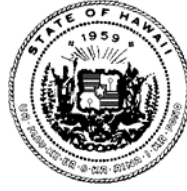


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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

February 14, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health & Human Services

FROM: Cathy Betts, Director

SUBJECT: [SB 129](#) – RELATING TO MINORS.

Hearing: February 15, 2023, 1:00 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure and respectfully offers comments and concerns and requests clarification.

PURPOSE: Expands the provisions for a minor to consent to no-cost emergency shelter and related services under certain circumstances, provided that the shelter's provider is licensed and in compliance with zoning and safety regulations. Requires the Department of Human Services to make every effort to have a shelter for minors on each island. 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. Requires the Department of Human Services to amend its administrative rules to allow non-licensed child placing organizations with documented experience providing shelter and supportive services to be pre-qualified for a certificate of approval from the Department of Human Services.

DHS appreciates the Legislature's attention to addressing homelessness, especially as it relates to minors.

Act 23, Session Laws of Hawaii (SLH) 2021 (Act 23), Act 130, SLH 2022, and emergency proclamations that suspend Chapter 346, HRS, the latest being Governor Green's Emergency Proclamation signed January 23, 2023, that is in effect until March 20, 2023, influences how DHS can respond to the challenge of providing minimum oversight while allowing innovative services to develop. Act 23, Session Laws of Hawaii 2021, temporarily amended section 346-17.6, Hawaii Revised Statutes (HRS), to include,

"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."

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 placing organizations or child caring institutions regulated by DHS. At the time of Act 23's passage, DHS considered that it would amend its administrative rules to include the additional Act 23 providers.

However, with additional analysis, Child Welfare Services 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 caring institutions. Then, Act 130, SLH 2022, Safe Spaces for Youth law passed that took a broader state-wide approach to shelter minors.

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.

In Hawaii's current law, section 346-16, HRS, defines a CCI and a 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 caring for six or more children are CCIs, whether or not they are licensed, and all organizations that place children in foster care are CPOs regardless of licensure. Notably, section 346-17, HRS, specifies that CPOs and CCIs must meet department standards that entail licensure as follows,

- (a) No child placing organization shall engage in the investigation, placement, and supervision of minor children in foster care unless it meets the standards of conditions, management, and competence set by the department of human services.
- (b) No child caring institution shall receive minor children for care and maintenance unless it meets the standards of conditions, management, and competence to care for and educate children set by the department.

Additionally, federal law requires shelters that receive federal funding (grantees) are required to be licensed. Code of Federal Regulations (CFR), Title 45, Part 1351 Runaway and Homeless Youth, Subpart A, §1351 (45 CFR 1351) states:

Grantees shall ensure that all shelters that they operate are licensed and determine that any shelters to which they regularly refer clients have evidence of current licensure, in states or localities with licensure requirements. Grantees shall promptly report to HHS instances in which shelters are cited for failure to meet licensure or related requirements or lose licensure. For grantee-operated facilities, failure to meet any applicable state or

local legal requirements as a condition of operation may be grounds for grant termination.

DHS requests clarification as the bill proposes amendments to section 346-17, HRS, which appear to be inconsistent. For example, as drafted, the bill's language supports shelter licensure, as Section 1, on page 3, lines 8-10, (b) (4): "The provider supplying shelter is licensed to do so for minors or adults and is in compliance with zoning and safety regulations." In contrast, section 1, on page 6, lines 1-14, (l) states that a provider is not a child-placing organization (CPO) or child caring institution (CCI), which refers to a Provider with five requirements, but with no overseeing licensing entity.

Section 3, page 7, lines 1-6 of the bill, states that the department shall amend administrative rules to allow non-licensed child placing organizations (CPOs) "to be pre-qualified for a certificate of approval from DHS." However, as explained above, when citing sections 346-16 and 346-17, HRS, a non-licensed CPO, does not exist in the HRS, and consequently, DHS cannot draft new rules. Additionally, the type of certificate being referred to is a license.

