
A BILL FOR AN ACT

RELATING TO MINORS.

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

1 SECTION 1. Section 346-17.6, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsections (e) and (f) to read:

4 "(e) Any provider who renders no-cost emergency shelter
5 and related services to a minor pursuant to subsections (a) and
6 (b) [~~of this section~~] and can demonstrate compliance with this
7 section shall be immune from any civil or criminal liability
8 based on the provider's determination to provide the no-cost
9 emergency shelter and related services; provided that if a
10 provider's assessment and determination, or conduct in providing
11 no-cost emergency shelter and related services, is the result of
12 the provider's gross negligence or wilful or wanton acts or
13 omissions, the provider may be held liable for the provider's
14 gross negligence or wilful or wanton acts or omissions.

15 (f) A provider who renders no-cost emergency shelter and
16 related services to a minor shall [~~document~~]:



1 (1) Document in writing the efforts made to contact the
2 minor's parent, legal guardian, or legal custodian[+];
3 and

4 (2) Take steps to ensure that youth who are or should be
5 under the legal jurisdiction of the juvenile justice
6 or child welfare systems obtain and receive services
7 from those systems until a time as the youth are
8 released from the jurisdiction of juvenile justice or
9 child welfare systems as required by the Runaway and
10 Homeless Youth Act, title 42 United States Code
11 sections 5701 through 5752, as amended."

12 2. By amending subsection (h) to read:

13 "(h) For purposes of this section:

14 "Minor" means a person less than eighteen years of age.

15 "No cost emergency shelter and related services" means
16 accommodation at no cost for a continuous period of no more than
17 thirty days, unless extended for emergency purposes and in
18 compliance with subsection (b), including beds, meals,
19 individual showering facilities, transportation to and from the
20 place of shelter, and any of the following services as deemed
21 appropriate by the provider:



- 1 (1) Assistance with reunification with the family, legal
- 2 guardian, or legal custodian of the minor;
- 3 (2) Referral to safe housing;
- 4 (3) Individual, family, and group counseling;
- 5 (4) Assistance in obtaining clothing;
- 6 (5) Access to medical and dental care, and mental health
- 7 counseling;
- 8 (6) Education and employment services;
- 9 (7) Recreational activities;
- 10 (8) Case management, advocacy, and referral services;
- 11 (9) Independent living skills training; and
- 12 (10) Aftercare services, as those services are defined in
- 13 title 45 Code of Federal Regulations section 1351.1.

14 "Provider" means any child placing organization[7] or child
15 caring institution authorized by the department under section
16 346-17 to receive or place minor children for care and
17 maintenance and to provide related services, health care, or
18 supplies to these minors. "Provider" includes an organization
19 that is not a child placing organization or child caring
20 institution that:



- 1 (1) Conducts criminal history clearances, child abuse and
- 2 neglect (CA/N) registry checks, background,
- 3 employment, and any other checks as may be required by
- 4 state or federal law on an annual basis for all
- 5 employees and volunteers;
- 6 (2) Maintains [~~separate sleeping areas~~] separation for
- 7 unrelated adults and minor children;
- 8 (3) Serves no more than five minor children per day;
- 9 (4) Keeps a current register of all minors admitted; and
- 10 (5) Coordinates with the department to provide shelter or
- 11 other services for a minor child."

12 SECTION 2. Act 23, Session Laws of Hawaii 2021, is amended
13 by amending section 3 to read as follows:

14 "SECTION 3. This Act shall take effect upon its approval
15 [~~and shall be repealed on June 30, 2023; provided that section~~
16 ~~346-17.6, Hawaii Revised Statutes, shall be reenacted in the~~
17 ~~form in which it read on the day before the effective date of~~
18 ~~this Act]."~~

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on December 31,
2 2050.



Report Title:

Department of Human Services; No-Cost Emergency Shelter and Related Services; Minors; Consent; Providers

Description:

Requires providers of no-cost emergency shelter and related services to maintain separation for unrelated adults and minor children and take steps to ensure pertinent youth obtain and receive services from the juvenile justice or child welfare systems. Makes permanent the amendments to the definition of "provider" as it relates to entities eligible to provide no cost emergency shelter and related services to consenting minors. Effective 12/31/2050. (HD1)

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

