



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 24, 2011

TO: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

FROM: Patricia McManaman, Interim Director

SUBJECT: **SB 921, S.D.1 - RELATING TO MINORS**

Hearing: Thursday, February 24, 2011; 9:00 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 921, S.D.1, is to allow a provider to provide emergency shelter and related services to a minor under certain circumstances.

DEPARTMENT'S POSITION: The Department supports the overall concept of this bill but we are concerned about the cost and programmatic implications generated by this bill for the following reasons:

1. The bill does not specify how a provider must determine whether a minor understands the benefits, risks, and limits of the emergency shelter and related services and it is unclear whether a minor can legally give informed consent.
2. There is no provision in the bill for the provider to identify if youth are on runaway status from the Department or the Court and provide that information to the appropriate authorities.
3. We are concerned that there could be minors who pose a risk to themselves or others who would be admitted to an emergency shelter without an assessment by the program that shelter services are appropriate for the youth.

4. The rights, responsibilities, duties, and liability of the Department, parents or legal custodians are not clear.
5. There are no funds provided in the bill, which would be needed to provide the shelter services, medical care and related services required by the bill.

Thank you for the opportunity to testify.

LATE TESTIMONY

Testimony of **Senate Bill 921**

My name is **Jarvis Mina** and I **support** Senate Bill 921. This bill will allow minors to access services much easier and lessen the risk of harm at home. The child may be experiencing neglect or physical, emotional, sexual or any thereof combination of abuse when admitting themselves into a shelter. Allowing shelters to serve youth who don't have parental/ guardian consent may be a preventative measure of any serious and dangerous living conditions at home.

-Jarvis Mina

LATE TESTIMONY

FEBRUARY 24, 2011

SENATOR CLAYTON HEE, CHAIR
SENATE JUDICIARY AND LABOR COMMITTEE
HAWAII STATE LEGISLATURE
415 SOUTH BEREYANIA STREET HONOLULU HI, 96813

RE: SUPPORT FOR SENATE BILL 921, MINOR CONSENT FOR EMERGENCY SHELTER AND RELATED SERVICES

DEAR MR. CHAIR & MEMBERS OF THE COMMITTEE

I agree with this bill because of the fact that it allows the minors to have consent to emergency shelters and related services with out their parents, legal guardian, and or custodian. When I was in foster care I was placed in a house in ewa beach where the foster parents would feed me and my foster brothers dog food. After I found out that I did not want to stay there any longer then I already had therefore I called my social worker to let him no what was going on hoping that he would do something about what I had told him. After about two to three days went by until I heard back from him or anybody for that matter. I came home after walking around with my friends my foster dad at that time pulled me aside to talk to me about what I had told my social worker while talking to me about that he hit me across the face leaving a mark and told me that if I told anybody about this I would pay the price for it. After that happened I went to an emergency shelter hoping I would be able to find some type of safe place until I got a different social worker and a better placement then what I was dealing with already but I was turned down. With this bill in effect Situations like this can be avoided for the future. Therefore I support the passing of this bill for all foster youth in care and youth in general that may experience similar difficulties.

Kiba Kikuyama
(808)393-1610



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

LATE TESTIMONY

February 23, 2011

To: Chair Clayton Hee, Vice Chair Maile Shimabukuro and Members of the Senate Committee on Judiciary and Labor
From: **Katie Reardon**, Director of Government Relations & Public Affairs, Planned Parenthood of Hawaii
Re: **Testimony in Support of SB 921 SD1**

Planned Parenthood of Hawaii (PPHI) supports SB 921, which allows minors to provide informed consent to enter emergency shelters and access services. We believe that emergency shelters are a crucial part of the safety net needed to care for Hawaii's young people.

Young people become homeless for a variety of reasons. According to the National Runaway Switchboard, the most common reason for young people wanting to runaway or actually leaving home, reported in 26% of cases, was conflict at home.¹ Too often parental or guardian consent is unable to be obtained because a parent is unreachable or unwilling to consent, or reaching out jeopardizes the child's safety and wellbeing. Allowing youth better access to shelters helps them access much needed safety and social services.

In the past, the State of Hawaii has recognized the need to protect the health and well being of young people and has passed laws allowing them to receive basic health care² and family planning and sexual health care³ without the consent of a parent or guardian. Passing SB 921 is a logical step forward towards ensuring that Hawaii's youth population receives the care and services needed to stay safe and go on to build productive and healthy lives. Therefore, PPHI asks this committee to pass SB 921.