The source of funding an agency receives should not create an exception to meeting child caring institution standards; if the agency cares for children, it should follow all licensing standards for the safety, health, and well-being of children in its care.

Regarding the proposed amendment in the bill on page 4, lines 15-16, the department agrees with the sentiment of the proposed amendment and is collaborating with the community and social services providers to develop and staff statewide shelters for minors in need of short-term respite or care, which are not eligible for other shelters.

Thank you for the opportunity to provide comments on this measure.



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

February 14, 2023

TO: The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Health & Human Services

FROM: Leanne Gillespie, Executive Director

SUBJECT: SB 129 – RELATING TO MINORS
Hearing: February 15, 2023, 1:00 p.m.
Conference Room 415 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Office of Youth Services (OYS) submits comments and offers amendments.

PURPOSE: The purpose of this bill is to expand the provisions for a minor to consent to no-cost emergency shelter and related services, makes amendments to the definition of “provider”, and requires the Department of Human Services to make every effort to have minor emergency shelters on every island and make certain amendments to its administrative rules.

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 health or other social emotional issues. This vulnerable population needs safe and secure places of refuge to stabilize, heal and access services. It is for these reasons that best practices for emergency shelters for minors utilize a small home-style setting, rather than larger facility settings used for adults.

Whether no-cost or cost, the OYS strongly supports all providers operating emergency shelters for minors be licensed, regardless of their documented experience serving this population. Documented experience working with homeless minors indicates a degree of

experiential knowledge of how to work with this population, but it does not provide third-party oversight or monitoring. Minimum licensing requirements, with monitoring and oversight, are in place to ensure the health and safety of minors residing in shelters.

The OYS expresses concern over co-habitation of unrelated minors and adults within the same facility without fully separated service areas. Co-habitation with adults exposes minors to high-risk adult situations within these shared and common areas. Due to levels of risk and potential for exposure to traumatic or criminal situations, best practice is not to mix minors and adults. Within lockup facilities, the Office of Juvenile Justice and Delinquency Prevention Act (34 U.S.C. § 11133(a)(1)-(33)) requires that when youth are detained or confined for any length of time, both sight and sound contact with adult inmates is prohibited. While homeless shelters are not lockup facilities, there are similar risks to minors. While these often unstable environments offer safety from the streets, but mixing children and adults within the same facility, can place minors in harm's way as compared to environments that are developmentally appropriate. The OYS offers an amendment to Page 6, Line 9-10:

~~(2) Maintains separate sleeping areas for unrelated adults and minor children; to~~

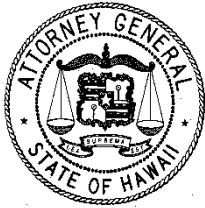
(2) Maintains separation for unrelated adults and minor children;

as co-habitation

The Office of Youth Services was established to develop and implement a continuum of program services for youth, from prevention to intervention to re-entry, and currently service homeless and system-involved youth in programs across the state. Act 130, Safe Spaces for Youth Pilot Program (SLH 2022) authorizes the OYS to expand services for homeless youth by procuring contracts to operate homeless shelters in each county, for youth ages 14 to 24 years old. The language on Page 4, line 15-16 provides for the duplication of resources for a responsibility already charged to OYS. The OYS suggests an amendment to remove this language:

~~(h) The department shall make every effort to ensure that every island has a shelter for unaccompanied minors.~~

Thank you for the opportunity to provide comments.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:
S.B. NO. 129, RELATING TO MINORS.

BEFORE THE:
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Wednesday, February 15, 2023 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lynne M. Youmans or Margaret A. Leong, Deputy Attorneys
General

Chair San Buenaventura and Members of the Committee:

The Attorney General appreciates the intent of this bill and provides the following comments.

