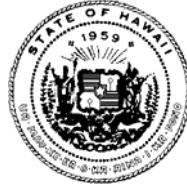


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DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
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STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 23, 2023

TO: The Honorable Representative John M. Mizuno, Chair  
House Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: [SB 129 SD1 HD1](#)- RELATING TO MINORS.

Hearing: March 24, 2023, 2:00 P.M.  
Conference Room 325 & Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this bill and offers comments and concerns.

**PURPOSE:** The bill requires providers of no-cost emergency shelter and related services to maintain separation for unrelated adults and minor children and take steps to ensure pertinent youth obtain and receive services from the juvenile justice or child welfare systems. Makes permanent the amendments to the definition of "provider" as it relates to entities eligible to provide no cost emergency shelter and related services to consenting minors. Effective 12/31/2050. (HD1)

The SD1 amended the measure by:

- (1) Deleting language that would have required providers supplying shelter to be licensed and be in compliance with zoning and safety regulations with regard to a provider's obligation to contact the parents of the minor seeking emergency shelter;
- (2) Deleting language that would have required the Department of Human Services to make every effort to ensure every island has a shelter for unaccompanied minors;
- (3) Clarifying that providers shall maintain separation for unrelated adults and minor children;

- (4) Deleting section 3 of the measure, which would have required the Department of Human Services to amend its administrative rules to allow certain non-licensed child placing organizations to be pre-qualified for a certificate of approval;
- (5) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

The HD1 amended the measure by:

- (1) Requiring a provider who renders no-cost emergency shelter and related services to a minor to take steps to ensure that pertinent youth obtain and receive services from the juvenile justice or child welfare systems, as applicable, as required by the federal Runaway and Homeless Youth Act; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

DHS appreciates the HD1 amendments requiring compliance with the federal Runaway and Homeless Youth Act as it will require some communication between an unlicensed provider and the Judiciary and Child Welfare Services that is currently not required.

An oversight agency should closely regulate organizations that provide homeless shelter and other services to homeless minors to ensure the safety and well-being of vulnerable homeless children whom research has shown to be at considerable risk of victimization, including sex and labor trafficking.

Act 23, Session Laws of Hawaii (SLH) 2021, temporarily amended section 346-17.6, HRS, that allows minors to consent to no-cost shelter without the consent of their parents, to include additional providers that Child Welfare Services did not license,

“Provider” includes an organization that is not a child-placing organization or child-caring institution that:

- (1) Conducts criminal history clearances, child abuse and neglect (CA/N) registry checks, background, employment, and any other checks as may be required by state or federal law on an annual basis for all employees and volunteers;
- (2) Maintains separate sleeping areas for unrelated adults and minor children;
- (3) Serves no more than five minor children per day;
- (4) Keeps a current register of all minors admitted; and
- (5) Coordinates with the department to provide shelter or other services for minor child.”

This is the language subject to be repealed per Act 23, which this measure intends to make permanent. The added language allows providers who meet the criteria to provide no-cost shelter to minors for up to 30 days without parental consent. However, Act 23 did not require providers to seek to become child caring institutions or child placing organizations regulated by DHS.

At the time of Act 23's passage, DHS considered that it would amend its administrative rules to include the additional providers authorized in Act 23. However, with additional analysis, Child Welfare Services (CWS) concluded that providers caring for homeless minors should meet the same standards as those providing services to other minors and meet the standards of child care institutions. Notably, Act 130, SLH 2022, Safe Spaces for Youth, took a broader state-wide approach to shelter minors, and DHS strongly supports the approach that shelters have oversight and meet basic licensing provisions.

DHS promotes that all children should be off the street and living in safe environments, and DHS advocates that children experiencing homelessness reside with nurturing families or in licensed facilities. The licensure of shelters and Child-Caring Institutions (CCIs) works to ensure children's safety, health, and well-being. For example, licensure mandates adequate sleeping space for children and the completion of criminal background checks on all adults in the facility. DHS supports its policy of licensure of any CCI or shelter caring for minors.

Hawaii does not have a specific type of license for youth homeless shelters, though the youth shelters with whom Child Welfare Services (CWS) contracts fall under CCI licensure.

Section 346-16, HRS, defines a CCI and Child Placing Organization (CPO) as follows:

"Child caring institution" means any institution other than an institution of the State, maintained for the purpose of receiving six or more minor children for care and maintenance, not of common parents, apart from their parents or guardians on a twenty-four hour basis for monetary payment[,]" and

"Child placing organization" means any person, agency, or organization, except family courts and the department of human services, engaged in the investigation, placement, and supervision of children in foster care."

Based on these definitions, all institutions that care for six or more children are CCIs, whether or not they are licensed. Section 346-17, HRS, specifies that CPOs and CCIs must meet department standards.

The Department's licensure process for CCIs includes conducting background checks; confirming the legitimacy of business, insurance, leadership, and finances and accounting; ensuring compliance with business, health and sanitation, zoning, and building codes; ensuring adequate and appropriate space, facilities, and utilities; reviewing rules and policies that impact staff and clients, including ethics and confidentiality, admission and discharge criteria, services provided, supervision, communications with family and other agencies, emergency response, and disaster preparedness; and providing training related to child development, child care, trauma-informed care, cultural sensitivity.

