

**ACT 258**

S.B. NO. 1858

A Bill for an Act Relating to the Office of Youth Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to consolidate efforts made for the prevention of juvenile delinquency and betterment of the juvenile justice system. In the past, the legislature has established two bodies for these purposes, the juvenile justice interagency board and the office of youth services. The juvenile justice interagency board was established to advise juvenile justice agencies, among others, on policies for coordination and cooperation. Act 375, Session Laws of Hawaii 1989, established the office of youth services with the responsibility of addressing the needs of prevention of juvenile delinquency. The legislature also empowered the office with the responsibility for coordinating, overseeing, and

evaluating the myriad of youth services. To this end, the purpose of this Act is to combine efforts made for the prevention of juvenile delinquency by incorporating the juvenile justice interagency board into the office of youth services by transferring the board's power, functions, and duties to the office. This will provide the board a broader base to carry out its purpose and at the same time provide valuable expertise to the office to assist in its planning, coordination, and integration of a cohesive and effective youth service system.

This Act further provides for the establishment of four regional advisory boards and directorships located in each county to encourage community involvement, as well as cooperation and coordination among the public and private levels of service providers. This will also ensure that each island's needs are met as well as to achieve a coordinated statewide effort.

SECTION 2. Chapter 352D, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**“§352D- Office of youth services regional advisory boards; power, duties, and authority.** (a) There shall be established a regional advisory board located in each county and they shall be called the Hawaii, Kauai, Maui, and Oahu regional advisory boards, respectively. The office shall provide staff support for each board. Each board shall elect annually from among its members a chairperson who shall preside at its regular meetings. Each board shall be composed of eleven voting members. Each board's membership shall include four lay persons, of which two shall possess knowledge of youth services, all appointed by the governor as provided in section 26-34.

The Oahu regional advisory board shall include the superintendent of education, the public defender, the directors of human services and health, the police chief and the prosecuting attorney of the city and county of Honolulu, and the senior family court judge of the first circuit, or their designees.

The other regional advisory boards shall include the county's chief of police and prosecuting attorney, a deputy public defender, a family court judge, and one representative from each of the following departments of education, human services, and health, who shall be selected by their respective directors, or their designees.

All board members shall be residents of the county in which the regional advisory board to which they are appointed is located, and shall serve without compensation, but shall be reimbursed for necessary expenses incurred during the performance of their duties.

(b) There shall be a combined meeting of all boards at least once a year. Each regional board shall advise the office on:

- (1) General policies relating to the youth service system, including but not limited to planning, integration, development, and coordination to effectuate the purposes of this chapter;
- (2) Monitoring and evaluating youth services as they relate to the coordination and integration of the youth service system within its region; and
- (3) Any pertinent issue related to the youth service system within its region.

**§352D- Regional directors; powers, duties, and authority.** The executive director shall appoint a regional director in each county. Each regional director shall be exempt from chapters 76 and 77, and shall answer to the executive director. The regional director shall:

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- (1) Oversee the youth services centers located in the director's region;
- (2) Assist the executive director in coordinating, monitoring, and evaluating all programs and activities operated by the office within its region;
- (3) Advise the executive director on any pertinent issue related to the youth service system within the director's region; and
- (4) Provide staff support for the regional advisory board located in the director's region."

SECTION 3. Section 352D-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Beginning July 1, 1991, and terminating on June 30, [1992,] 1995, there shall be established within the office of youth services an oversight committee, consisting of seven members. The committee shall include five members who represent providers of youth services and two lay citizens. All members shall have knowledge and experience regarding the needs of youth. All members shall be appointed by the governor as provided in section 26-34. The director shall serve as executive secretary of the committee. The oversight committee shall have the responsibility of investigating and reporting misfeasance and malfeasance within the youth service system, inquiring into areas of concern, and conducting periodic audit evaluations of the youth service system to ascertain its effectiveness and compliance with established responsibilities. This responsibility shall not include, however, services which are provided directly by the office of youth services.

It shall be the duty of the oversight committee to conduct regular, periodic, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the county fire chief and the department of health and any agencies [which] that accredit [such] these institutions and facilities."

SECTION 4. Chapter 571D, Hawaii Revised Statutes, is repealed.

SECTION 5. (a) All rights, powers, functions, and duties of the juvenile justice interagency board, except for the juvenile justice information system, are transferred to the department of human services to be administered by the office of youth services, including, but not limited to, the Juvenile Justice Delinquency Protection Act (hereinafter referred to as "JJDP") and the JJDP's state advisory group, both established by Congress; provided that funds from the JJDP may be administered, but may not be used directly, by the office of youth services for its own programs.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

In the event that an office or position held by an officer or employee

having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

(b) All appropriations, records, files, contracts, books, papers, documents, maps and other personal property heretofore made, acquired, or held by the juvenile justice interagency board, except for the juvenile justice information system, shall be transferred to the department of human services with the functions to which they relate and shall be administered by the office of youth services.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$475,989, or so much thereof as may be necessary for fiscal year 1991-1992, and the sum of \$400,108, or so much thereof as may be necessary for fiscal year 1992-1993, to establish within the office of youth services four positions for the regional directors, four positions for clerical staff, and for the establishment and operations of the regional offices including, but not limited to, the purchasing of equipment and other necessary expenditures.

The sums appropriated shall be expended by the department of human services for the office of youth services.

SECTION 7. It is the intent of this Act to neither jeopardize the receipt of any federal aid nor impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall report promptly any such modification with reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 9. This Act shall take effect on July 1, 1991.

(Approved June 12, 1991.)

**Note**

1. Edited pursuant to HRS §23G-16.5.