

CHAPTER 352D
OFFICE OF YOUTH SERVICES

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Note

Juvenile justice oversight advisory council; annual reports; report to 2016 legislature and executive and judicial branches (repealed last day of 2016 regular session). L 2014, c 201, §16.

Non-school hour programs for children and youth, annual report. L 2006, c 281.

Cross References

Commission on fatherhood, see chapter 577E.

Hawaii children's trust fund, see chapter 350B.

" **[§352D-1] Finding and purpose.** The legislature finds that:

- (1) The State of Hawaii has the responsibility to provide its youth a fair and full opportunity to reach their full potential and become law-abiding citizens of our community by providing and encouraging services, which will strengthen their physical, emotional, social, educational, and moral development;
- (2) There is a need for a strong state commitment to the needs of youth and families. Of particular concern are those youth who come into conflict with the laws of our community. To achieve this commitment, there is need for statewide planning and system coordination; oversight of activities and services; and evaluation and monitoring of the effectiveness of these services. In addition, a single entity is needed to serve as a central intake agency, and to coordinate the delivery of services, and provide a continuum of programs to eliminate gaps and provide a clear sense of responsibility and accountability for youth services. This agency must have sufficient statutory authority to ensure that its directives and mandates are complied with by the various affected agencies.

The purpose of this chapter is to establish the office of youth services for the planning, case management, and delivery of services to youth at risk. [L 1989, c 375, pt of §1]

" **[§352D-2] Policy for youth.** A policy for youth is established for the State as follows:

- (1) It shall be the policy of this State to concentrate on the prevention of delinquency as an important strategy which can be planned and implemented on behalf of

youth and their families. The State shall encourage community involvement in the provision of services for youth including, as an integral part, local government, public and private voluntary groups, public and private nonprofit groups, and private-for-profit groups in order to encourage and provide innovative strategies for these services. To maximize resources and services to youth in need of services, agencies shall develop standards of care, methods to coordinate services, and evaluate and monitor these activities. For youth with special needs, the furtherance of this policy requires all agencies to recognize that their jurisdiction in meeting these youths' needs are not mutually exclusive and that they will work jointly under the coordination of the office of youth services;

- (2) When youth at risk or their families request help, state and local government resources shall be utilized to complement community efforts to help meet the needs of youth by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to strengthen and encourage family life as the most appropriate environment for the care and nurturing of youth. To this end, the State shall assist and encourage families to utilize all available resources. For youth in need of services, the State shall secure those services as are needed to serve the emotional, mental, and physical welfare of youth and the best interests of the community, preferably in the youth's home or in the least restrictive environment possible. When youths must be placed in care away from their homes, the State shall ensure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their youth; and
- (3) This policy for youth shall be implemented through the cooperative efforts of state and county legislative, judicial, and executive branches, as well as other public and private resources. Where resources are limited, services shall be targeted to those youth in greatest need. [L 1989, c 375, pt of §1]

" **[§352D-3] Definitions.** As used in this chapter:

"Executive director" means the executive director of the office of youth services.

"Office" means the office of youth services.

"Youth at risk" or "youth in need of services" means any youth who has been arrested, or who has had contact with the police, or who is experiencing social, emotional, psychological, educational, moral, physical, or other similar problems.

"Youth service system" means any youth services, facilities, or community-based programs provided through the family court and public and private agencies receiving state funds.

"Youth services" means public or privately funded programs which provide developmental, preventive, protective, recreational, treatment or rehabilitative services for youth at risk including: after school programs, foster care services, residential group homes, independent living programs; child nurturing and family living programs; camps; playground programs; services to youth with school-related problems including educational neglect; services to youth who are found to be subject to neglect, abuse, or exploitation; employment/training programs; diagnostic, preventive, and remedial medical and mental health services to youth, including chemically dependent, physically, mentally, and emotionally disabled and handicapped youth; information and referral services; and legal services to assure the rights of youth. [L 1989, c 375, pt of §1]

" **§352D-4 Establishment; purpose.** There is established within the department of human services for administrative purposes only the office of youth services. The office of youth services is established to provide services and programs for youth at risk under one umbrella agency in order to facilitate optimum service delivery, to prevent delinquency, and to reduce the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services. The office shall also be responsible for program planning and development, intake/assessment, oversight, as well as consultation, technical assistance, and staff training relating to the delivery of services.

