

ACT 207

S.B. NO. 1899-76

A Bill for an Act Relating to the Establishment of an Office of Children and Youth.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that securing the well-being of all of Hawaii's children should continue to be a policy concern of the highest order for state government. Hawaii has long been a leader among the states in the development of innovative undertakings in behalf of children and youth as evidenced, in part, by the enactment of Act 294, Session Laws of Hawaii 1949, which establish-

ed the Hawaii State Commission on Children and Youth, one of the first entities of its kind in the United States.

Several departments of the State are responsible for various services to children and youth. Lack of coordination among the services and planning activities of the various departments of the State results in gaps in the spectrum of needed services, duplication of services, lack of clarity and responsibility for services, and inadequately articulated inter-agency programs, thereby reducing the quality and effectiveness of programs for children and youth. Because of the specific mandates of the departments, it is essential that a body responsible for coordinating services and planning for children and youth be established outside the departments responsible for direct service delivery. In addition, there are indications that coordination of the State's programs and activities with the efforts of the several counties and the various agencies in the private sector is, likewise, less than adequate.

Therefore, the purpose of this Act is to develop a new office, the office of children and youth, within the office of the governor to replace the existing commission on children and youth and the office of youth affairs, office of information and youth affairs, of the office of the governor with the primary purposes of conducting research, ensuring coordination among and between programs and services, and assuring proper evaluation of programs and services relating to children and youth.

SECTION 2. The Hawaii Revised Statutes is amended by repealing chapter 581 and adding a new chapter 581 to read as follows:

“CHAPTER 581 OFFICE OF CHILDREN AND YOUTH

PART I. OFFICE, POWERS AND DUTIES

Sec. 581-1 Office of children and youth; appointments. (a) There is established within the office of the governor, an office of children and youth.

(b) The director of the office shall be known as the director of the office of children and youth, hereinafter referred to as director. The director shall have training and/or experience in the field of social work, education, public health, or other related fields; direct experience in programs and services related to children and youth; and experience in a supervisory, consultative, or administrative position. The director shall be appointed by the governor without regard to chapters 76 and 77. The salary of the director shall be set by the governor. The director shall be included in any benefit program generally applicable to the officers and employees of the State.

Sec. 581-2 General functions, duties, and powers of the director. The director shall have the following principal functions, duties, and powers:

- (1) Serve as the principal official in state government solely responsible for the coordination of programs and services in behalf of children and youth.

- (2) Oversee, supervise, and direct the performance by his or her subordinates of activities in such areas as planning, evaluation, and coordination of children and youth programs and development of a statewide service delivery network.
- (3) Assess the policies and practices of other agencies impacting on children and youth and conduct advocacy efforts in their behalf.
- (4) Advise the governor and the legislature on new legislation, programs, and policy initiatives and conduct such liaison as would be required to implement them.
- (5) Serve as a member of advisory boards and regulatory panels of state agencies in such areas as child development programs, social services programs, and health and medical assistance programs.
- (6) Administer funds allocated for the office of children and youth; and apply for, receive, and disburse grants and donations as may otherwise fall within the authority of the office of children and youth.
- (7) Serve as a referral agency for complaints of persons regarding services to children and youth, or operations of state and county agencies affecting children and youth, and investigate complaints.
- (8) Adopt, amend, and repeal rules pursuant to chapter 91 for purposes of this chapter.
- (9) Retain such staff as may be necessary for the purposes of this chapter, in conformity with chapters 76 and 77, except for the heads of the three divisions referred to in section 581-4 who shall not be subject to chapters 76 and 77.
- (10) Contract for such services as may be necessary for the purposes of this chapter.
- (11) On a continuing basis, provide initial and continuing orientation as to the goals, functions, and programs of the office to members of the council.
- (12) On a continuing basis, actively and enthusiastically seek the input of council members on all matters pertaining to the functions of the office.
- (13) On a continuing basis, transmit minutes of the council to the governor and to the chairpersons of the legislative committees responsible for children and youth programs.

Sec. 581-3 General duties of the office of children and youth. The office of children and youth shall:

- (1) Establish statewide goals and objectives relating to children and youth in the State.
- (2) Study the facts concerning the needs of children and youth in the State through adequate research studies, such research to be carried on whenever possible through the departments or agencies of the state and county governments responsible for providing services in the fields of health, education, social welfare, employment, and related services. Where such research cannot be done within such established agencies, it shall be carried out by this office.

- (3) Review legislation pertaining to children and youth and appropriations made for services in their behalf in such fields as health, child guidance, social service, education, recreation, child labor and juvenile delinquency and its prevention, and consider and present revisions and additions needed and report to the governor and to the legislature regarding such legislation.
- (4) Evaluate the availability, adequacy, and accessibility of all services for children and youth within the State.
- (5) Monitor and coordinate the operations and the operating policies, affecting children and youth, of all state and county departments and agencies responsible for providing services for children and youth, including, without limitation to the generality of the foregoing, the department of health, the department of social services and housing, the department of education and the department of labor and industrial relations, and report such facts and the office's recommendations to the governor and to the legislature. The executive heads of all such departments and agencies shall make available to the office of children and youth such information as the office deems necessary for the effective discharge of its duties under this chapter.
- (6) Maintain contacts with local state and federal officials and agencies concerned with planning for children and youth.
- (7) Encourage and foster local community action in behalf of children through the local county committees on children and youth.
- (8) Assist in promoting plans and programs for the prevention and control of juvenile delinquency.

Sec. 581-4 Administrative and program support for the office of children and youth. The provision of administrative and program support for the office of children and youth shall be accomplished by the creation of three principal organizational divisions in the office of children and youth. One division shall be known as the child development division, the second as the youth affairs division, and the third as the administrative and technical services division.

