
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 temporary safe shelter and related
5 services. (a) A provider may provide temporary safe shelter
6 and related services to a consenting minor if the provider
7 reasonably believes that:

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

11 (2) The temporary safe shelter and related services are
12 for the minor's benefit.

13 (b) A minor may consent to temporary safe shelter and
14 related services if a provider has offered the temporary safe
15 shelter and related services without charge, the minor
16 understands the benefits, risks, and limits of the temporary
17 safe shelter and related services; provided that:



- 1 (1) The provider has not, despite reasonable efforts, been
2 able to contact the minor's parent, legal guardian, or
3 custodian to obtain consent;
- 4 (2) The provider has made contact with the minor's parent,
5 legal guardian, or custodian, and the minor's parent,
6 legal guardian, or custodian has refused to give
7 consent, but the provider reasonably believes that the
8 minor would be harmed, or would be subject to
9 threatened harm, if the minor returned immediately to
10 the home of the parent, legal guardian, or custodian;
11 or
- 12 (3) The minor has refused to provide contact information
13 for the minor's parent, legal guardian, or custodian
14 and the provider reasonably believes that the minor
15 would incur harm, or would be subject to threatened
16 harm, if the minor returned immediately to the home of
17 the parent, legal guardian, or custodian.
- 18 (c) Any consent given by a minor under this section shall
19 be valid and binding as if the minor had reached the age of
20 majority. The minor shall be deemed to have and shall have the
21 same legal capacity to act, and the same legal obligations with



1 regard to giving an informed consent, as a person of full legal
2 age and capacity, any other provisions of law notwithstanding.

3 (d) The consent given under this section shall not be
4 later disaffirmed by reason of the minor's minority.

5 (e) Any provider who renders temporary safe shelter and
6 related services to a minor under this section, after
7 determining in good faith that the minor has met the
8 requirements for giving an informed and valid consent pursuant
9 to subsections (a), (b), and (c), shall be immune from any civil
10 or criminal liability except in a case arising from the
11 provider's gross negligence or wilful or wanton acts or
12 omissions.

13 (f) If a minor consents to receive temporary safe shelter
14 and related services, the parent, legal guardian, or custodian
15 of the minor shall not be liable for the legal obligations
16 resulting from the temporary safe shelter and related services
17 provided by a provider. A parent, legal guardian, or custodian
18 whose consent has not been obtained, or who has no prior
19 knowledge that a minor has consented to the provision of
20 temporary safe shelter and related services, shall not be liable
21 for any costs incurred by virtue of the minor's consent.



1 (g) A provider who renders temporary safe shelter and
2 related services to a minor shall document in writing the
3 efforts made to contact the minor's parent, legal guardian, or
4 custodian.

5 (h) The provider shall report to the department any
6 findings that the minor is subject to imminent harm, has been
7 harmed, or is subject to threatened harm. If applicable, the
8 provider shall also make a report to the department or the
9 police department of child abuse or neglect under section
10 350-1.1.

11 (i) For purposes of this section:

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

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

18 "Related services" means temporary accommodation including
19 provision of bathing facilities and sustenance, provision of
20 clothing if necessary, transportation, counseling, and those
21 services necessary to assess and resolve the circumstances that



1 resulted in the minor's separation from the minor's parent,
2 custodian, or legal guardian.

3 "Temporary safe shelter" means a facility operated by a
4 provider and designed to provide related services to minors
5 seeking temporary separation from the minor's parent, custodian,
6 or legal guardian."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect on January 7, 2059.



Report Title:

Minors; Emergency Shelter; Consent; Keiki Caucus

Description:

Allows a minor to give informed consent for emergency shelter and related services. Effective January 7, 2059. (HB684 HD2)

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

