

JAN 18 2023

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 to read as follows:

3 "§346-17.6 Consent to no cost emergency shelter and
4 related services. (a) A provider may provide no cost emergency
5 shelter and related services to a consenting minor if the
6 provider reasonably believes that:

7 (1) The minor understands the significant benefits,
8 responsibilities, risks, and limits of the shelter and
9 services and can communicate an informed consent;

10 (2) The minor understands the requirements and rules of
11 the shelter and services; and

12 (3) The shelter and services are necessary to ensure the
13 minor's safety and well-being;

14 and the provider has conducted an assessment and determined that
15 the minor does not pose a danger to the minor's self or to other
16 persons at the same location. If the provider determines that



1 admitting the minor poses a danger, the provider shall report
2 the matter to an appropriate agency.

3 (b) A minor may consent to no cost emergency shelter and
4 related services if the minor understands the benefits,
5 responsibilities, risks, and limits of the shelter and services,
6 and the minor agrees to adhere to the provider's rules and
7 cooperate and participate in those services recommended by the
8 provider; provided that:

9 (1) The provider has not, despite reasonable efforts, been
10 able to contact the minor's parent, legal guardian, or
11 legal custodian;

12 (2) The provider has made contact with the minor's parent,
13 legal guardian, or legal custodian, and the minor's
14 parent, legal guardian, or legal custodian has refused
15 to give consent and, based on the information
16 available to the provider, the provider reasonably
17 believes that the minor would incur harm, or would be
18 subject to threatened harm, if the minor returned
19 immediately to the home of the parent, legal guardian,
20 or legal custodian; [e]



1 (3) The minor has refused to provide contact information
2 for the minor's parent, legal guardian, or legal
3 custodian, and the provider reasonably believes that
4 the minor would incur harm, or would be subject to
5 threatened harm, if the minor returned immediately to
6 the home of the parent, legal guardian, or legal
7 custodian~~[]~~; or

8 (4) The provider supplying shelter is licensed to do so
9 for minors or adults and is in compliance with zoning
10 and safety regulations.

11 (c) Any consent given by a minor under this section shall,
12 for the duration of the period of shelter and with respect to
13 all services, including medical services, be valid and binding
14 as if the minor had reached the age of majority.

15 (d) The consent given under this section shall not be
16 subject to later disaffirmance by reason of the minor's
17 minority.

18 (e) Any provider who renders emergency shelter and related
19 services to a minor pursuant to subsections (a) and (b) [~~of this~~
20 ~~section~~] and can demonstrate compliance with this section shall
21 be immune from any civil or criminal liability based on the



1 provider's determination to provide the shelter and related
2 services; provided that if a provider's assessment and
3 determination, or conduct in providing emergency shelter and
4 related services, is the result of the provider's gross
5 negligence or wilful or wanton acts or omissions, the provider
6 may be held liable for the provider's gross negligence or wilful
7 or wanton acts or omissions.

8 (f) A provider who renders emergency shelter and related
9 services to a minor shall document in writing the efforts made
10 to contact the minor's parent, legal guardian, or legal
11 custodian.

12 (g) The provider shall report any suspected child abuse or
13 neglect to the department or the police department in accordance
14 with section 350-1.1.

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

17 [~~h~~] (i) For purposes of this section:

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

19 "No cost emergency shelter and related services" means
20 accommodation at no cost for a continuous period of no more than
21 thirty days, unless extended for emergency purposes and in



1 compliance with subsection (b), including beds, meals,
2 individual showering facilities, transportation to and from the
3 place of shelter, and any of the following services as deemed
4 appropriate by the provider:

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

18 "Provider" means any child placing organization, or child
19 caring institution authorized by the department under section
20 346-17 to receive or place minor children for care and
21 maintenance and to provide related services, health care, or



1 supplies to these minors. "Provider" includes an organization
2 that is not a child placing organization or child caring
3 institution that:

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

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

17 "SECTION 3. This Act shall take effect upon its approval
18 [~~and shall be repealed on June 30, 2023; provided that section~~
19 ~~346-17.6, Hawaii Revised Statutes, shall be reenacted in the~~
20 ~~form in which it read on the day before the effective date of~~
21 ~~this Act]."~~



1 SECTION 3. The department of human services shall amend
2 its administrative rules, as appropriate and in accordance with
3 chapter 91, Hawaii Revised Statutes, to allow non-licensed child
4 placing organizations with documented experience providing
5 shelter and supportive services to be pre-qualified for a
6 certificate of approval from the department of human services.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on June 29, 2023.

10

INTRODUCED BY: 



Report Title:

Department of Human Services; Emergency Shelter; Minors;
Consent; Providers; Administrative Rules

Description:

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. 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.

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

