



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 470, H.D. 2, S.D. 1, RELATING TO MINORS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, January 25, 2024      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 016 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General,  
James W. Walther, Deputy Attorney General, or  
Margaret A. Leong, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

Section 1 of the bill amends section 346-17.6, Hawaii Revised Statutes (HRS), to add the term "no cost" to modify the term "emergency shelter" in subsection (e) and to revise the definition of "[p]rovider" in subsection (h).

As originally introduced in the 2023 Legislative Session, section 2 of the bill was written to repeal the June 30, 2023, sunset date of Act 23, Session Laws of Hawaii 2021. Act 23 amended the definition of "[p]rovider" in section 346-17.6(h), and, through the sunset provision, provided that the wording of the statute would revert, on June 30, 2023, to what it was prior to enactment of Act 23.

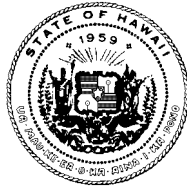
Because this bill did not pass and become law prior to the sunset date of June 30, 2023, the wording of the statute has reverted to what it was prior to the effective date of Act 23 and is no longer affected by Act 23. Therefore, we recommend deleting section 2 of this bill that proposes to amend Act 23 by eliminating the sunset date.

Additionally, the proposed amendments to the definition of "[p]rovider" in section 1 should reflect the current wording of section 346-17.6(h). Specifically, the wording beginning with the word "provider" on page 3, line 5, to the word "child" on page 3, line

18, should be underscored as new material, with the exception of the words "separate sleeping areas" on page 3, line 13, which should be deleted.

Thank you for the opportunity to provide these comments.

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

TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

January 24, 2024

To: The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **HB 470 HD2 SD1** – RELATING TO MINORS

Hearing: January 25, 2024, 10:00 a.m.  
Conference Room 016, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this bill and respectfully disagrees with the SD1 amendment removing the HD2 amendment to require providers to take steps to ensure that pertinent youth obtain and receive services from the juvenile justice or child welfare systems as applicable as required by the federal Runaway and Homeless Youth Act. Services available to children in the child welfare system (CWS) include access to health care coverage through Medicaid, higher education benefits, and continuing board payments that youth transitioning to adulthood may elect. The SD1 version of the bill would prevent youth in the child welfare system from accessing those services if DHS CWS is unaware of their whereabouts while on runaway status. In addition, DHS defers to the Judiciary and the Office of Youth Services regarding other services available to youth in the juvenile justice system.

**PURPOSE:** The bill requires providers of no cost emergency shelter and related services to maintain separation for unrelated adults and minor children. Makes 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. Effective 6/30/2050. (SD1)

The HD1 defected the effective date. The HD2 amended the measure by:

- (1) Requiring a provider who renders no cost emergency shelter and related services to a minor to take steps to ensure that pertinent youth obtain and receive services from the juvenile justice or child welfare systems, as applicable, as required by the federal Runaway and Homeless Youth Act; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The SD1 further amended the measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 129, S.D. 1, which requires providers of no cost emergency shelter and related services to maintain separation for unrelated adults and minor children, and repeals the sunset date for Act 23, thereby making 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;
- (2) Inserting an effective date of June 30, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

DHS appreciates the Legislature's commitment to addressing the needs of minors experiencing homelessness.

However, DHS disagrees with the SD1 deletion of the HD2 amendment "requiring a provider who renders no cost emergency shelter and related services to a minor to take steps to ensure that pertinent youth obtain and receive services from the juvenile justice or child welfare systems, as applicable, as required by the federal Runaway and Homeless Youth Act."

The committee report from the Senate Committee on Health and Human Services stated,

"Your Committee acknowledges the concerns raised by testimony that the idea of being forced to accept services from the juvenile justice or child welfare systems may be a deterrent for minors who have unpleasant and traumatic experiences with those systems to access no cost emergency shelters."