The bill amends section 346-17.6, Hawaii Revised Statutes (HRS), to add an additional criterion where a provider supplying an emergency shelter may provide services to a minor without the consent of the minor's parents and requires the Department of Human Services to make every effort to ensure that every island has a shelter for unaccompanied minors. The bill also repeals the June 30, 2023, sunset date established in Act 23, Session Laws of Hawaii 2021, which amended the definition of "provider" in section 346-17.6 (h), HRS.

The additional criteria added to section 346-17.6(b) in a new paragraph (4) on page 3, lines 8 to 10, of the bill requires the provider supplying shelter to be licensed and in compliance with zoning and safety regulations. The paragraph is in a list of paragraphs relating to a provider's obligation to contact a minor's parent when the minor seeks emergency shelter. Because a provider's obligation to contact a minor's parents is unrelated to licensing and zoning and safety regulations, we believe this paragraph is misplaced and should be removed from the bill.

Section 3, on page 7, lines 1-6, requires that the Department of Human Services "shall amend its administrative rules . . . to allow non-licensed child placing

organizations with documented experience providing shelter and support services to be pre-qualified for a certificate of approval," commonly referred to as a license. The reference to pre-qualifying a provider for a license is confusing and the intent is unclear. The definition of "provider," in 346-17.6(h), HRS, includes two classifications of providers: (1) child placing organizations or child caring institutions, both of which are "authorized" or licensed by the Department of Human Services consistent with section 346-17, HRS; and (2) organizations that are not child placing organizations or child caring institutions, and therefore not licensed by the Department of Human Services, but that meet certain requirements. "Non-licensed child placing organizations," as contemplated in section 3, may not meet the licensing requirements or may choose to be unlicensed. Either way, "non-licensed child placing organizations" will not benefit from being "pre-qualified" for a license. These unlicensed providers will either have to become licensed child placing organizations or child caring institutions or remain unlicensed consistent with the definition of "provider" currently in section 346-17, HRS. Therefore, the reference to "pre-qualifying" for a certificate of approval, or license, is inconsistent with the definition of "provider," and we recommend that it be deleted.

Thank you for the opportunity to provide these comments.

SB-129

Submitted on: 2/10/2023 5:58:09 PM

Testimony for HHS on 2/15/2023 1:00:00 PM

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

Comments:

Rainbow Family 808 strongly supports SB129. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

SB-129

Submitted on: 2/11/2023 1:01:14 PM

Testimony for HHS on 2/15/2023 1:00:00 PM

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

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 129.

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



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*

February 11, 2023

To Senator Joy San Buenaventura, Chair,
And members of the Committee on Health and Human Services

**TESTIMONY IN SUPPORT OF
SB 129 RELATING TO MINORS**

Hawaii Youth Services Network (HYSN) supports SB 129 Relating to Minors.

HYSN has coordinated a statewide runaway and homeless youth partnership since 1981.

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.

Having emergency shelter options for unaccompanied minors on each island is in accordance with best practices for working with homeless youth. If a youth must be placed in a shelter on another island, they lose their natural support systems in school, community, and family. Emergency shelter can be provided in rural areas using emergency host homes that are lower in cost than group shelters.

Placement of an unaccompanied minor in a shelter that also houses adults should be limited to times when there are no beds available in youth shelters. And our focus should be to ensure that there are adequate resources to house minors safely and appropriately.

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 initial 'J' and a distinct 'F'.

Judith F. Clark, MPH
Executive Director

SB-129

Submitted on: 2/13/2023 3:46:30 PM

Testimony for HHS on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Testifying for Hawaii Health & Harm Reduction Center	Support	Written Testimony Only

Comments:

Aloha Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

Hawai'i Health & Harm Reduction Center (HHHRC) supports SB 129, which expands the provisions for a minor to consent to no-cost emergency shelter and related services under certain circumstances provided that the provider supplying the shelter is licensed and in compliance with zoning and safety regulations.

