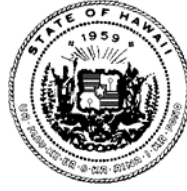


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

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

January 30, 2023

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

FROM: Cathy Betts, Director

SUBJECT: HB [470](#) – RELATING TO MINORS.

Hearing: January 31, 2023, 9:30 a.m.
Conference Room 329 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) provides comments.

PURPOSE: The bill's purpose is to repeal the sunset date of Act 23, Session Laws of Hawai'i 2021, thereby making it permanent.

Minors experiencing housing instability and homelessness need safe places to seek shelter and receive assistance. [Act 23](#), Session Laws of Hawaii (SLH) 2021, amended section 346-17.6, Hawaii Revised Statutes (HRS). Act 23 clarified the definition of "provider" as it relates to the entities eligible to provide no cost emergency shelter and related services to a consenting minor, including certain organizations that are not a child placing organizations or child caring institutions. Sunsets 6/30/2023.

Last year [Act 130](#), SLH 2022, established the Safe Spaces for Youth Pilot Program within DHS and required the pilot program to collaborate with all state and county departments that offer services to ensure the well-being of youth in Hawai'i to coordinate the identification of

youth who are experiencing homelessness and placement of these youth at a shelter for homeless youth. Act 130 aims to establish a statewide and comprehensive system of services for youth at risk of homelessness. The pilot program will repeal on 6/30/2025.

Within DHS, the Office of Youth Services (OYS) is leading the pilot program and is proposing an administration measure [HB1069](#), amending Act 130, SLH 2022. HB1069 clarifies the population the Safe Spaces for Youth pilot program may serve and expands the definition of homelessness to include, amongst other things, youth residing with friends or family or referred to as "couch surfing."

Notably, DHS received guidance from the Administration for Children and Families regarding facilities that provide shelter services to youth who are also involved in the juvenile justice or child welfare systems. HB1069 seeks to add a provision to Act 130 requiring that,

"facilities shall also 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 as required by the Runaway and Homeless Youth Act as amended, 42 U.S.C. 5701, et seq."

To keep shelter services aligned and compliant with federal regulations, we respectfully request an amendment of the definition of "provider" in section 346-17.6(h), HRS, to read as follows,

"Provider" means any child placing organization, or child caring institution authorized by the department under section 346-17 to receive or place minor children for care and maintenance and to provide related services, health care, or supplies to these minors. "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 a minor child[?];

provided that facilities shall also 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 as required by the Runaway and Homeless Youth Act as amended, 42 U.S.C. 5701, et seq."

Lastly, while DHS Child Welfare Services (CWS) would prefer that all facilities providing shelter services to minors are licensed by an authorized government agency, CWS will require facilities to be licensed to receive a contract with DHS CWS.

Thank you for the opportunity to provide additional comments.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
1010 Richards Street, Suite 314
Honolulu, Hawaii 96813

January 30, 2023

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

FROM: Leanne Gillespie, Executive Director

SUBJECT: HB [470](#) – RELATING TO MINORS.
Hearing: January 31, 2023, 9:30 a.m.
Conference Room 329 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Office of Youth Services (OYS) submits comments for consideration.

PURPOSE: The purpose of this bill is to repeal the sunset date of Act 23, Session Laws of Hawai'i 2021.

Minors experiencing homelessness often have exposure to a variety of adverse childhood experiences, including sexual and physical abuse, neglect, familial instability, parental incarceration, witnessed violence and may have substance abuse, mental instability or other social emotional issues. This vulnerable population needs to have safe and secure places of refuge to stabilize, heal and access resources. The Office of Youth Services believes strongly that all facilities providing minors with shelter meet minimum licensing requirements to ensure

The Honorable Presiding Judge
January 13, 2023
Page 2 of 2

the safety and well-being of children. As such, licensing is required for all minor shelter services contracted by the OYS.

Thank you for the opportunity to provide comments.

HB-470

Submitted on: 1/27/2023 7:21:20 PM

Testimony for HUS on 1/31/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 470.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

HB-470

Submitted on: 1/28/2023 6:15:24 AM

Testimony for HUS on 1/31/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Rainbow Family 808	Support	Written Testimony Only

Comments:

We strongly support HB470.

Mike Golojuch, Sr., Secretary/Board Member

Opportunity Youth Action Hawai'i

January 29, 2023

House Committee on Human Services

Hearing Time: 9:30 AM

Location: State Capitol Conference room 329

Re: HB 470, relating to minors

Aloha Chair Mizuno, Vice Chair Amato, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai'i hui, we are writing in strong support of HB 470, relating to minors. This bill repeals the sunset date of Act 23, Session Laws of Hawai'i 2021, thereby making it permanent.

The current law will end in June if this bill does not pass. It expanded the longstanding "youth right to housing" framework, allowing minors to be sheltered on a short-term, emergency basis without consent from a parent or guardian. 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 must be able to help them.

Our collective, the 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 time period is extremely consequential to the individual growth and overall life chances of our children. Although HB 74 specifically pertains to minors, we also support the legislature's ongoing efforts to address the needs of opportunity youth more broadly.

The Opportunity Youth Action Hawai'i hui 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 homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.



Residential Youth Services & Empowerment

January 30, 2023

TO: House Committee on Human Services
Chair Mizuno, Vice Chair Amato, and Members of the Committee.

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

SUBJECT: HB470 Relating to Minor Consent to No Cost Emergency Shelter

Hearing: Tuesday, January 30, 2023
State Capitol, Conference Room 329

POSITION: RYSE strongly supports this measure.