The office shall provide a continuum of services as follows:

- (1) An integrated intake/assessment and case management system;
- (2) The necessary educational, vocational, social counseling and mental health services;
- (3) Community-based shelter and residential facilities;
- (4) Oversight of youth services; and
- (5) Other programs which encourage the development of positive self-images and useful skills in such youth.

The executive director of the office of youth services shall submit annual reports to the legislature no later than twenty days prior to the convening of each regular session, reporting the services or programs funded pursuant to this section, the number of youth served by each service or program, and the results of the services or programs funded.

To this end, on July 1, 1991, this office shall assume the responsibilities for juvenile corrections functions, which were temporarily placed in the department of corrections pursuant to Act 338 of 1987. These functions shall include, but not be limited to, all responsibilities, under chapter 352, for the Hawaii youth correctional facilities. [L 1989, c 375, pt of §1; am L 2014, c 201, §5]

Note

The 2014 amendment applies to delinquent behavior committed on or after July 1, 2014. L 2014, c 201, §21.

" **§352D-4.3 Criminal history record checks.** (a) Employees, prospective employees, and volunteers of contracted providers or subcontractors in positions that place them in close proximity to youth when providing services on behalf of the office shall be required to agree to criminal history record checks conducted by the office or its designee in accordance with section 846-2.7. The office shall develop procedures for obtaining verifiable information regarding the criminal history records of individuals seeking to serve as employees or volunteers of contracted providers or subcontractors in positions that place them in close proximity to youth when providing services on behalf of the office.

(b) Except as otherwise specified, any individual who is employed, seeks employment, or volunteers with a contracted provider or subcontractor in a position that necessitates close proximity to youth when providing services on behalf of the office shall:

- (1) Submit to the office a sworn statement indicating whether the individual has ever been convicted of an offense for which incarceration is a sentencing option;
- (2) Be subject to criminal history record checks through the Hawaii criminal justice data center in accordance with section 846-2.7. An annual name inquiry shall be conducted in the state criminal history record files; and

- (3) Provide to the office written consent for the office or its designee to obtain criminal history record information for verification.

Information obtained pursuant to this section shall be used exclusively by the office for purposes of determining whether a person is suitable for working or volunteering in a position that necessitates close proximity to youth when providing contracted services on behalf of the office, or in conjunction with services provided for youth at the Hawaii youth correctional facility, while in custody, on furlough, or on parole. All such decisions shall be subject to any applicable federal laws and regulations.

(c) The office may require the contracted provider or subcontractor to refuse employment to an applicant for employment, terminate the employment of an employee, or terminate the services of a volunteer if:

- (1) The employee, prospective employee, or volunteer of the contracted provider or subcontractor has been convicted of an offense for which incarceration is a sentencing option; and
- (2) The office finds that the criminal history record of the employee, prospective employee, or volunteer of the contracted provider or subcontractor indicates that the employee, prospective employee, or volunteer may pose a risk to the health, safety, or well-being of youth receiving direct services by that employee, prospective employee, or volunteer.

(d) For the purposes of this section:

"Prospective employee" means any applicant for a position with a contracted provider or subcontractor that provides direct services to youth on behalf of the office.

"Provider" means any organization that or individual who enters into, or intends to enter into, a contract with or is currently contracted by the office to provide direct services to youth. The term includes all individuals who are authorized to provide direct services to youth under the contract with the organization or individual.

