

A Bill for an Act Relating to Juvenile Justice Reform.

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

SECTION 1. Chapter 352, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§352- Hawaii youth correctional facilities; Kawaiiloa youth and family wellness center; authority. (a) The Hawaii youth correctional facilities may operate and maintain the Kawaiiloa youth and family wellness center within the scope of the authority granted by the office of youth services pursuant to section 352D- , using funds appropriated or approved by the legislature for this purpose.

(b) Persons committed to the Hawaii youth correctional facilities shall be segregated from youth and young adults admitted to the Kawaiiloa youth and family wellness center. For purposes of this section, “young adult” has the same meaning as in section 352D-3.”

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

“§352D- Kawaiiloa youth and family wellness center; creation. (a) The office of youth services may create and develop a central youth service center known as the Kawaiiloa youth and family wellness center at the site of the Hawaii youth correctional facilities. The office of youth services may grant to the Hawaii youth correctional facilities the authority to operate and maintain the Kawaiiloa youth and family wellness center; provided that opportunities may be given to existing state Hawaii youth correctional facilities civil service employees to participate in the services and programs, as specified in subsection (d), including discussing long-term plans for employment and training opportunities to contribute professionally to the program.

(b) A primary objective of the Kawaiiloa youth and family wellness center shall be to prevent delinquency, as specified in section 352D-7.

(c) The other objectives of the Kawaiiloa youth and family wellness center shall be to:

- (1) Offer residential programs in delinquency prevention, including youth services, as defined in section 352D-3;
- (2) Provide a wider range of informal dispositions, particularly alternatives to the juvenile justice system; and
- (3) Develop an improved system of intake, assessment, and follow-up for youth at risk and young adults at risk.

(d) The Kawaiiloa youth and family wellness center services and programs may include but shall not be limited to mental health services and programs, substance abuse treatment programs, crisis shelters for homeless youth, crisis shelters for victims of human and sex trafficking, vocational training, group homes, day treatment programs, aftercare, independent and family counseling services, educational services, and other services and programs that may be required to meet the needs of youth or young adults.

(e) All youth at risk and all young adults at risk shall be eligible for services at the Kawaiiloa youth and family wellness center.”

SECTION 3. Section 352-2.1, Hawaii Revised Statutes, is amended to read as follows:

“§352-2.1 Purpose. (a) This chapter creates within the department of human services, and ~~[to be placed]~~ places within the office of youth services under the supervision of the director and such other subordinates as the director shall designate, the Hawaii youth correctional facilities, to provide for the custody, rehabilitation, and institutional care and services to prepare for reentry into their communities and families, youth committed by the courts of the State.

(b) This chapter further creates within the department of human services, and places within the office of youth services under the supervision of the director and such other subordinates as the director shall designate, and under the supervision of the Hawaii youth correctional facilities, the Kawaihoa youth and family wellness center, to provide prevention, rehabilitation, and treatment services and programs for youth at risk and young adults at risk, to prevent delinquency and reduce the incidence of recidivism among youth and young adults in the State.

~~[(b)]~~ (c) The policy and purpose of this chapter is to harmonize the sometimes conflicting requirements of public safety, secure placement, and individualized services for law violators in the custody and care of the director. To that end, the director shall provide the opportunity for intelligence and aptitude evaluation, psychological testing and counseling, prevocational and vocational training, and employment counseling to all persons committed to the Hawaii youth correctional facilities~~[-]~~ and to all youth and young adults admitted to the Kawaihoa youth and family wellness center.¹ Counseling services shall be available to the committed or admitted person's family during the term of commitment~~[-]~~ to the Hawaii youth correctional facilities or admission to the Kawaihoa youth and family wellness center. The director shall coordinate services provided to the facilities by other departments and agencies, to realize these policies and purposes.

(d) For purposes of this section, “youth at risk”, “young adult at risk”, and “young adult” have the same meaning as in section 352D-3.”

SECTION 4. Section 352D-3, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Young adult at risk” or “young adult” means any adult between the ages of eighteen and twenty-four who has been arrested, who has had contact with the police, who is experiencing social, emotional, psychological, educational, or physical problems, and who is no longer eligible for child protective services provided by the State due to the adult's age.”