DHS recognizes that youth who have run away or are experiencing homelessness are very vulnerable and agrees that available services should never be traumatizing. DHS clarifies that the provision is for the provider to take steps so that youth can access available services

provided through DHS CWS. This will require communication with DHS, and it does not mean a child will be removed from seeking shelter, as DHS prefers that the child be in a safe environment. In addition to being compliant with the federal Runaway and Homeless Youth Act to access those federal funds, the benefits and services vital to youth involved in child welfare services are their access to health care coverage through Medicaid, higher education payments, as well as additional benefits and services available to youth who elect to extend foster care to support their transition into adulthood.

Additionally, DHS CWS continues to strongly prefer that all providers sheltering minors become appropriately licensed by DHS CWS or the Department of Health. Without licensure by either DHS or another licensing agency, there will be no government oversight, and the provider cannot receive contracted government funding through Child Welfare Services, nor is DHS CWS able to pay the unlicensed provider for shelter services even if a child is covered by Child Welfare Services.

Thank you for the opportunity to provide additional 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  
Greg Tjapkes, Secretary

Judith F. Clark, Executive  
Director

*Network Membership*

*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  
Hawaii Island Community'  
Health Center*

*Ho`ola Na Pua  
Ho`okele Coalition of Kaua`i*

*Ka Hale Pomaika`i  
Kahi Mohala  
Kokua Kalih 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*

January 20, 2024

Senator Karl Rhoads, Chair  
And members of the Committee on Judiciary

### **COMMENTS ON HB 470 HD 2 SD 2 RELATING TO MINORS**

Hawaii Youth Services Network (HYSN) is providing comments on HS 470 HD 2 SD 2 Relating to Minors.

HYSN has coordinated a statewide youth homelessness partnership since 1981. HYSN supports efforts to ensure that minors have access to safe and appropriate emergency shelter and other housing arrangements.

HYSN believes that organizations providing emergency shelter to minors should be licensed as child placing or child caring organizations by the Department of Human Services. HYSN recognizes that there are proponents of the bill that provided high quality shelter services to minors during the waiver period that expired in 2023. Yet the risk exists that other providers could take advantage of the exemption to provide a program that is not of the quality that our homeless youth need and deserve.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark  
Executive Director



Residential Youth Services & Empowerment

PO Box 11662 Honolulu, HI 96828

January 23, 2024

TO: Senate Committee on Judiciary  
Chair Rhodes, Vice Chair Gabbard, and Members of the Committee.

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

SUBJECT: HB 470, HD 2, SD1 Relating to Minors

Hearing: January 25, 2024, 10am  
State Capitol, Conference Room 016

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

Since passage of Act 23, Session Laws of Hawaii 2021, RYSE, a community-based organization serving homeless youth, has sheltered more than 42 unaccompanied minors, ages 15-17, with parental consent. Many of these youth were part of houseless families in which a parent was not ready to transition from homelessness, but they wanted a better life for their teenager. Some minors were involved in unsuccessful foster care placements and not reported as missing when they left the home of the resource care giver.

Before the sunset date of June 30, 2023, RYSE and other youth serving organizations, were able to create a safe place for these vulnerable minors to sleep and connect with trusted adults **before** they were targeted for trafficking, physical abuse, or prolonged exposure to the traumas associated with living unsheltered.

Unaccompanied minors who lived at RYSE were connected back to education with help from the DOE's Homeless Youth Re-Engagement Navigators. Youth who needed additional substance abuse and mental health resources were provided support through skilled and licensed clinicians.

By allowing vetted community providers to provide a safe and low barrier alternative to licensed child caring institutions, we ensure that vulnerable unaccompanied minors have pathways to end their homelessness and feel empowered to begin their journey into adulthood.

We look forward to working with DHS and the legislation to find a solution so that we may continue to serve these youth who desperately want to get off the streets. Mahalo for the opportunity to testify.

With aloha,

*Carla J Houser!*

Carla Houser  
Executive Director

# Opportunity Youth Action Hawai‘i

January 25, 2024

Senate Committee on Judiciary

Hearing Time: 10:00 AM

Location: State Capitol Conference Room 016

Re: HB 470 HD2 SD1, Relating to Minors

Aloha e Chair Rhoads, Vice Chair Gabbard, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai‘i hui, we are writing in **strong support** of HB 470 HD2 SD1, relating to minors. This bill will require providers of no cost emergency shelter and related services to maintain separation for unrelated adults and minor children; and 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.