"Subcontractor" means any organization that or individual who enters into, or intends to enter into, a contract or agreement with a contracted provider to provide direct services to youth. The term includes all persons who may provide direct services to youth under the contract with the organization or individual.

"Volunteer" means any individual who provides, or intends to provide, direct services to youth on a non-compensatory basis.

(e) Notwithstanding any other law to the contrary, the office shall be exempt from section 831-3.1 for purposes of this section and need not conduct its investigations, notifications, or hearings in accordance with chapter 91. [L 2006, c 131, §1; am L 2008, c 136, §6]

" **[§352D-4.5] Substance abuse treatment monitoring program.**

(a) To determine the effectiveness of substance abuse treatment services and maintain accurate numbers of individuals receiving publicly funded substance abuse treatment, the office shall comply with the requirements of the statewide substance abuse treatment monitoring program established by the department of health under section 321-192.5. The office shall collect data in accordance with section 321-192.5 from any provider of substance abuse treatment that provides substance abuse treatment to youths served through public funds administered by the office.

(b) The office shall include in the contract with any treatment provider all criteria established by the department of health pursuant to section 321-192.5 to determine whether the treatment provider is achieving success in treating individuals with substance abuse.

(c) The office shall include the information collected under subsection (a) as part of the annual report submitted pursuant to section 352D-6.

(d) This section shall not be construed to abrogate an individual's right to privacy. The office shall implement sufficient protections to ensure that the identity of a recipient of substance abuse treatment services remains strictly confidential and that aggregate data collected pursuant to this section is used solely for the purpose of this section. [L 2004, c 40, §25]

" **§352D-5 Appointment of director; powers and duties.** (a)

The office of youth services shall be headed by an executive director who shall be appointed by the governor without regard to chapter 76. The executive director may appoint such other staff as may be necessary to carry out the duties of the office of youth services.

(b) The executive director, for the administration of the Juvenile Justice Delinquency Prevention Act, may employ any other staff without regard to chapter 76. [L 1989, c 375, pt of §1; am L 1993, c 318, §2; am L 2000, c 253, §150]

" **§352D-6 Organizational structure.** The office of youth services shall be composed of such divisions and sections as are deemed necessary by the director to:

- (1) Provide diagnostic evaluation, treatment, and rehabilitation services for all youths referred to services provided by the office or placed in the office's custody by the family court;
- (2) Provide supervision and counseling services for youth in shelter or correctional facilities under the office's jurisdiction, including community-based facilities;
- (3) Provide educational, vocational-educational, and other programs to effectively occupy the time of the youth placed in a facility under the office's jurisdiction which promote the development of self-esteem and useful skills to prepare youths in becoming productive members of the community;
- (4) Provide continuous program planning, development, and coordination of youth services, including the coordination with other government and private social service agencies that work with youths to ensure that a full-range of programs is available and that such programs are consistent with the policy of this chapter and are not unnecessarily duplicative or conflicting;
- (5) Provide prevention services to include a comprehensive intake/assessment and information/referral system throughout the State which shall access services to youth and their families;
- (6) Provide a case management system based on the individual needs of youth which shall provide for in-depth client assessment, appropriate service planning, and client advocacy;
- (7) Provide for the implementation of chapter 352, youth correctional facilities and other needed correctional services, including ensuring that these facilities and services meet the present and future needs of youth under the jurisdiction of the youth correctional facilities;
- (8) Facilitate the development of and, when appropriate, provide for training programs for persons offering services to youth at risk;
- (9) Provide for technical assistance and consultation to providers and potential providers;
- (10) Seek, apply for, and encourage the use of all federal funds for youth services and facilitate the coordination of federal, state, and local policies concerning services for youth;
- (11) Prepare and submit an annual report to the governor and the legislature. This report shall include, but

not be limited to, a review of the status of youth services within the State, recommendations for priorities for the development and coordination of youth services; and