¹ See [Why the Run: An In-depth Look at America's Runaway Youth](http://www.nrs Crisisline.org/media/whyytheyrun/report.html), National Runaway Switchboard, May 2010, <http://www.nrs Crisisline.org/media/whyytheyrun/report.html>

² See Hawaii Revised Statutes Ch. 577D

³ See Hawaii Revised Statutes Ch. 577A

sex, can prevent pregnancy. It is most effective the earlier it is taken, with a 99% efficacy rate when taken within 12 hours, 82% within 72 hours, and decreasing thereafter.

EC is a contraceptive and is not the abortion pill. It works in two ways. Primarily, EC delivers hormones to the body that prevent ovulation from occurring. When ovulation is prevented, there is no egg to be fertilized, and a pregnancy will be prevented. EC may also be effective after ovulation has occurred. The hormones in EC cause a thickening to the cervical mucus, which prevents sperm from entering the uterus and fertilizing the egg, thereby preventing pregnancy.

EC will not terminate an existing pregnancy. According to medical authorities, such as the American College of Obstetrics and Gynecology and the National Institutes on Health, a pregnancy occurs when a fertilized egg implants itself on the uterine lining. In the past there has been uncertainty as to whether EC will prevent a fertilized egg from implanting onto the uterine lining, and no conclusive data has been able to support that effect. In fact, more recent studies have suggested that it is unlikely that EC will prevent a fertilized egg from implanting or have any effect post-fertilization.⁷ Once implantation has occurred, EC has no effect. Whether a woman became pregnant prior to being sexually assaulted or as a result of it, EC will not terminate or otherwise affect that pregnancy.

III. Providing EC in Emergency Rooms is the Standard of Care

Providing EC in the Emergency Rooms is the accepted standard of care. In 1995, the American Medical Association issued guidelines for treating sexual assault patients stating that victims should be informed about and provided EC.⁸ The American College of Obstetrics and Gynecology has supported this standard of care since 2004.⁹

Fifteen states and the District of Columbia have adopted legislation requiring the provision of information about and/or access to EC to sexual assault victims in emergency rooms.¹⁰ This past year, the Federal Government standardized rules regarding EC and now requires that all military and federal hospitals stock EC.¹¹ The Army Medical Command Regulations advise discussing and providing EC to sexual assault victims.¹² The Religious and Ethical Directives for Catholic Health Care also call for provision of EC to sexual assault victims in most circumstances.¹³ EC is widely recognized and accepted as a necessary part of caring for sexual assault patients.

IV. Sexual Assault Victims in Hawaii May Not Receive Emergency Contraception.

In Hawaii, sexual assault victims do not always have access to emergency contraception when they visit local emergency rooms. In 2010, a coalition of organizations called the Coalition for Compassionate Care for Sexual Assault Victims¹⁴ (CCSAV) distributed a survey to 26 emergency departments in Hawaii. Of the 15 surveys returned, only 6 respondents were aware that their facility had a clear policy on EC. Only four facilities said that they have a clear policy and always offer it to victims of sexual assault. Three hospitals

⁷ Rev. Nicanor Pier Giorgio Austriaco, "Is Plan B an Abortifacient? A Critical Look at the Scientific Evidence", The National Catholic Bioethics Quarterly, (Winter 2007).

⁸ See, American Medical Association, Strategies for the Treatment and Prevention of Sexual Assault (1995).

⁹ American College of Obstetricians and Gynecologists, Violence Against Women: Acute Care of Sexual Assault Victims (2004), at http://www.acog.org/departments/dept_notice.cfm?recno=17&bulletin=1625.

¹⁰ States Include: AR, CA, CO, CT, DC, IL, MA, MN, NJ, NM, NY, OR, SC, UT, WA, WI.

¹¹ See, Department of Defense, *Pharmacy and Therapeutics Committee Recommendations*, November 2009, Signed February 2010.

¹² See, Army Medical Command Regulation, 40-36, Part 17, January 2009.

¹³ See, Ethical and Religious Directives for Catholic Health Care Services, Fourth Edition, Part Three, Dir. 36.

¹⁴ CCSAV members include: ACLU of Hawaii, Healthy Mothers Health Babies Coalition of Hawaii, Planned Parenthood of Hawaii and the Sex Abuse Treatment Center.

said they never dispense EC. Two responded that they only provide EC if the patient has a prescription and two facilities said EC is only offered some of the time.

In November of 2010, hoping to obtain more reliable results, CCSAV worked together with Healthcare Association of Hawaii (HAH) to review the survey. As a result HAH distributed the survey to the appropriate personnel at each facility and collected the responses itself. When HAH reported its results to CCSAV in December 2010, approximately half of the surveys had been returned. Similar to CCSAV's result, only half of the respondents reported having a clear policy on EC. The lack of consistent policy among Hawaii's emergency departments is deeply concerning.

