

Honolulu, Hawaii

March 24, 2011

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 921, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this bill is to provide for the safety of the State's runaway or transient youth by, among other things:

- (1) Authorizing certain child care providers to provide emergency shelter and related services for up to thirty days based on the reasonable belief the minor has given informed consent, agrees to adhere to rules and services, and such shelter is necessary for the minor's safety and well-being;
- (2) Shielding the providers from criminal or civil liability for emergency shelter provided or related services rendered where certain precautions were taken;
- (3) Relieving the parent, legal guardian, or legal custodian of the minor from legal and financial obligation under certain circumstances; and
- (4) Requiring the provider to report to the Department of Human Services (DHS) or the police if the provider



suspects the minor may be subject to child abuse or neglect.

DHS, American Civil Liberties Union of Hawaii, Planned Parenthood of Hawaii, and a concerned individual testified in support of this measure. Hawaii Youth Services Network provided comments.

Your Committee has amended this bill by:

- (1) Moving the language requiring providers to conduct an assessment of whether the minor poses a danger to the minor's self or others to subsection (a) from subsection (b), so that it is more clearly part of the provider's obligations in determining whether offering shelter is reasonable;
- (2) Merging the two subsections protecting the provider from liability into subsection (e);
- (3) Incorporating the 30-day limitation on duration of stay into the definition of "emergency shelter and related services";
- (4) Based on consultation with the Hawaii Youth Services Network, clarifying, formatting, and distinguishing the mandatory and optional services within the definition of "emergency shelter and related services"; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


GILBERT KEITH-AGARAN, Chair