The 2018 UH Center on Family *Street Youth Survey* found the average age a young person first experiences homelessness on Oahu is 14 years old and over 77% of these youth had experience physical, mental and sexual abuse. Many unaccompanied homeless youth have developed a mistrust of services following negative experiences with adults and/or fear social service agency notification or legal intervention. So, they stay hidden in plain sight, utilizing trusted, low barrier drop in centers and street outreach workers to meet their basic needs of food and clothing. At night, they often partner up with older adults and often find themselves forced to engage in unlawful, exploitative activities just to sleep safely.

In 2021, this legislative body made great strides to create the first steps in creating a mechanism to shelter these unaccompanied minors, giving them respite from the streets and time to make choices that improve their current situation with the appropriate safeguards and staffing in place.

Since passage of Act 23, Session Laws of Hawaii 2021, RYSE has sheltered 27 unaccompanied minors. In addition to a safe place to sleep, we provided supportive connections to caring adults and services that can guide at risk youth from the streets towards a productive life and brighter future.

Please repeal the sunset date so we may continue to serve these opportunity youth. Mahalo for the opportunity to submit testimony.

Sincerely,

Carla Houser
Executive Director, RYSE



HAWAI`I YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawai`i 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Jefferson Gourley, Secretary

Judith F. Clark, Executive
Director

Network Membership

Bay Clinic

Big Brothers Big Sisters Hawai`i

*Big Island Substance Abuse
Council*

Bobby Benson Center

Child and Family Service

Coalition for a Drug-Free Hawai`i

Collins Consulting, LLC

Domestic Violence Action Center

EPIC `Ohana, Inc.

Family Programs Hawai`i

Family Support Hawai`i

Friends of the Children's Justice

Center of Maui

Get Ready Hawai`i

Hale Kipa, Inc.

Hale `Opio Kaua`i, Inc.

Hawai`i Children's Action

Network

Hawai`i Health & Harm

Reduction Center

Ho`ola Na Pua

Ho`okele Coalition of Kaua`i

Ka Hale Pomaika`i

Kahi Mohala

Kokua Kalihi Valley

Kaua`i Planning and Action

Alliance

Maui Youth and Family Services

Na Pu`uwai Molokai Native

Hawaiian Health Care

Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together

PHOCUSED

PFLAG - Kona, Big Island

Planned Parenthood of the

Great Northwest, Hawaii

Alaska, Kentucky, Indiana

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

January 30, 2023

To: Representative John Mizuno, Chair,
And members of the Committee on Human Services

TESTIMONY IN SUPPORT OF THE INTENT OF HB 470 RELATING TO MINORS

Hawaii Youth Services Network supports the intent HB 470 Relating to Minors.

Enabling minors to consent for admission to an emergency youth shelter ensures that they are able to escape the dangers of living on the streets in those rare situations in which consent from a parent or guardian cannot be obtained.

In some circumstances, notifying parents or guardians of the minor's location could increase risk of harm by family members or guardians. Physical, sexual and emotional abuse committed by a family member or guardian is often the reason why the minor is seeking a safe shelter. Provider coordination with Child Welfare Services as a reason to allow minor consent for shelter increases the safety of these vulnerable youth.

The reason that a sunset clause was included in the 2021 legislation was to allow Department of Human Services to amend its licensing rules for shelters to address this issue. HYSN believes that the statute should be extended, but not made permanent, so that DHS can make the needed rule changes.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads 'Judith F. Clark'.

Judith F. Clark, MPH
Executive Director

"This was my first experience in attending a meeting with other youths where our voices matter. . . . I want to make a difference and attending the Summit gave me the courage to step out and share everything I've learned with my fellow students. I know I will never stop speaking up for what is right."

--Alisha Estoy, Junior at Konawaena High School

I have always been passionate about the environment . . . but I never thought I could make a difference now. . . . Thank you for providing that chance to speak out and give me someone to listen. . . . This has been one of the few times that I felt like people listened to me.

--Makena Anderson

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

LATE

HB-470

Submitted on: 1/30/2023 7:57:39 PM

Testimony for HUS on 1/31/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Act 23 provides an important expansion of the circumstances in which a minor may consent to no-cost emergency shelter. This is a safeguard against abuse, domestic violence and neglect that is particularly important for youth that identify as LGBTQ+, who disproportionately experience violence at home simply for being who they are.

Youth who experience abuse in their homes have the choice between two paths: They can either enter the foster care system or reunite with their family. When those options appear or are untenable, many are forced by circumstance to choose a third option: to live on the street.

According to the 2018 street youth study, over three fourths of homeless youth have experienced some sort of abuse rather it be physical, emotional, or sexual. Parental substance abuse also takes a heavy toll on the welfare of a child. Consequently, around a quarter of homeless youth list their reason for becoming homeless as physical abuse, or parental substance abuse.

Youth in Hawai'i have historically faced significant and life-threatening challenges when they enter the cycle of homelessness.

According to some reports, nearly half of homeless youth are Native Hawaiian (Yuan, S., Stern, I. R., Gauci, K. T., & Liu, L. (2018). Street Youth Study. Honolulu, HI: University of Hawai'i, Center on the Family).

HRS § 346-17.6 was enacted into law through SB921 (2011) and created the definition of "provider" as well as the legal framework for childcare providers to supply shelter and services to homeless youth. HB 282 (2021) expanded the definition of "provider" to include organizations that supply homeless youth with housing and services. The previous definition for providers was only limited to licensed childcare and child placing organizations. Furthermore, HB282 established a sunset date set for June 30, 2023.

Previously, minors could not be provided housing without consent from a parent or guardian. Following the commencement of the law, organizations could provide minors with no cost housing and other services for a short term without the consent from a parent or guardian. These needs are especially relevant for youths who have suffered abuse at the hands of family members.

Please pass HB470.

