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# A BILL FOR AN ACT

RELATING TO MINORS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 346-17.6, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (e) to read:

4 "(e) Any provider who renders no cost emergency shelter  
5 and related services to a minor pursuant to subsections (a) and  
6 (b) [~~of this section~~] and can demonstrate compliance with this  
7 section shall be immune from any civil or criminal liability  
8 based on the provider's determination to provide the shelter and  
9 related services; provided that if a provider's assessment and  
10 determination, or conduct in providing no cost emergency shelter  
11 and related services, is the result of the provider's gross  
12 negligence or wilful or wanton acts or omissions, the provider  
13 may be held liable for the provider's gross negligence or wilful  
14 or wanton acts or omissions."

15 2. By amending subsection (h) to read:

16 "(h) For purposes of this section:

17 "Minor" means a person less than eighteen years of age.



1 "No cost emergency shelter and related services" means  
2 accommodation at no cost for a continuous period of no more than  
3 thirty days, unless extended for emergency purposes and in  
4 compliance with subsection (b), including beds, meals,  
5 individual showering facilities, transportation to and from the  
6 place of shelter, and any of the following services as deemed  
7 appropriate by the provider:

- 8 (1) Assistance with reunification with the family, legal  
9 guardian, or legal custodian of the minor;
- 10 (2) Referral to safe housing;
- 11 (3) Individual, family, and group counseling;
- 12 (4) Assistance in obtaining clothing;
- 13 (5) Access to medical and dental care, and mental health  
14 counseling;
- 15 (6) Education and employment services;
- 16 (7) Recreational activities;
- 17 (8) Case management, advocacy, and referral services;
- 18 (9) Independent living skills training; and
- 19 (10) Aftercare services, as those services are defined in  
20 title 45 Code of Federal Regulations section 1351.1.



1 "Provider" means any child placing organization, or child  
2 caring institution authorized by the department under section  
3 346-17 to receive or place minor children for care and  
4 maintenance and to provide related services, health care, or  
5 supplies to these minors. "Provider" includes an organization  
6 that is not a child placing organization or child caring  
7 institution that:

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

19 SECTION 2. Act 23, Session Laws of Hawaii 2021, is amended  
20 by amending section 3 to read as follows:



1           "SECTION 3. This Act shall take effect upon its approval  
2   ~~[and shall be repealed on June 30, 2023, provided that~~  
3   ~~section 346-17.6, Hawaii Revised Statutes, shall be reenacted in~~  
4   ~~the form in which it read on the day before the effective date~~  
5   ~~of this Act]."~~

6           SECTION 3. Statutory material to be repealed is bracketed  
7   and stricken. New statutory material is underscored.

8           SECTION 4. This Act shall take effect on June 30, 2050.



**Report Title:**

Emergency Shelter; Minors; Consent; Providers; No Cost Emergency Shelter and Related Services; Sunset Date Repeal

**Description:**

Requires providers of no cost emergency shelter and related services to maintain separation for unrelated adults and minor children. Makes permanent the amendments to the definition of "provider" to include organizations that are not child placing organizations or child caring institutions that meet certain criteria. Effective 6/30/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