The significance of providing homeless youth with emergency shelter and services cannot be overstated. Shelter is a foundation of stability and provides access to essential resources, fostering positive life outcomes and mitigating the potential for future adversities. According to a recent street youth study, over seventy-five percent of homeless youth in Hawai‘i have experienced physical, emotional, or sexual abuse. About a twenty-five percent 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 placements is less than optimal, leaving them with no meaningful choice but homelessness. For children, homelessness reflects a most extreme loss of family and caretaking. On top of shelter, children and young adults deserve the right to services and programs that could aid them in their journey of life, offering much needed support that these youth may not have experienced before.

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 period of time 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.

Opportunity Youth Action Hawai‘i 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 houselessness 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, HD2 SD1.**

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



**HB-470-SD-1**

Submitted on: 1/24/2024 12:36:26 PM

Testimony for JDC on 1/25/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn M Golojuch	Testifying for Rainbow Family 808	Support	In Person

Comments:

Thank you for hearing HB470 regarding the Homeless Minors. Rainbow Family 808 has been delivering weekly basis food needs since 2012 and know well how important food is to the residents and drop in population of underage youth. As a Social Worker until I aged out of employment, I recognise the vital needs of this population for their health, mental, physical and emotional development of this underserved population.

It is my opinion, that Hawai`i is in violation of ageism every day they deny safe homes, 24/7 housing. There are state recognized facilities that serve adults and to ignore our underage keiki is criminal. I was used to hearing how important our keiki were. Was this population statement just a campaign statement? Until this vital age group is provided with safe living residence, vital food supplies, training to succeed in life, educational support and support to succeed in life, Hawai`i is only creating a larger homeless population that our state already has by deny our youth shelters/.

Please vote for HB470 for our vital keiki/unaccompanied minors/homeless youth IMMEDIATELY. Every month our minors live on the streets they are prey to Sex Trafficking, sexual assaults, drug abuse, physical abuse, mental abuse and criminalization of being homeless. Hawai`i needs to step up their support for minors.

Respectfully,

President Rainbow Family 808

**HB-470-SD-1**

Submitted on: 1/21/2024 4:05:43 PM

Testimony for JDC on 1/25/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawai'i	Support	Remotely Via Zoom

Comments:

Aloha Senators,

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 2 SD 1.

The Caucus supports any amendments requested by RYSE.

The Caucus OPPOSES any amendments requested made ONLY by DHS.

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

Mahalo nui loa,

Michael Golojuch, Jr. (he/him)  
Chair and SCC Representative  
Stonewall Caucus for the DPH

# PARTNERS IN CARE

*Oahu's Continuum of Care*

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*Our mission is to eliminate homelessness through open and inclusive participation and the coordination of integrated responses.*

## OYAB O'AHU YOUTH ACTION BOARD

### TESTIMONY IN STRONG SUPPORT OF HB 470 HD2, SD1: RELATING TO MINORS

TO: House Committee on Human Services

FROM: O'ahu Youth Action Board, Partners In Care (PIC)

**Hearing: Tuesday, January 31<sup>st</sup>, 9:30am, Conference Room 329/videoconference**

Members of the House of Representatives Committee on Human Services:

Thank you for the opportunity to provide testimony in **STRONG SUPPORT of HB470 Relating to Minors**. My name is Efren Berrones and I am the Chair of the O'ahu Youth Action Board (OYAB). OYAB is the designated board made up of youth who have previously or are currently experiencing homelessness on O'ahu and our role is to advocate for houseless youth in systems that directly impact us. We firmly believe that any decision that involves us should include our perspectives, our voices, and our experiences. Today we unite as one in support of HB 470 to rectify the legislature's decision to let the expanded definition of "provider" sunset in June of 2023. This decision directly impacts us, our peers, and our continuum of care here in Hawai'i and we believe it is imperative that young people's perspectives are taken into account regarding this legislation.

