



Committee: Committee on Human Services
Hearing Date/Time: Tuesday, February 2, 2010, 1:30 p.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in Support of S.B. 2078, Relating to Minors

Dear Chair Chun Oakland and Members of the Committee on Human Services:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 2078, which seeks to allow a minor to give informed consent for emergency shelter and related services.

This bill recognizes that many youth needing emergency shelter simply cannot obtain parental consent and should not be required to have it to obtain emergency services. Children are entitled to similar rights and social benefits as other citizens and should be provided with necessary services rather than forced onto the streets.

Removing potential civil or criminal liability for shelters that are otherwise able to satisfy the emergency needs of runaway or abandoned youth will provide much needed support to shelters, and, most importantly, to the children who will finally be able to access the help that they need.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawai'i

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February 1, 2010

Ms. Suzanne Chun-Oakland, Chair
Committee on Human Services

RE: SB 2078, Relating To Minors (Informed Consent
for Emergency Shelter)

FROM: Jaque Kelley-Uyeoka, ACSW
Deputy CEO-Outreach Services, Hale Kipa

My name is Jaque Kelley-Uyeoka and I am the Deputy CEO-Outreach Services at Hale Kipa, Inc. Thank you for allowing me to testify in support of this bill that allows minors to give informed consent for emergency shelter in programs that possess child placing, child care or foster board licensures. We do want to stress our understanding that this Bill *does not* include minors having this type of access to current adult homeless or domestic violence shelters with which we concur.

We are in support of the intention of this bill which would allow a minor youth to access emergency shelter via the current emergency shelters for youth without needing immediate parental consent for him/her to stay at the Shelter. We currently accept youth who come to our Shelters and generally allow them to stay up to 24 hours while we attempt to locate their parents to obtain consent for a longer stay. While a limited number of youth may enter our Shelter without caring about the 24 hour timeline for consent, it is more often seen as a barrier to youth coming off the streets for at least the following reasons:

- Most runaway youth, upon hearing a parent will be immediately called, won't even come into the Shelter and thus remain on the streets where they are victim to exploitation and may begin to engage in crimes to support oneself.
- Some youth may come in but will run away in the 24 hour span as there is not enough time to develop relationships with the staff to encourage them to remain in the Shelter and work on their issues.
- It often takes longer to contact parents or work through some initial parental denial of consent and allow for a healthier reunification of the youth with their family.

This Bill would at least provide a youth respite from the streets and/or from a potentially harmful home environment as well as time to sort out his family situation. It also allows staff to have the opportunity to work with these youth and assist them return home or be referred to Child Protective Services if warranted.



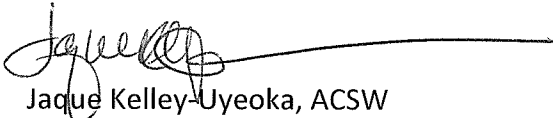
Ms. Suzanne Chun-Oakland, Chair
Committee on Human Services

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There are details in this Bill which will need some more discussion; they include how long the Agency can keep a youth without parental consent, if there are any additional liability issues not yet identified and if there is a need for monies to ensure that there are enough shelter beds open for this population. But it is a start to find a way to remove some immediate barriers to youth coming off of the run and having a safe place to stay while developing a relationship with staff who can assist him/her with more appropriate living arrangements.

Again, thank you for the opportunity to express our general support and please feel free to contact me if you need additional information.

Sincerely,



Jaque Kelley-Uyeoka, ACSW
Deputy CEO-Outreach Services
Hale Kipa, Inc.



chunOakland5 - Michael

From: Judith Clark [jclark@hysn.org]
Sent: Friday, January 29, 2010 9:18 AM
To: HMS Testimony
Cc: Judith Clark
Subject: FW: Testimony on SB2078

TESTIMONY FROM HAWAII YOUTH SERVICES NETWORK

SB 2078 Relating to Minors
Feb. 2, 2010, 1:30 p.m.
Room 016

To: Senator Suzanne Chun Oakland, Chair, and members of the Committee on Human Services
Senator Brian Taniguchi, Chair, and members of the Committee on Judiciary and Government Affairs

TESTIMONY ON SB 2078 RELATING TO MINORS

Hawaii Youth Services Network, a statewide coalition of 50 youth-serving organizations, strongly supports SB 2078 Relating to Minors.

In 2008, the Office of Youth Services convened the Safe Shelter for Youth Work Group to look at ways to assure that runaway, homeless and street youth could obtain emergency shelter services when needed. It included representatives from the Child Welfare System, Attorney General's office, and representatives from other organizations that work with these youth.

The Work Group determined that that some homeless or runaway youth were unable to enter emergency youth shelters when parental/guardian consent for admission could not be obtained. This happened when the parent or guardian could not be reached to provide consent and when the parent/guardian refused to provide consent, but would not allow the youth to return home. In most cases, the situation did not meet the criteria for Child Protective Services to intervene.

Without a responsible adult or government agency to provide consent, youth shelters cannot admit the young person, leaving him or her no option but to remain on the street without adult supervision or support. The consequences of living on the street can be devastating. The youth is at great risk of physical or sexual assault, has no safe place to sleep, often lacks adequate nutrition, is at high risk of unplanned pregnancy or sexually transmitted infections, and is likely not attending school.

This bill will enable youth to provide informed consent for shelter if the shelter staff are unable to obtain parental/guardian consent and assure their safety, while efforts continue to contact families or make other care arrangements.

Thank you for this opportunity to testify on this important issue.

Sincerely,

Judith F. Clark, MPH
Executive Director
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