proposed Executive Director position, commissioners should have the education or relevant work experience to make the hiring decision. The Legislature should consider that the authority and responsibility for making employment decisions come with inherent liability, including potential negligent hiring or discrimination claims. When commissioners are still minors, it is unlikely they would have the education or relevant work experience to be considered legally responsible for those employment decisions. DHS suggests as a viable option that the commissioners discuss with OYS ways to participate in the selection process to fill the current administrator position or proposed Executive Director position.

Thank you for the opportunity to provide testimony on this matter.



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

February 14, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health & Human Services

FROM: Leanne Gillespie, Executive Director

SUBJECT: SB 869 – RELATING TO THE YOUTH COMMISSION
Hearing: February 15, 2023, 1:00 p.m.
Conference Room 415 & Videoconference, State Capitol

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

PURPOSE: The purpose of this bill is to authorize the Hawaii State Youth Commission to hire an Executive Director to oversee the administration of the Youth Commission and amends the number of commissioners needed to make quorum.

The Office of Youth Services (OYS) oversees the Hawaii State Youth Commission (HiYC) and strongly supports the Youth Commission's mission, and its ability to provide strong youth voice in advising the governor and effecting legislative policies as they relate to youth issues in the State. Signed into law in 2018, Act 106 established the Youth Commission and appropriated funds for administration costs and one Children and Youth Program Specialist (CYPS) staff position, who acts as the executive director and liaison for the Youth Commission. This measure seeks to turn over the hiring of this civil service position to the Youth Commission. The Department of Human Resource Development is charged with following all state and

federal laws in-regards to civil service hiring. Employment decisions carry inherent liability and the OYS expresses concerns over this liability being placed onto the Youth Commissioners, ages 14 to 24 years old. The OYS suggests removing this language from Page 4, Line 7-9 of this measure so that Youth Commissioner's do not carry this liability:

~~(i) the youth commission may appoint an executive director for the proper administration and enforcement of this section without regard to chapter 76."~~

Over the past year, the Youth Commission has struggled with membership and has often not had the ability to establish quorum and conduct official business. The OYS supports the expansion of the definition of quorum.

Thank you for the opportunity to provide comments.



HAWAI`I YOUTH SERVICES NETWORK

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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 Senator Joy San Buenaventura, Chair,
And members of the Committee on Health and
Human Services

**TESTIMONY IN SUPPORT OF
HB 470 RELATING TO MINORS**

Hawaii Youth Services Network (HYSN) supports SB 869 Relating to the Youth Commission.

Boards and commissions are more effective when they have dedicated staffing to provide the needed administrative supports. Most Hawaii State Boards and Commissions have an Executive Director. Examples include the Disabilities and Communications Access Board and the Developmental Disabilities Council.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director

SB-869

Submitted on: 2/14/2023 10:22:14 AM

Testimony for HHS on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zoey Duan	Individual	Comments	Remotely Via Zoom

Comments:

Aloha Chair Buenaventura, Vice Chair Aquino, Members of the Senate Committee on Health and Human Services,

Hello, I'm Zoey Duan, a Youth Commissioner on The Hawaii State Youth Commission. I am in support with comments of SB869, Relating To the Youth Commission.

I support amending the quorum requirement to a majority of the members rather than eight members. This would greatly increase our flexibility in performing and accomplishing various tasks that are time-sensitive and of priority while also accounting for extenuating circumstances.

Additionally, as a Youth Commissioner, I believe I should have a voice in the selection process of the commission's executive director, especially since we commissioners are the only ones who can best identify our needs and gaps that we would like assistance with. Having more mechanisms for us to encourage and facilitate the process will better enable us to find a suitable director in a timely manner. However, since there may be legal liability and confidentiality concerns if Page 4, Line 7-9 of SB869 is passed at this time, I would like to suggest that particular section be removed from the bill. I'd still like to emphasize the fact that it is important to improve upon the current hiring process to allow more engagement from youth commissioners, perhaps just in another way.

With these comments, I support SB869. Thank you for the opportunity to testify.