- (12) Monitor, evaluate, and audit all grants under chapter 42F, and purchase of services under chapter 103F which relate to the office of youth services. [L 1989, c 375, pt of §1; am L 1990, c 34, §22; am L 1991, c 151, §2 and c 335, §12; am L 2014, c 96, §20]

" **§352D-7 Youth services centers; creation.** (a) Beginning July 1, 1991, the office of youth services shall create, develop, and operate youth service centers throughout the State including one or more in each county. This may be done either directly or by contract with private parties. Delinquency prevention shall be a primary objective of these centers. The population eligible for services at the centers would be all youths in need of services. Centers would also develop individualized intake capabilities, program plans, delivery of services, and a comprehensive referral network. The objectives of the youth service centers shall be to:

- (1) Develop and implement programs in delinquency prevention;
 - (2) Provide a wider range of informal dispositions, particularly alternatives to the juvenile justice system;
 - (3) Develop an improved system of intake, assessment, and follow-up for youths; and
 - (4) Provide better coordination of juvenile justice and nonjuvenile justice services in order to reduce overlaps and gaps in services.
- (b) Each center shall:
- (1) Be responsible for coordinating all services, justice system or nonjustice system, both public and private, to the youth referred to it; and
 - (2) Be responsive to the needs of its immediate community and offer an array of services that are tailored to the needs of its constituents.

(c) Every youth referred to a youth services center shall, as soon as possible, be appropriately placed with service provider and provided services. The center shall develop procedures which will insure that appropriate service providers are available on a twenty-four hour basis for each youth. The center may contract with such service providers for such services.

(d) Each youth service center shall maintain a registry of every youth referred to it and shall monitor and supervise the

follow-up services that are provided to the youth. Each center shall be primarily responsible to insure that the youth is fully diverted from the juvenile justice system. [L 1989, c 375, pt of §1; am L 2001, c 253, §2]

" **§352D-8 REPEALED.** L 1996, c 13, §19.

" **[§352D-9] Office of youth services regional advisory boards; power, duties, and authority.** (a) There shall be established a regional advisory board located in each county and they shall be called the Hawaii, Kauai, Maui, and Oahu regional advisory boards, respectively. The office shall provide staff support for each board. Each board shall elect annually from among its members a chairperson who shall preside at its regular meetings. Each board shall be composed of eleven voting members. Each board's membership shall include four lay persons, of which two shall possess knowledge of youth services, all appointed by the governor as provided in section 26-34.

The Oahu regional advisory board shall include the superintendent of education, the public defender, the directors of human services and health, the police chief and the prosecuting attorney of the city and county of Honolulu, and the senior family court judge of the first circuit, or their designees.

The other regional advisory boards shall include the county's chief of police and prosecuting attorney, a deputy public defender, a family court judge, and one representative from each of the following departments of education, human services, and health, who shall be selected by their respective directors, or their designees.

All board members shall be residents of the county in which the regional advisory board to which they are appointed is located, and shall serve without compensation, but shall be reimbursed for necessary expenses incurred during the performance of their duties.

(b) There shall be a combined meeting of all boards at least once a year. Each regional board shall advise the office on:

- (1) General policies relating to the youth service system, including but not limited to planning, integration, development, and coordination to effectuate the purposes of this chapter;
- (2) Monitoring and evaluating youth services as they relate to the coordination and integration of the youth service system within its region; and
- (3) Any pertinent issue related to the youth service system within its region. [L 1991, c 258, pt of §2]

" **[§352D-10] Regional directors; powers, duties, and authority.** The executive director shall appoint a regional director in each county. Each regional director shall be exempt from chapter 76, and shall answer to the executive director. The regional director shall:

- (1) Oversee the youth services centers located in the director's region;
- (2) Assist the executive director in coordinating, monitoring, and evaluating all programs and activities operated by the office within its region;
- (3) Advise the executive director on any pertinent issue related to the youth service system within the director's region; and
- (4) Provide staff support for the regional advisory board located in the director's region. [L 1991, c 258, pt of §2; am L 2000, c 253, §150]