

SB2211

Measure Title: RELATING TO YOUTH.

Report Title: Office of Youth Services; Safe Places for Youth Pilot Program; Appropriation (\$)

Description: Requires the office of youth services to coordinate a five-year safe places for youth pilot program to establish a network of safe places where youth can access safety and services. Establishes the position of safe places for youth program coordinator. Establishes rules to allow minors to consent to enter the safe places program and provide immunity from liability to safe place providers and other related service providers. Makes appropriation.

Companion:

Package: Keiki Caucus

Current Referral: HMS, WAM

Introducer(s): CHUN OAKLAND, Baker, Galuteria, Green, Ige, Keith-Agaran, Kidani, Ruderman, Shimabukuro, L. Thielen, Tokuda



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
707 Richards Street, Suite 525
Honolulu, Hawaii 96813

January 23, 2014

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: David Hipp, Executive Director

SUBJECT: SB 2211, Relating to Youth

Hearing: Saturday, January 25, 2014; 10:00 am
State Capitol, Conference Room 229

PURPOSE: The purpose of SB 2211 is to coordinate a five-year safe places for youth pilot program which will coordinate a network of safe places where youth can access safety and obtain advice, guidance, programs, and services. It establishes rules that will allow minors to consent to enter the safe places program and provide immunity from liability to safe places providers and other related service providers. The bill also establishes and funds position for youth program coordinator.

OFFICE'S POSITION: OYS supports SB 2211, Relating to Youth, however, we recommend a change in the definition of "minor". Under SB 2211, it defines minor as a person less than twenty-one years of age. The legal ambiguity lies in applying this definition to providing services to a consenting "minor" without parental, guardian, or custodial permission. Young adults ages 18 years to 20 years old have reached the age of majority and therefore are not subject to parental, guardian, or custodial permission and can therefore give their consent liberally. We suggest "minor" to mean a person less than eighteen years of age, and "young adult" to mean a person less than twenty-one years of age.

SB 2211 also provides for a coordinated network of programs and services for youth. OYS currently procures programs and services across the state to assist youth and their families in navigating through the system in order to engage in needed services through outreach and advocacy. In addition, the OYS funds 24-hour short term residential emergency shelters for youth

in crisis. SB 2211 would expand our current efforts in ensuring a coordinated continuum of services for youth.

Thank you for the opportunity to present this testimony.

HAWAII YOUTH SERVICES NETWORK

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Daryl Selman, President
Judith F. Clark, Executive Director
Aloha House
American Civil Liberties Union of Hawaii
Bay Clinic, Inc.
Big Brothers Big Sisters of Honolulu
Big Island Substance Abuse Council
Blueprint for Change
Bobby Benson Center
Catholic Charities Hawaii
Child and Family Service
Coalition for a Drug Free Hawaii
Courage House Hawaii
Domestic Violence Action Center
EPIC, Inc.
Family Programs Hawaii
Family Support Hawaii
Hale Kipa, Inc.
Hale 'Opio Kauai, Inc.
Hawaii Behavioral Health
Hawaii Student Television
Healthy Mothers Healthy Babies Coalition
Hina Mauka Teen Care
Hui Malama Learning Center
Kaanalike
Kahi Mohala Behavioral Health
KEY (Kualoa-Heeia Ecumenical Youth)
Project
Kids Hurt Too
Kokua Kalihi Valley
Life Foundation
Marimed Foundation
Maui Youth and Family Services
Palama Settlement
P.A.R.E.N.T.S., Inc.
Parents and Children Together (PACT)
Planned Parenthood of Hawaii
REAL
Salvation Army Family Intervention Svcs.
Salvation Army Family Treatment Svcs.
Sex Abuse Treatment Center
Susannah Wesley Community Center
The Catalyst Group
The Children's Alliance of Hawaii
Waikiki Health Center
Women Helping Women
YWCA of Kauai

January 22, 2014

To: Senator Suzanne Chun Oakland, Chair
And members of the Committee on Human Services

TESTIMONY IN SUPPORT OF SB 2211 RELATING TO YOUTH

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, strongly supports SB 2211 Relating to Youth.

The proposed network of safe places for youth was first conceived by the young people who attended the 2012 Children and Youth Summit at the Capitol in October. It was voted the top priority for legislative action in both 2012 and 2013, indicating its importance to Hawaii's youth.

Senator Chun Oakland then established the Safe Places for Youth Work Group that has met regularly to build the concept into a viable plan that addresses such issues as training, outreach, coordination, criminal background checks, and right to consent for services. More than 120 individuals and organizations have been involved in planning the Safe Place Network.

The Safe Place Network will link together many existing resources for youth and families, such as Boys and Girls Clubs, YMCA/YWCAs, Family Centers and Neighborhood places. It will provide safe environments where adolescents can safely address such issues as peer pressure, unplanned pregnancy, child abuse and neglect, and substance abuse. It will provide young people with ways to deal with problems before they get into trouble and avoid unnecessary arrests for status offenses.