SECTION 5. Section 352D-4, Hawaii Revised Statutes, is amended to read as follows:

“§352D-4 Establishment; purpose. There is established within the department of human services for administrative purposes only the office of youth services. The office of youth services is established to provide services and programs for youth at risk under one umbrella agency in order to facilitate optimum service delivery, to prevent delinquency, and to reduce the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services. The office shall also be responsible for program planning and development, intake/assessment, oversight, as well as consultation, technical assistance, and staff training relating to the delivery of services.

The office shall provide a continuum of services as follows:

- (1) An integrated intake/assessment and case management system;
- (2) The necessary educational, vocational, social counseling and mental health services; provided that the department of education shall

be the only provider of standards-based education services for all youth adults at risk and young adults identified with special education needs or actively receiving special education services, in accordance with the Individuals with Disabilities Education Act (20 U.S.C. section 1400 et seq.) and all applicable federal and state educational requirements;

- (3) Community-based shelter and residential facilities;
- (4) Oversight of youth services; and
- (5) Other programs which encourage the development of positive self-images and useful skills in such youth.

The executive director of the office of youth services shall submit annual reports to the legislature no later than twenty days prior to the convening of each regular session, reporting the services or programs funded pursuant to this section, the number of youth served by each service or program, and the results of the services or programs funded.

To this end, on July 1, 1991, this office shall assume the responsibilities for juvenile corrections functions, which were temporarily placed in the department of corrections pursuant to Act 338 of 1987. These functions shall include, but not be limited to, all responsibilities, under chapter 352, for the Hawaii youth correctional facilities."

SECTION 6. Section 352D-7, Hawaii Revised Statutes, is amended to read as follows:

"352D-7 Youth services centers; creation. (a) Beginning July 1, 1991, the office of youth services shall create, develop, and operate youth service centers throughout the State, including one or more in each county[-] and including the Kawaiiloa youth and family wellness center created pursuant to section 352D- . This may be done either directly or by contract with private parties. Delinquency prevention shall be a primary objective of these centers. The population eligible for services at the centers ~~[would]~~ shall be all youths in need of services[-] and all young adults at risk. All referrals and admissions to a youth services center shall be voluntary. Centers ~~[would]~~ shall also develop individualized intake capabilities, program plans, delivery of services, and a comprehensive referral network. The objectives of the youth service centers shall be to:

- (1) Develop and implement programs in delinquency prevention;
- (2) Provide a wider range of informal dispositions, particularly alternatives to the juvenile justice system;
- (3) Develop an improved system of intake, assessment, and follow-up for youths[-] including youth at risk, and for young adults at risk; and
- (4) Provide better coordination of juvenile justice and nonjuvenile justice services in order to reduce overlaps and gaps in services.

(b) Each center shall:

- (1) Be responsible for coordinating all services, justice system or ~~[non-justice]~~ non-justice system, both public and private, to the youth and young adults referred to it; and
- (2) Be responsive to the needs of its immediate community and offer an array of services that are tailored to the needs of its constituents.

(c) Every youth and young adult referred to a youth services center shall~~[-as soon as possible,-]~~ be appropriately placed with a service provider and provided services~~[-]~~ as soon as possible. The center shall develop procedures ~~[which]~~ that will ~~[insure]~~ ensure that appropriate service providers are available

on a twenty-four hour basis for each youth~~[-]~~ and young adult. The center may contract with ~~[such]~~ service providers for ~~[such]~~ provision of services.

(d) Each youth service center shall maintain a registry of every youth and young adult referred to it and shall monitor and supervise the follow-up services that are provided to the youth~~[-]~~ or young adult. Each center shall be primarily responsible to ~~[insure]~~ ensure that ~~[the]~~ each youth is fully diverted from the juvenile justice system.”

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 8. This Act shall take effect upon its approval.

(Approved July 10, 2018.)

Notes

1. Period should be underscored.
2. Edited pursuant to HRS §23G-16.5.