

STAND. COM. REP. NO.

971

Honolulu, Hawaii

March 18, 2011

RE: S.B. No. 921
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 921, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this bill is to increase the safety of minors by, among other things, :

- (1) Allowing child services providers authorized by the Department of Human Services (DHS) to provide emergency shelter and related services to a minor if the provider obtains the minor's consent and reasonably believes that:
 - (A) The minor understands the significant benefits and limits of the emergency shelter and related services;
 - (B) The minor can communicate an informed consent; and
 - (C) The emergency shelter and related services are for the minor's benefit;
- (2) Allowing a minor to consent to emergency shelter and related services if:

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- (A) The provider has made a good faith effort to contact the minor's parent, legal guardian, or custodian to obtain consent, but has been unable to do so;
- (B) The provider has made contact with the minor's parent, legal guardian, or custodian, but they have refused to give consent; or
- (C) The minor has refused to provide contact information for the minor's parent, legal guardian, or custodian;

and

- (3) Requiring the provider to:
 - (A) Report to DHS any findings that the minor is subject to imminent harm, has been harmed, or is subject to threatened harm; and
 - (B) If applicable, make a report to DHS or the police department of child abuse or neglect under section 350-1.1, Hawaii Revised Statutes.

Hawaii Foster Youth Coalition testified in support of this bill. DHS provided comments on this bill.

Your Committee has amended this bill by, among other things:

- (1) Providing a time limit of no longer than 30 days for emergency shelter and related services;
- (2) Adding language to ensure that a minor understands the requirements of the shelter program and agrees to adhere to the shelter's rules and cooperate and participate in services recommended by the shelter;
- (3) Requiring that admission of a minor to emergency shelter has been determined by the shelter to be necessary to ensure the minor's safety and well-being;
- (4) Allowing a minor to consent to emergency shelter and related services if:



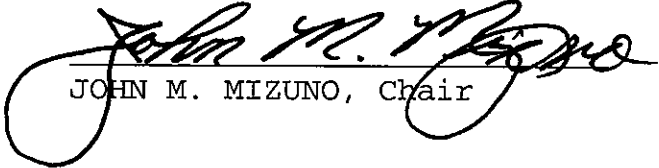
- (A) A provider has offered the shelter and services without charge;
 - (B) The minor understands the benefits, responsibilities, risks, and limits of the shelter and services; provided that the provider has not, despite reasonable efforts, been able to identify and contact the minor's parent, legal guardian, or legal custodian; and
 - (C) Where the minor's parent, legal guardian, or legal custodian refused to give consent or the minor refused to provide contact information, the provider, based on available information, reasonably believes the minor would be harmed or subject to threatened harm, if the minor returned immediately to the parent, legal guardian, or legal custodian;
- (5) Requiring the provider to conduct an assessment to ensure that the minor does not pose a risk to self or other residents of the shelter;
 - (6) Stipulating that if admitting the minor to emergency shelter is determined by the shelter to be unsafe, the shelter will immediately report the matter to an appropriate agency, subject to the provider's assessment;
 - (7) Clarifying that any consent given by the minor is valid and binding for the duration of the minor's stay in the shelter;
 - (8) Clarifying that immunity from any civil or criminal liability will be granted to any provider who renders emergency shelter and related services to a minor after determining in good faith that admitting the minor to the shelter does not pose an unacceptable or uncontrollable safety concern to the other residents of the shelter;
 - (9) Requiring the provider to report any suspected child abuse or neglect to DHS or the police department;
 - (10) Eliminating foster boarding home from the definition of provider;



- (11) Clarifying that a custodian is a legal custodian and guardian is a legal guardian; and
- (12) Making technical, nonsubstantive amendments, for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 921, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 921, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