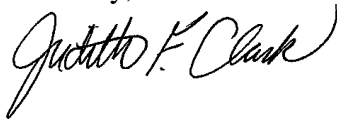
While much of the network is already in place, funding is needed to ensure 24-hour crisis response capability, provide training of youth workers, and ensure coordination of services among the various providers.

The 24-hour crisis response will follow the National Safe Place model, in which community partners, such as fire stations and public bus systems are recruited as places where young people can go in an emergency. It may include local businesses and stores, enabling man them to provide a valuable community service to youth and their families. Staff in those companies are trained and provided with a 24-hour number to call. Workers from the 24-hour site assess the situation and can arrange emergency shelter, make reports to Child Protective Service, or provide other appropriate responses to the situation.

The Safe Places for Youth Network will help youth and families resolve problems before they get out of control.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Judith F. Clark". The signature is written in a cursive style with a large, sweeping initial "J".

Judith F. Clark, MPH
Executive Director



PARTNERS IN CARE

Oahu's Coalition of Homeless Providers

TESTIMONY IN SUPPORT OF SB 2211: RELATING TO YOUTH

TO: Senator Suzanne Chun Oakland, Chair; Senator Josh Green, Vice Chair, and members of the Committee on Human Services

FROM: Jenny Lee, Advocacy Committee Co-Chair, Partners In Care

Hearing: **Saturday, January 25, 2014, 10:00 AM, Room 229**

Dear Chair Chun Oakland, Vice Chair Green, and committee members:

Thank you for the opportunity to provide testimony **in support** of Senate Bill 2211, creating a safe places for youth pilot program. This program would establish a network of safe places where youth can ask for help and access the services and support that they need. My name is Jenny Lee, and I am an Advocacy Committee Co-Chair for Partners In Care (PIC), a coalition of care providers focusing on the needs of homeless persons and strategies to end homelessness.

Through a safe places program, Hawai'i's youth facing crisis situations would have a place to turn for immediate help and safety at any hour. Partners In Care supports the creation of a network of safe places as a means to prevent youth homelessness. Service providers who work with unaccompanied and homeless young people have indicated that such a program could help ensure youth are connected with effective services before they run away and become homeless.

Many youth run away due to family problems such as abuse, neglect, or an inability to cope with a family member's substance use or mental illness. Children may also be pushed out of their home due to conflict or their family's inability to provide or care for them. Others may be struggling with unplanned pregnancy, mental illness, or substance use disorders. A safe places program would target these vulnerable young people and help provide them and their families with appropriate services and follow-up support.

Without appropriate intervention, a runaway youth is at serious risk of homelessness. Nationally, one in seven young people between the ages of 8 and 10 will run away at some point. Studies have also shown that youth ages 12 to 17 are at greater risk of homelessness than adults. Once a youth has become homeless, the consequences can be devastating and long-lasting. Homeless youth are more likely to engage in high-risk behavior and are at greater risk of mental health struggles, including severe anxiety, depression, and suicide. Some turn to selling drugs or prostitution just to survive. They also face substantial barriers to continuing their education: three-quarters of homeless or runaway youth have dropped out or will drop out of school. These sad consequences can have a lifelong impact that may never be fully overcome.

A safe places for youth program has great potential to prevent and address youth homelessness. Again, thank you for providing Partners In Care the opportunity to testify in support of SB 2211.

Partners In Care, c/o Aloha United Way, 200 N. Vineyard Blvd. Suite 700
Honolulu, Hawaii 96817

Partners in Care is a membership organization of homeless service providers, other service professionals, units of local and state government, homeless consumers, and other community representatives located in Hawai'i on O'ahu. It is a planning, coordinating, and advocacy body that develops recommendations for programs and services to fill gaps in the Continuum of Care on O'ahu.

TESTIMONY IN SUPPORT OF SB 2211: RELATING TO YOUTH

TO: Senator Suzanne Chun-Oakland, Chair; Senator Josh Green, Vice Chair and Members, Committee on Human Services

FROM: Connie Mitchell, Executive Director
IHS, The Institute for Human Services, Inc.

Hearing: Saturday, January 25, 2014; Room 229; 10:00 a.m.

Chair Chun Oakland, Vice Chair Green, and Members, Committee on Human Services:

Thank you for the opportunity to provide testimony in support of Senate Bill 2211, creating a safe places pilot program for youth. This program would establish a network of safe places where youth can ask for help and access the services and support that they need. While IHS, The Institute for Human Services, Inc. does not provide shelter for unaccompanied youth because current laws do not allow it. But, we believe this is an important need that must be met.

Through a safe places program, Hawai'i's youth facing crisis situations would have a place to turn for immediate help and safety at any hour. Many youth run away due to family problems such as abuse, neglect, or an inability to cope with a family member's substance use or mental illness. Children may also be pushed out of their home due to conflict or their family's inability to provide or care for them. Others may be struggling with unplanned pregnancy, mental illness, or substance use disorders. A safe places program would target these vulnerable young people and help provide them and their families with appropriate services and follow-up support.

