

## ACT 179

S.B. NO. 921

A Bill for an Act Relating to Minors.

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§346- Consent to no cost emergency shelter and related services.** (a) A provider may provide no cost emergency shelter and related services to a consenting minor if the provider reasonably believes that:

- (1) The minor understands the significant benefits, responsibilities, risks, and limits of the shelter and services and can communicate an informed consent;
- (2) The minor understands the requirements and rules of the shelter and services; and
- (3) The shelter and services are necessary to ensure the minor's safety and well-being;

and the provider has conducted an assessment and determined that the minor does not pose a danger to the minor's self or to other persons at the same location. If the provider determines that admitting the minor poses a danger, the provider shall report the matter to an appropriate agency.

(b) A minor may consent to no cost emergency shelter and related services if the minor understands the benefits, responsibilities, risks, and limits of the shelter and services, and the minor agrees to adhere to the provider's rules and cooperate and participate in those services recommended by the provider; provided that:

- (1) The provider has not, despite reasonable efforts, been able to contact the minor's parent, legal guardian, or legal custodian;
- (2) The provider has made contact with the minor's parent, legal guardian, or legal custodian, and the minor's parent, legal guardian, or legal custodian has refused to give consent and, based on the information available to the provider, the provider reasonably believes that the minor would incur harm, or would be subject to threatened harm, if the minor returned immediately to the home of the parent, legal guardian, or legal custodian; or
- (3) The minor has refused to provide contact information for the minor's parent, legal guardian, or legal custodian, and the provider reasonably believes that the minor would incur harm, or would be subject to threatened harm, if the minor returned immediately to the home of the parent, legal guardian, or legal custodian.

(c) Any consent given by a minor under this section shall, for the duration of the period of shelter and with respect to all services, including medical services, be valid and binding as if the minor had reached the age of majority.

(d) The consent given under this section shall not be subject to later disaffirmance by reason of the minor's minority.

(e) Any provider who renders emergency shelter and related services to a minor pursuant to subsections (a) and (b) of this section and can demonstrate compliance with this section shall be immune from any civil or criminal liability based on the provider's determination to provide the shelter and related services; provided that if a provider's assessment and determination, or conduct in providing emergency shelter and related services, is the result of the provider's gross

negligence or wilful or wanton acts or omissions, the provider may be held liable for the provider's gross negligence or wilful or wanton acts or omissions.

(f) A provider who renders emergency shelter and related services to a minor shall document in writing the efforts made to contact the minor's parent, legal guardian, or legal custodian.

(g) The provider shall report any suspected child abuse or neglect to the department or the police department in accordance with section 350-1.1.

(h) For purposes of this section:

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

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

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

"Provider" means any child-placing organization, or child-caring institution authorized by the department under section 346-17 to receive or place minor children for care and maintenance and to provide related services, health care, or supplies to these minors."

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect on July 1, 2011.

(Approved July 1, 2011.)

#### Note

1. Edited pursuant to HRS §23G-16.5.