

STAND. COM. REP. NO.

1534

Honolulu, Hawaii

April 8, 2011

RE: S.B. No. 921
S.D. 2
H.D. 3

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

Sir:

Your Committee on Finance, to which was referred S.B. No. 921, S.D. 2, H.D. 2, 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 to a consenting minor under certain conditions, including the minor's agreement to adhere to rules and services, and such shelter is necessary for the minor's safety and well-being;
- (2) Allowing a minor to consent to emergency shelter and related services if a provider has offered the shelter and services without charge, and the minor understands and meets certain conditions and an attempt has been made to contact the minor's parents;
- (3) Shielding the providers from criminal or civil liability for emergency shelter provided or related services rendered where certain precautions were taken;



- (4) Relieving the parent, legal guardian, or legal custodian of the minor from legal and financial obligation under certain circumstances; and
- (5) Establishing certain documentation and reporting requirements for a provider.

Hawaii Youth Services Network, American Civil Liberties Union of Hawaii, and Planned Parenthood of Hawaii testified in support of this bill. A concerned individual testified in opposition to this measure. The Department of Human Services and Department of the Attorney General offered comments.

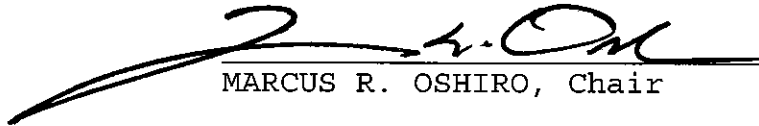
Your Committee has amended this bill by:

- (1) Clarifying that the emergency shelter and related services shall be provided at no cost;
- (2) Specifying that consent given by a minor for the duration of the period of shelter for medical services shall be valid and binding as if the minor had reached the age of majority;
- (3) Deleting language stipulating that a minor shall be deemed to have and shall have the same legal capacity to act, and shall have the same legal obligations with regard to the giving of informed consent, as a person of full legal age and capacity;
- (4) Deleting language relieving the parent, legal guardian, or legal custodian of the minor from legal and financial obligation under certain circumstances;
- (5) Allowing for an extension of the 30-day limitation on duration of stay incorporated into the definition of "emergency shelter and related services" for emergency purposes;
- (6) Changing its effective date to July 1, 2011; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Finance 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. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 921, S.D. 2, H.D. 3.

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



MARCUS R. OSHIRO, Chair