The decision to allow HB 470 to sunset has had unimaginable consequences on many of the most vulnerable in our community and we believe that rectifying this error is what is needed to best support unaccompanied youth here in Hawai'i. There is no question that by allowing this piece of legislation to sunset we have failed our houseless youth. According to the National Homelessness Law Center, when an unaccompanied minor is denied shelter services of their choosing they spend an average of two years on the streets waiting to access these vital services. Organizations such as Residential Youth Services and Empowerment, Hawai'i Health and Harm Reduction Center, and Youth Outreach Waikiki are doing vital work to assist our population and OYAB works in tandem with these organizations to provide quality services to Oahu's street youth. These organizations are

much more than just service providers to us, oftentimes they are our safe space, our mentors, and our Ohana.

It is important to recognize that the Child Welfare System has historically NOT been a safe space for young people, we have seen and heard the hundreds of stories of neglect and abuse and how CWS systematically disempowers us. Additionally, involving any youth in the criminal justice system at such an early age can cause irreparable trauma and harm to their future. Hawai'i took a huge step forward in passing a minor consent to shelter law and another important step by expanding the definition of provider to encompass programs not directly connected with the child welfare system. But allowing this provision to sunset is harming our keiki. We are hearing from providers in Hawai'i that they are seeing a marked increase in unsheltered youth seeking services since June 2023. OYAB urges the legislature to reinstate the expanded definition of provider and to allow service providers to remain our safe spaces, and to empower us to have some choice in our journey. The unimaginable trauma that we experience having to send our unaccompanied brothers and sisters onto the streets at the end of each day has put an unimaginable strain on our community and we very much hope that the legislature will change course on this issue.

Thank you for the opportunity to testify today in **STRONG SUPPORT OF HOUSE BILL 470**.

Mahalo

Efren Berrones

Chair- O'ahu Youth Action Board

**HB-470-SD-1**

Submitted on: 1/23/2024 6:51:14 PM

Testimony for JDC on 1/25/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Katie Scott	Testifying for National Homelessness Law Center	Support	Written Testimony Only

Comments:

My name is Katie Scott and I am the Youth Homelessness Director at the National Homelessness Law Center. I am writing to urge lawmakers in Hawaii to urgently prioritize the reinstatement of the expanded definition of “provider” in the minor right to shelter law by supporting HB470 HD2 SD1.

One in 30 youth ages 13 to 17 are living in shelters, on the street, doubled up with other families, or in other temporary and tenuous situations. There are also stark disproportionalities among homeless youth. Indigenous youth are almost 3 times more likely to be homeless than white youth. Black youth are 83% more likely to experience homelessness than youth of other races and LGBTQ+ youth experience homelessness at twice the rate of their straight, cisgender peers.

More than half of unhoused youth become homeless for the first time because they are asked to leave home by a parent or caregiver. But unhoused youth may not seek assistance from the child welfare system even if they have been victims of abuse and neglect. Youth are often reluctant to seek care because of narrow choices with respect to living situations in foster care, stereotypes about the foster care system, prior experience with child welfare, fear of being separated from siblings, or concern about legal repercussions for parents or guardians. Barriers to accessing quality care often disproportionately affect older youth, LGBTQ+ youth, BIPOC youth, youth with disabilities, and youth from other historically marginalized groups.

There is no question that we are failing these youth. Street outreach program studies found that over half of unhoused youth who want to access shelter and services are told it is unavailable. As a result, the average unhoused young person spends nearly two years living on the street. But it doesn't have to be this way. Hawaii took a huge step forward in passing a minor consent to shelter law and another important step by expanding the definition of provider to encompass programs not directly connected with the child welfare system. But allowing this provision to sunset is harming youth. We are hearing from providers in Hawaii who are seeing a marked increase in unsheltered youth seeking services since June 2023.

The best practice in working with young people is “Yes to Yes” – when a young person asks for support, we need to say yes. If we throw up barriers around that support or send youth somewhere else or ignore their fears about working with certain systems or programs, we will lose them. Kids WILL end up on the streets and in other unsafe situations, taking care of themselves or relying on peers, rather than getting the support and care they need - and that the community wants to provide.



**HB-470-SD-1**

Submitted on: 1/20/2024 8:37:35 AM

Testimony for JDC on 1/25/2024 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family supports this HB470. Please pass this bill.

Mike Golojuch, Sr., Secretary, Rainbow Family 808