HHHRC Executive Director Heather Lusk currently serves as Board Chair of Partners in Care O'ahu, a planning, coordinating, and advocacy alliance that develops recommendations for programs and services to fill needs within O'ahu's continuum of care for homeless persons. HHHRC provides homeless outreach and housing placement navigation services in urban Honolulu and the Upper Windward Coast, including North Shore.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions, and have been deeply impacted by trauma that often includes histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

Opportunity Youth Action Hawai'i

Senate Committee on Health and Human Services

Hearing Time: 1:00 PM, February 15, 2023

Location: State Capitol Conference Room 225

Re: SB 129, Relating to Minors

Aloha Chair San Buenaventura, Vice Chair Aquino, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai'i hui, we are writing with comments on SB 129, relating to minors. We are concerned that this bill may unintentionally result in fewer youth in need being served. We wish to collaborate with the legislature in addressing the needs of homeless youth and firmly believe that all children should be housed.

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 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 SB 129 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

February 14, 2023

TO: Committee on Health & Human Services
Chair San Buenaventura, Vice Chair Aquino, and Committee Members

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

SUBJECT: SB 129 Relating to Minors

Hearing: Friday, February 15, 2023, State Capitol, Conference Room 225

I am writing with comments on SB 129, relating to minors and their right to enter shelter. Act 23, Session Laws of Hawaii 2021 was intended to support unaccompanied homeless youth who, before this right to enter shelter, slept on the streets of Hawaii and were subjected to abuse and exploitation nightly.

For the last 2 years, RYSE has provided shelter and trauma-informed, supportive services to dozens of minors with consent from their parents who are often experiencing housing, unemployment, or mental health challenges.

The goal was not to create more temporary shelters and to impact these youth and families further negatively with child welfare system involvement. We support any revised statues to allow non-licensed child placing organization with documented experience providing support to unaccompanied homeless minors to be allowed to continue.

Mahalo for the opportunity to submit testimony.

Sincerely,

Carla Houser
Executive Director, RYSE

SB-129

Submitted on: 2/12/2023 2:18:06 PM

Testimony for HHS on 2/15/2023 1:00:00 PM

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

Comments:

Please support SB129.

SB-129

Submitted on: 2/12/2023 8:20:20 AM

Testimony for HHS on 2/15/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Long	Individual	Support	Written Testimony Only

Comments:

Aloha, please support and pass SB 129.

Thank you,

James Long

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES
Wednesday, February 15, 2023, 1:00PM
Conference Room 225 & Videoconference

February 15, 2023

Dear Senate Members of the Health and Human Services:

My name is Sarah Joy Valdez and I am a student at University of Hawai'i at Manoa.

I **strongly support** SB129 Requesting the Department of Health provide no-cost emergency shelters and to expand shelters for minors under the age of 18 in all islands.

The youth in Hawai'i are in a much more dangerous place that we imagined. In the state of Hawai'i there are nearly 3,600 students that are identified in unstable housing. In a study conducted by University of Hawai'i in 2018, 84% of homeless minors were unsheltered. 13% of these minors resulted in "survival sex," exchanging sexual favors in return for shelter, food, drugs, or money. We have already addressed the issue of homelessness, but where are the conversations about the children and minors who are in the street with no place to go? It is also important to include minors who are in abusive homes. In 2021, Children's Justice Centers of Hawai'i reported they interviewed over 1,000 children of alleged abuse. With the continuing cost of living and the unpredictability of just living in Hawai'i, it is expected that these statistics will only rise for years to come. We must not forget the children of Hawai'i and to not leave them behind. We need to continue to find ways to protect them and we need to do more for them.

It is imperative that we build more shelters for minors in all the islands to provide a safe haven for these minors and give them a chance in life before it is too late.

Thank you for all the work your committee has done to increase transparency and accountability in the State government. I hope you will consider this measure because I believe it will take us to the right direction as one big 'Ohana.

Thank you for the opportunity to testify,

Sarah Joy Valdez