
A BILL FOR AN ACT

RELATING TO MINORS.

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

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

4 "§346- Consent to emergency shelter and related
5 services. (a) A provider may provide emergency shelter and
6 related services to a consenting minor if the provider
7 reasonably believes that:

8 (1) The minor understands the significant benefits,
9 responsibilities, risks, and limits of the emergency
10 shelter and services and can communicate an informed
11 consent;

12 (2) The minor understands the requirements and rules of
13 the shelter and services; and

14 (3) The shelter and services are necessary to ensure the
15 minor's safety and well-being;

16 and the provider has conducted an assessment and determined that
17 the minor does not pose a danger to the minor's self or to other
18 persons at the same location. If the provider determines that



1 admitting the minor poses a danger, the provider shall report
2 the matter to an appropriate agency.

3 (b) A minor may consent to emergency shelter and related
4 services if a provider has offered the shelter and services
5 without charge, the minor understands the benefits,
6 responsibilities, risks, and limits of the shelter and services,
7 and the minor agrees to adhere to the provider's rules and
8 cooperate and participate in those services recommended by the
9 provider, provided that:

10 (1) The provider has not, despite reasonable efforts, been
11 able to contact the minor's parent, legal guardian, or
12 legal custodian;

13 (2) The provider has made contact with the minor's parent,
14 legal guardian, or legal custodian, and the minor's
15 parent, legal guardian, or legal custodian has refused
16 to give consent and, based on the information
17 available to the provider, the provider reasonably
18 believes that the minor would incur harm, or would be
19 subject to threatened harm, if the minor returned
20 immediately to the home of the parent, legal guardian,
21 or legal custodian; or



1 (3) The minor has refused to provide contact information
2 for the minor's parent, legal guardian, or legal
3 custodian, and the provider reasonably believes that
4 the minor would incur harm, or would be subject to
5 threatened harm, if the minor returned immediately to
6 the home of the parent, legal guardian, or legal
7 custodian;

8 (c) Any consent given by a minor under this section shall,
9 for the duration of the period of shelter and with respect to
10 all services, be valid and binding as if the minor had reached
11 the age of majority. Any other provisions of law
12 notwithstanding, the minor shall be deemed to have and shall
13 have the same legal capacity to act, and shall have the same
14 legal obligations with regard to the giving of informed consent,
15 as a person of full legal age and capacity.

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

19 (e) Any provider who renders emergency shelter and related
20 services to a minor pursuant to subsections (a) and (b) of this
21 section and can demonstrate its compliance with this section
22 shall be immune from any civil or criminal liability based on



1 the provider's determination to provide the shelter and related
2 services; provided that if a provider's assessment and
3 determination, or conduct in providing emergency shelter and
4 related services, is the result of the provider's gross
5 negligence or wilful or wanton acts or omissions, the provider
6 may be held liable for the provider's gross negligence or wilful
7 or wanton acts or omissions.

8 (f) If a minor consents to receive emergency shelter and
9 related services pursuant to subsections (a) and (b), the
10 parent, legal guardian, or legal custodian of the minor shall
11 not be liable for the legal obligations resulting from the
12 emergency shelter and related services provided by a provider.
13 A parent, legal guardian, or legal custodian whose consent has
14 not been obtained or who has no prior knowledge that a minor has
15 consented to the provision of emergency shelter and related
16 services shall not be liable for any costs incurred by virtue of
17 the minor's consent.

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



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

4 (i) For purposes of this section:

5 "Emergency shelter and related services" means
6 accommodation for a continuous period of no more than thirty
7 days, including beds, meals, individual showering facilities,
8 transportation to and from the place of shelter, and any of the
9 following services as deemed appropriate by the provider:

10 (1) Assistance with reunification with the family, legal
11 guardian, or legal custodian of the minor;

12 (2) Referral to safe housing;

13 (3) Individual, family, and group counseling;

14 (4) Assistance in obtaining clothing;

15 (5) Access to medical and dental care, and mental health
16 counseling;

17 (6) Education and employment services;

18 (7) Recreational activities;

19 (8) Case management, advocacy, and referral services;

20 (9) Independent living skills training; and

21 (10) Aftercare services, as those services are defined in
22 45 Code of Federal Regulations 1351.1.



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

2 "Provider" means any child-placing organization, or child-
3 caring institution authorized by the department under section
4 346-17 to receive or place minor children for care and
5 maintenance and to provide related services, health care, or
6 supplies to these minors."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Minors; Emergency Shelter; Consent

Description:

Allows certain child service providers to provide emergency shelter and related services to a minor under certain circumstances. Effective July 1, 2050. (SB921 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