V. Conclusion

Survivors who arrive at their local hospitals have little assurance that they will receive the best standard of care after a sexual assault, including access to EC. Victims deserve the best care, no matter the hospital they visit. Especially in Hawaii, victims may not be able to choose which hospital they report to. In light of the violence every sexual assault victim experiences, denying a sexual assault victim proper care is unconscionable. Therefore we urge the Committee to pass SB 218. Thank you.

LATE TESTIMONY

To: Senator Clayton Hee, Chair Senator Maile S.L Shimabukuro, Vice Chair

From: Jocelyn Galase, Former Foster Youth, Youth Outreach Coordinator for The Hawaii Foster Youth Coalition

Subject: Relating to Minors

Hearing: Thursday, February 24, 2011: 9:00 a.m.
State Capitol, Conference Room 016

I support SB921 SD1. This bill is related to minors, which would allow minors to receive emergency shelter and services without consent.

The purpose of this bill is to allow homeless, runaway, and displaced youth to have access to housing options and services without consent from parent or legal guardian. I don't believe this bill would cost the state government any additional allocated funds and will improve operational efficiency amongst Child Welfare Services.

Thank You,

Jocelyn Galase

Director of Youth Outreach, HFYC

Office: (808)545-5683

Cell: (808)728-6107

LATE TESTIMONY

Kids hurt too
HEALING YOUNG HEARTS



February 24, 2011

Senator Clayton Hee, Chair
Senate Judiciary and Labor Committee
Hawaii State Legislature
415 South Beretania Street Honolulu HI, 96813

Re: Support for **Senate Bill 921**, Minor Consent for Emergency Shelter and Related Services

Dear Mr. Chair & Members of the Committee,

Thank you for the opportunity to present testimony in **support** of Bill 921. My name is **Alex J. Logan** and I am the Director of Philanthropic Development for Kids Hurt Too and the Associate Director for the Hawaii Foster Youth Coalition.

Young people hold the future of our social and global progress in their hands and therefore need the utmost support and protection from those of us responsible for their upbringing. We can all agree that a young person's development is fostered through providing them with consistency, love and security; additionally all youth have the ability to make decisions on their own and feel empowered when authority figures grant them the ability to do so.

The adoption of this bill into law would significantly support this positive youth development model by allowing young people to have the ability and right to gain safe haven upon their choice. Giving a young person the resource to seek safety from refuge without the need for authorities to become immediately involved would benefit child welfare and protection throughout the state by increasing the efficiency of operations for the Department of Human Services. Empowering young people to make the decision on their own would also support their feeling of independence that proves to be more and more important and we further our knowledge of youth development and engagement. This bill requires no financial expenditure from the state's budget and during a time of financial vigilance for our state a bill such as this one proves systematically effective and financially appropriate. Most importantly this bill guarantees safety for all youth within our state enabling any displaced youth a roof over their head and a warm meal at the end of every day based upon the available occupancy of the service provider's emergency shelter.

I strongly support this bill for the benefit our Hawaii's youth and the efficiency of our child welfare system.

245 North Kukui Street, Suites 202 & 203, Honolulu, HI 96817
5683

Phone & Fax: 545-

Email: kidshurttoo@hawaiiantel.net
www.kidshurttoo.org

website:

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 23, 2011 12:18 PM
To: JDLTestimony
Cc: web@cartoonistforchrist.org
Subject: Testimony for SB921 on 2/24/2011 9:00:00 AM

Testimony for JDL 2/24/2011 9:00:00 AM SB921

Conference room: 016
Testifier position: oppose
Testifier will be present: No
Submitted by: Lee McIntosh
Organization: Individual
Address:
Phone:
E-mail: web@cartoonistforchrist.org
Submitted on: 2/23/2011

Comments:

Mr. Chair and Members of the Committee on Judiciary and Labor:

Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. I am not in favor of SB 921, which relates to medical service providers. This bill undermines the legal authority of parents, guardians, or custodians. No one is better suited for determining a minor's benefit than their guardian. And in the event that a guardian is contacted, if they refuse to give consent, the provider can still proceed in their best judgement without fear of civil recourse. What is the point in contacting the guardian if their wishes are going to be ignored? This bill will be used to allow organizations such as Planned Parenthood to pressure underage girls into obtaining abortions. Also, if a child is refused shelter, I believe that constitutes neglect, and the State has a process it can go through to place these children in better care if the guardian is uncooperative. SB 921 places minors in greater risk in trying to accomplish its goal, and should not be passed. Thank you for the opportunity to testify on SB 921.