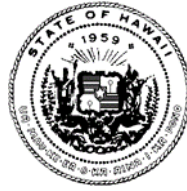


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



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

March 13, 2023

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

FROM: Cathy Betts, Director

SUBJECT: **SB 129 SD1**– RELATING TO MINORS.

Hearing: March 14, 2023, 9:00 am
Conference Room 329 & Via videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill and offers comments, and requests an amendment.

PURPOSE: The bill 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 12/31/2050. (SD1)

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 added to 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. These amendments sunset on 6/30/2023.

The impact of Act 23 allowed organizations that are not a child placing organizations or child caring institutions regulated by the DHS Child Welfare Services Branch (CWS) to provide

shelter and services to minors without the consent of their parents for up to 30 days. Currently, DHS CWS does not oversee shelters that are not a child placing organizations (CPOs) or child caring institutions (CCIs).

However, the preference is that all providers sheltering minors become appropriately licensed by CWS or the Department of Health. Act 23 also gave DHS CWS time to consider whether additional licensing requirements should be developed to address providers who shelter minors experiencing or at risk of homelessness. Upon review of licensing options, DHS CWS's position is that providers should have some oversight by an appropriate licensing entity. DHS CWS has three licensing options to provide shelter services for minor children.

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 Hawaii 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 Safe Spaces for Youth pilot program will repeal on 6/30/2025. OYS and CWS agree that the Safe Spaces for Youth pilot program will be the most comprehensive approach to address youth shelter services Statewide.

Notably, DHS received guidance from the Administration for Children and Families regarding facilities that provide shelter services to youth involved in the juvenile justice or child welfare systems. Therefore, to keep all shelter services aligned and compliant with federal regulations, we respectfully request an amendment adding the language to section 346-17.6(h), HRS.

"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 ensure the safety and well-being of minors to the extent possible, the Department's position is that any individual, organization, or institution providing substitute care for children or youth in Hawaii must have appropriate oversight. To comply with federal regulations and State law, DHS offers three types of licenses based on standards outlined in Title IV-E of the

Social Security Act: (1) Resource Caregiver homes (RCGs) are the least restrictive, most family-like settings and can house up to 5 unrelated minors or up to 6 minors to accommodate sibling groups; (2) Child Caring Institutions (CCIs) are for short-term stays and can accommodate 6-25 minors; (3) Child Placing Organizations (CPOs) support or oversee RCG homes.

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 as “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. This term shall not apply to any boarding school which is essentially and primarily engaged in educational work.”

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:

- 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,
- 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 will not be able to contract with such an entity that does not meet one of the three licensing options. However, CWS will work with providers to obtain the appropriate licensure.

Thank you for the opportunity to provide additional comments.



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

March 10, 2023

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

**TESTIMONY IN SUPPORT OF THE INTENT OF
SB 129 SD 1 RELATING TO MINORS**

Hawaii Youth Services Network (HYSN) supports the intent of SB 129 SD 1
Relating to Minors.

HYSN has coordinated a statewide runaway and homeless youth
partnership since 1981. HYSN is currently working with the Office of Youth
Services to implement Act 130.

Placing an unaccompanied minor in a shelter that also houses adults may
be advisable if youth shelters are full in order to remove the youth from the
dangers of living on the streets. Adolescents have needs and issues that are
different from adult homeless. Thus it is essential that the staff are
knowledgeable about adolescent development and programs are designed
to meet the needs of adolescents.

HYSN fully support the amendment to the bill to require physical segregation
of minors and adults.

HYSN believes, however, that any shelter housing minors should meet all
licensing standards and should be licensed by the Department of Human
Services.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director

SB-129-SD-1

Submitted on: 3/13/2023 8:38:39 AM

Testimony for HUS on 3/14/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carla Houser	RYSE (Residential Youth Services & Empowerment)	Support	In Person

Comments:

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 this opportunity to testify.

Opportunity Youth Action Hawai'i

House Committee on Human Services

Hearing Time: 09:00 AM, March 14, 2023

Re: SB 129 SD1, Relating to Minors

Aloha e Chair Mizuno, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai'i hui, we are writing in **strong support** of SB 129 SD1, 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 make 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.

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 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.

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.

SB-129-SD-1

Submitted on: 3/14/2023 9:28:36 AM

Testimony for HUS on 3/14/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Written Testimony Only

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 SB 129 SD 1.

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

SB-129-SD-1

Submitted on: 3/13/2023 9:47:17 AM

Testimony for HUS on 3/14/2023 9:00:00 AM

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

Comments:

Please support SB129 SD1.