While Hawaii DHS does not have a separate license for emergency youth shelters, the Runaway and Homeless Youth Program (45 C.F.R. 1351) does provide some federal guidance and specifies that grantees shall:

- develop adequate plans for contacting the parents or other relatives of the youth and ensuring the safe return of the youth according to the best interests of the youth, for contacting local government officials,
- develop and implement a plan for addressing youth who have run away from foster care placement or correctional institutions, in accordance with federal, state, or local laws or regulations that apply to these situations. In accordance with section 312(b)(4) of the Act, Basic Center grantees must also develop a plan that ensures the return of runaway and homeless youth who have run away from the correctional institution back to the correctional institution, and
- take steps to ensure that youth who are or should be under the legal jurisdiction of the juvenile justice or child welfare systems obtain and receive services from those systems until such time as they are released from the jurisdiction of those systems.

Other than through DOH, DHS is unaware of any other means by which an emergency youth shelter in Hawaii may be regulated and therefore remains concerned about the omission of "license" from the definition of provider proposed in this measure. Further, CWS is prohibited from contracting services from an unlicensed entity. However, CWS will work with providers to obtain the appropriate licensure.

Thank you for the opportunity to provide additional comments.

# Opportunity Youth Action Hawai'i

House Committee on Judiciary & Hawaiian Affairs

Hearing Time: 02:00 PM, March 24, 2023

Re: SB 129 SD1 HD1, Relating to Minors

Aloha e Chair Tarnas, Vice Chair Takayama, and members of the Committee:

On behalf of Opportunity Youth Action Hawai'i, we are writing in **strong support** of SB 129, SD1 HD1, relating to minors. This bill will require providers of no-cost emergency shelter and related services to maintain separation for unrelated adults and minor children and take steps to ensure pertinent youth obtain and receive services from the juvenile justice or child welfare systems; and make permanent the amendments to the definition of "provider" as it relates to entities eligible to provide no cost emergency shelter and related services to consenting minors.

The current law which temporarily and explicitly allowed unlicensed facilities to shelter youth on an emergency basis will end in June if the legislature doesn't take action. The 2021 law expanded the longstanding "youth right to housing" framework, allowing minors to be sheltered on a short-term, emergency basis. The significance of providing homeless youth with emergency shelter cannot be overstated as shelter is a foundation of stability and access to essential resources, fostering positive life outcomes and mitigating the potential for future adversities. According to a recent street youth study, over three fourths of homeless youth in our state have experienced physical, emotional, or sexual abuse. About a quarter of homeless youth reported that their reason for becoming homeless is physical abuse or parental substance abuse. For many young people, being returned immediately to their families or foster care is less than optimal, leaving them with no meaningful choice but homelessness. For children, homelessness reflects a most extreme loss of family and caretaking. We need to help them.

Our collective, Opportunity Youth Action Hawai'i (OYAH), works to support young people under age 25 who are disconnected from school and work, referred to as "opportunity youth." This developmental period of time is extremely consequential to the individual growth and overall life chances of our children. Although SB 129 specifically pertains to minors, we also support the legislature's ongoing efforts to address the needs of opportunity youth more broadly.

Opportunity Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

**Please support SB 129, SD1 HD1.**



**Residential Youth Services & Empowerment**

March 23, 2023

TO: Committee on Judiciary & Hawaiian Affairs  
Rep Tarnas, Chair  
Rep Takayama, Vice Chair

FROM: Carla Houser, Executive Director  
Residential Youth Services & Empowerment (RYSE)

SUBJECT: SB 129-HD1 Relating to Minors

Hearing: Friday, March 24, 2023, 2pm  
State Capitol, Conference Room 325

I am writing with comments on SB 129 HD-1, relating to minors and their right to enter shelter.

We ask that the revised statues allowing non-licensed child placing organization or child caring institutions with documented experience providing support to unaccompanied homeless minors to be continued. RYSE provides shelter and trauma-informed, supportive services to dozens of minors with consent from their parent or legal guardian. For many of these minors and their families, Child Welfare or the Judiciary systems is not the most appropriate resource.

If the intent of this bill is for DHS to now provide oversight of shelter services to minors who are experiencing homelessness, and who have not had previous CWS involved, I would ask for an extension of this bill's sunset to allow DHS time to integrate into the current continuum of community-based support available to youth experiencing homelessness. This would also allow the legislature to appropriate the needed funds to expand DHS's capacity to take on this new adventure.

Mahalo for the opportunity to submit testimony.

Sincerely,

Carla Houser  
Executive Director, RYSE

Testimony in Support of Measure  
SB 129 SD1, Relating to minors

Aloha, and thank you, Chair Mizuno, and Members of the Committee for the opportunity to submit testimony in **support** of **SD 129 SD1**.

My name is Hueina Hemaloto, and I am currently a student pursuing my Master's Degree in Social Work. I have spent my academic focus in studying and advocating for the needs of the public, especially for populations at risk. It is vital that measures are made to protect minors experiencing housing instability and houselessness, and ensure that they not only have access to shelters, but shelters that can provide a safe environment and opportunities for proper assistance.

This bill will work to provide no-cost emergency shelter and related services to maintain separation for unrelated adults and minor children, as well as making permanent amendments to the definition of "provider" to include organizations that are not child placing organizations or child caring institutions that can meet the criteria.

I trust that passing this bill will promote and ensure a safer environment for minors at risk of houselessness throughout the state of Hawaii.

Mahalo for the opportunity to provide testimony in support of this bill,

Hueina Hemaloto

**SB-129-HD-1**

Submitted on: 3/22/2023 4:23:59 PM

Testimony for JHA on 3/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Get Ride of the Ilegals our we will Get ride of you . We all Vote!!!



**SB-129-HD-1**

Submitted on: 3/23/2023 6:51:36 PM

Testimony for JHA on 3/24/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support SB129 SD1 HD1.