
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 no cost emergency shelter and related
5 services. (a) A provider may provide no cost emergency shelter
6 and 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 shelter and
10 services and can communicate an informed consent;

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

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

15 and the provider has conducted an assessment and determined that
16 the minor does not pose a danger to the minor's self or to other
17 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 no cost emergency shelter and
4 related services if the minor understands the benefits,
5 responsibilities, risks, and limits of the shelter and services,
6 and the minor agrees to adhere to the provider's rules and
7 cooperate and participate in those services recommended by the
8 provider; provided that:

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

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

21 (3) The minor has refused to provide contact information
22 for the minor's parent, legal guardian, or legal



1 custodian, and the provider reasonably believes that
2 the minor would incur harm, or would be subject to
3 threatened harm, if the minor returned immediately to
4 the home of the parent, legal guardian, or legal
5 custodian.

6 (c) Any consent given by a minor under this section shall,
7 for the duration of the period of shelter and with respect to
8 all services, including medical services, be valid and binding
9 as if the minor had reached the age of majority.

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

13 (e) Any provider who renders emergency shelter and related
14 services to a minor pursuant to subsections (a) and (b) of this
15 section and can demonstrate compliance with this section shall
16 be immune from any civil or criminal liability based on the
17 provider's determination to provide the shelter and related
18 services; provided that if a provider's assessment and
19 determination, or conduct in providing emergency shelter and
20 related services, is the result of the provider's gross
21 negligence or wilful or wanton acts or omissions, the provider



1 may be held liable for the provider's gross negligence or wilful
2 or wanton acts or omissions.

3 (f) A provider who renders emergency shelter and related
4 services to a minor shall document in writing the efforts made
5 to contact the minor's parent, legal guardian, or legal
6 custodian.

7 (g) The provider shall report any suspected child abuse or
8 neglect to the department or the police department in accordance
9 with section 350-1.1.

10 (h) For purposes of this section:

11 "No cost emergency shelter and related services" means
12 accommodation at no cost for a continuous period of no more than
13 thirty days, unless extended for emergency purposes and in
14 compliance with subsection (b), including beds, meals,
15 individual showering facilities, transportation to and from the
16 place of shelter, and any of the following services as deemed
17 appropriate by the provider:

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

20 (2) Referral to safe housing;

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

22 (4) Assistance in obtaining clothing;



- 1 (5) Access to medical and dental care, and mental health
- 2 counseling;
- 3 (6) Education and employment services;
- 4 (7) Recreational activities;
- 5 (8) Case management, advocacy, and referral services;
- 6 (9) Independent living skills training; and
- 7 (10) Aftercare services, as those services are defined in
- 8 Title 45 Code of Federal Regulations Section 1351.1.

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

10 "Provider" means any child-placing organization, or child-

11 caring institution authorized by the department under section

12 346-17 to receive or place minor children for care and

13 maintenance and to provide related services, health care, or

14 supplies to these minors."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on July 1, 2011.



Report Title:

Minors; Emergency Shelter; Consent

Description:

Allows certain child service providers to provide emergency shelter and related services to minors at no cost under certain circumstances. Effective July 1, 2011. (SB921 HD3)

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

