
A BILL FOR AN ACT

RELATING TO PERSONS COMMITTED TO THE HAWAII YOUTH CORRECTIONAL FACILITIES OR TO THE CUSTODY OR CARE OF THE EXECUTIVE DIRECTOR OF THE OFFICE OF YOUTH SERVICES.

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

1 SECTION 1. The purpose of this Act is to allow the Hawaii
2 youth correctional facilities and the executive director of the
3 office of youth services to obtain necessary information on
4 youth committed to the facilities quickly, and to use the
5 information for treatment and care of the youth committed to the
6 facilities or to the custody or care of the executive director.

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

10 "§352- **Provision of confidential information to the**
11 **Hawaii youth correctional facilities.** (a) Notwithstanding any
12 other law to the contrary, otherwise confidential information,
13 records, and documents, including information, records, and
14 documents, in the possession of the courts, the department of
15 health, and the department of human services, concerning
16 persons committed to the Hawaii youth correctional facilities or

1 to the director's custody or care, shall be furnished upon
2 request by the director or director's designee to the applicable
3 correctional facilities and the director and shall include but
4 not be limited to health records and information (including
5 HIV/AIDS records and information), mental health records and
6 information, and social services records and information.

7 (b) With respect to information, records, and documents in
8 the possession of the department of education that are
9 confidential under federal law, the information, records, and
10 documents requested by the director or the director's designee
11 shall be furnished to the director or director's designee, as
12 required by federal law, upon:

13 (1) Issuance of a court order allowing release and after
14 the department of education's compliance with notice
15 requirements regarding the release of confidential
16 information, records, and documents; or

17 (2) Obtaining the consent of the youth's parent.

18 (c) The information, records, and documents provided under
19 this section may be used only by the director and those who work
20 with youth while committed to the facilities or to the
21 director's custody or care, including those employed by the
22 department of human services, the department of health, and the

1 department of education, and contractors retained to provide
2 services to the youth, who need the information, records, and
3 documents in order to provide care, safety, treatment, and
4 educational services for the youth.

5 (d) The information, records, and documents may not be
6 disclosed to persons who are not providing services to youth who
7 are at the correctional facility, except:

8 (1) To providers contracted by the office of youth
9 services, to the extent determined necessary by the
10 director to provide care and services for the youth,
11 including but not limited to social services,
12 placement, health services, educational services, and
13 mental health services;

14 (2) To persons duly authorized by the State or the United
15 States in connection with their official duties when
16 those duties are directly connected to the care,
17 treatment, and safety of youth committed to the
18 facilities or to the director's custody and care; or

19 (3) As otherwise in accordance with state and federal
20 law."

21 SECTION 3. New statutory material is underscored.

22 SECTION 4. This Act shall take effect upon its approval.

Report Title:

Office of Youth Services; Hawaii Youth Correctional Facilities

Description:

Allows the Hawaii Youth Correctional Facility to quickly obtain upon admission necessary information, records, and documents on youth committed to the facility, and allows the use of that foregoing information and materials for treatment and care within the facility. (SD1)