Without appropriate intervention, a runaway youth is at serious risk of homelessness. Nationally, one in seven young people between the ages of 8 and 10 will run away at some point. Studies have also shown that youth ages 12 to 17 are at greater risk of homelessness than adults. Once a youth has become homeless, the consequences can be devastating and long-lasting. Homeless youth are more likely to engage in high-risk behavior and are at greater risk of mental health struggles, including severe anxiety, depression, and suicide. Some turn to selling drugs or prostitution just to survive. They also face substantial barriers to continuing their education: three-quarters of homeless or runaway youth have dropped out or will drop out of school. These sad consequences can have a lifelong impact that may never be fully overcome.

Please pass SB 2211, a safe places program for youth has great potential to prevent and address youth homelessness and is in line with the Hawaii Interagency Council on Homelessness' Plan to End Homelessness.



Planned Parenthood of Hawaii

To: Hawaii State Senate Committee on Human Services
Hearing Date/Time: Saturday, January 25, 2014, 10:00 a.m.
Place: Hawaii State Capitol, Room 229
Re: Testimony of Planned Parenthood of Hawaii in support of S.B. 2211

Dear Chair Chun Oakland and Members of the Committee on Human Services,

Planned Parenthood of Hawaii writes in support of S.B. 2211, which seeks to create a safe places for youth pilot program. This program will coordinate a network of local places where young people can safely access advice, guidance, programs and services. The proposed network is based on a National Safe Place model in which community businesses, such as a nearby store, are recruited as places where young people can go in an emergency. It will allow young people the opportunity to deal with issues like peer pressure, unplanned pregnancy, child abuse and neglect and substance abuse in an easily accessible, safe, and confidential environment. Safe places will give young people the opportunity to obtain the best information and tools that they need to make healthy and responsible decisions about their life, health, and safety.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Director of Public Affairs & Government Relations

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Neighbor Island Board Liaison

TO: Committee on Human Services
Senator Suzanne Chun-Oakland, Chair
Senator Josh Green, Vice Chair

FROM: Jaque Kelley-Uyeoka, Deputy CEO
Hale Kipa, Inc.

RE: SB No. 2211

TESTIMONY: SUPPORT BILL

Thank you for the opportunity to allow Hale Kipa to provide testimony in support of this bill. This initiative arose from identified concerns from youth and it allows for existing youth serving agencies as well as community members and establishments to come together to create a real and critical response system for youth needing some direction.

It is a responsible initiative that has proven successful in other States and Hawaii would have the guidance of the National Safe Place in its implementation of the program.

Having the community become more involved in responding to young people and helping them access the information and resources they need is refreshing and exciting.

Please consider passage of this bill. Hale Kipa would be willing to partner with all interested agencies in providing services for the youth.

Mahalo,

Jaque Kelley-Uyeoka

Jaque Kelley-Uyeoka, ACSW
Deputy CEO
Hale Kipa, Inc.



**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO S.B. NO. 2211**

January 25, 2014

To: Chairperson Suzanne Chun Oakland and Members of the Senate Committee on Human Services:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in opposition to S.B. No. 2211.

HAJ is not opposed to the concept of developing a program to provide safe places for youth. However, HAJ is opposed to the provision in Section 2 (h) on page 7, lines 8-15 which states that “providers shall be immune from any civil or criminal liability ...”

There are two basic underlying reasons of tort law in the American legal system. One is to compensate a person for his or her injuries as a result of another and the other is to serve as a deterrent to prevent negligent or irresponsible behavior. When a person or an entity realizes that they may be held liable, there is a strong incentive to prevent the occurrence of harm. One reason for imposing liability is the deliberate purpose of providing that incentive. Said another way, tort law encourages responsible behavior.

This bill absolves all providers who may provide services to the youth in these safe places to be immune from liability for negligent acts. While the primary purpose behind this act is compelling, well intended, and to be applauded, the means by which this bill attempts to support the perceived safety of children in their own homes and/or at their schools creates various issues.

First, the bill applies to all youth, defined merely as 21 years of age or younger, and has no minimum floor age, below which a youth would be unqualified to consent to the youth’s placement in these to be designated “safe places programs” where they

“could seek safety from intolerable home or school environments without fear of being judged, detained, or criminalized as a runaway.”

Second, the bill, after youthful consent, then shelters those serving these vulnerable youth from accountability for the serving actors’ negligence, further burdening the at risk youth with the full consequences from any and all negligent acts and/or omissions causing harm to these youth from those running these safe placement programs and/or related services.

Third, the act undermines the duty the Department of Human Services/Child Protective Services already owes to all youth to investigate any and all claims of unsafe home and/or school environments, even if such a claim is emanating solely from the subject youth themselves, and/or remains only the matter of the youth’s misperception and see that a youth is placed safely.

Lastly, these providers may be professionals, lay persons, and others who are “related service providers”. The scope of the immunity for negligent acts is too broad and does not protect the youth who may want to access these safe places and have access to professional advice. HAJ feels that this is not in the best interest of these youth and is not good public policy. HAJ requests that at least this portion of the bill be deleted.

Thank you for the opportunity to testify and listening to our concerns and comments.

SB2211

Submitted on: 1/22/2014

Testimony for HMS on Jan 25, 2014 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No