

STAND. COM. REP. NO. 576

Honolulu, Hawaii

Feb 18 , 2011

RE: H.B. No. 684
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 H.B. No. 684, 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 shelter and emergency care for the state's runaway or transient youth by, among other things:

- (1) Authorizing certain child care providers to provide emergency shelter and related services where it is for the minor's benefit based on the minor's consent;
- (2) Shielding both provider and parents or guardians from liability for emergency shelter provided or related services rendered where the minor gave consent; and
- (3) Requiring the provider to report findings that the minor is subject to imminent harm or danger to the Department of Human Services or the police.

Harm Reduction Hawaii, Hawaii Youth Services Network, American Civil Liberties Union of Hawaii, Waikiki Health Center, and Planned Parenthood of Hawaii testified in support of this measure.

HB684 HD2 HSCR JUD HMS 2011-2339



Your Committee has amended this bill based on suggestions and language provided by the Hawaii Youth Services Network by:

- (1) Defining "temporary safe shelter" and "related services" to clarify the types of shelter and services covered in this bill;
- (2) Clarifying requirements for valid consent from the minor;
- (3) Clarifying the circumstances under which a provider may give shelter or services in the face of consent or non-consent by the parent or guardian;
- (4) Requiring that all shelter and services offered by the provider to the minor must be provided free of charge;
- (5) Requiring that where a provider has made contact with the minor's parent or guardian, and the parent or guardian does not consent to the minor's receiving the temporary shelter and services, the minor's consent is only effective if the provider reasonably believes the minor would be harmed or threatened with harm if the minor were returned immediately to the parent or guardian;
- (6) Deleting redundant provisions barring liability of the provider; and
- (7) Changing its effective date to January 7, 2059, to encourage further discussion.

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 H.B. No. 684, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 684, H.D. 2.



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



GILBERT KEITH-AGARAN, Chair