- (1) The child development division shall be engaged in the activities enumerated in section 581-3 with special attention to the needs of children from birth through age twelve.
- (2) The youth affairs division shall be engaged in the activities enumerated in section 581-3 with special attention to the needs of youths from ages thirteen through twenty-four.
- (3) The administrative and technical services division shall be engaged in the following activities, including but not limited to:
 - (A) Preparation and submission of budgetary requests for the office of children and youth.
 - (B) Management of contracts and agreements entered into by the office of children and youth with public and private vendors, consultants, and suppliers.
 - (C) General administrative housekeeping functions of the office of children and youth.

PART II. ADVISORY COUNCIL FOR CHILDREN AND YOUTH

Sec. 581-11 Advisory council for children and youth, established. There is established within the office of children and youth, the advisory council for children and youth herein referred to as council except as otherwise indicated.

Sec. 581-12 Council, composition, chairperson. The council shall be composed of nineteen members appointed by the governor subject to section 26-34, except as provided in this section. Members shall have had training, experience, or special knowledge concerning programs for children and youth.

Of the nineteen members:

- (1) Five shall be ex officio voting members to consist of the director of social services, the chairperson of the board of education, the director of labor and industrial relations, the director of health, and the senior judge of the family court of the first circuit.
- (2) Fourteen shall be regular members:
 - (A) One public officer from each of the counties of Hawaii, Maui, Oahu, and Kauai to be appointed from a list of four such officials submitted by the mayor of each county.
 - (B) Four members shall be representatives of private organizations which are engaged in the planning or delivery of services to children or youth.
 - (C) Six members shall be citizens, four of whom shall be under the age of twenty-six at the time of appointment. Of such members, there shall be one representative from each county who shall be nominated by the mayor for gubernatorial appointment.

Appointments to the council shall be on a staggered basis.

Sec. 581-13 Council, compensation. Members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

Sec. 581-14 Ex officio members, attendance by, substitute for. If for any reason any ex officio member is not able to attend meetings of the council, the individual immediately subordinate to such member and authorized to act in his or her place shall attend in the stead of the ex officio member. The substitute individual shall be entitled to participate in all actions and business of the council with all rights, authority, and privileges of the appointed member, including full voting rights.

PART III. COUNCIL FUNCTIONS

Sec. 581-21 Council, functions. (a) The council shall participate in, recommended, and advise the director in coordinating, planning, and monitoring functions of the office of children and youth delineated in this chapter. The council shall generally work towards the establishment and effectuation of a cohesive, comprehensive system for the development and delivery of programs and services for children and youth on a statewide basis.

(b) The governor may appoint additional members or modify the composition of the advisory council should such modification be required to comply with

federal regulations for purposes related to eligibility for federal funds. Should the governor be required to effect such modification, he shall propose an amendment to the legislature for its review and action at the regular session next following the modification.

Sec. 581-22 Council, duties. The council shall have the following powers, duties, and responsibilities:

- (1) Serve in an advisory capacity to the director, the governor, and the legislature on matters relating to programs and services for children and youth.
- (2) Assist the director in determining program and policy needs and priorities for the State in establishing and implementing a comprehensive program for children and youth in accordance with the goals and objectives expressed in this chapter.
- (3) Assist the director in formulating short-term and long-range goals for programs and services for children and youth.
- (4) Assist the director in consulting with and seeking the opinion of the general public in relation to a comprehensive system of programs and services for children and youth.
- (5) Assist the director in the evaluation of general and specific policies relating to the needs of children and youth.
- (6) Assist the director in encouraging both public and private agencies and programs to work toward the development and maintenance of a comprehensive and coordinated system for children and youth services.
- (7) Carry out other functions, duties, and responsibilities of an advisory nature reasonably related to the coordination, evaluation, and conducting of research on children and youth programs and services.

PART IV. RELATIONSHIP WITH OTHER DEPARTMENTS AND AGENCIES; COOPERATION WITH OFFICE OF CHILDREN AND YOUTH

Sec. 581-31 Relationships with other departments and agencies and cooperation with office of children and youth. It shall be the duty and responsibility of every state department and county agency providing programs and services to children and youth, to actively work toward the goals and objectives established by the office of children and youth and to coordinate with the office on children and youth the development of its programs plans. The executive heads of all such departments and agencies shall cooperate with the office of children and youth in providing information as the office deems necessary for the effective discharge of its duties. However, nothing contained in this chapter shall be deemed to delegate or detract in any way from the functions, powers, and duties prescribed by law for any other department or agency of this State, nor to interrupt or preclude the direct relationships of any such department or agency or units of county government in the performance of such functions, powers, and duties. Notwithstanding that each county shall maintain maximum control over the development and administration of children and youth programs tailored to meet county needs, each department, agency officer, and employee of the State and of the counties shall cooperate and assist the office of children and youth in

the performance of the function, powers, and duties of the office.

Sec. 581-32 Joint agreement of cooperation. The advisory council for children and youth and the juvenile justice coordinating council, when established, shall draw up a formal agreement of cooperation which shall define the roles, responsibilities, and workable division of labor relating to children and youth between both bodies. The joint agreement of cooperation and any revision thereof shall be submitted for legislative review and approval; provided that the original agreement shall be submitted no later than twenty days prior to the convening of the regular session of 1977.”

SECTION 3. All functions and programs of the commission on children and youth and the youth affairs office of the office of information and youth affairs are transferred to the office of children and youth. All state officers, employees of the commission on children and youth and the youth affairs office of the office of information and youth affairs, and the members of the commission on children and youth shall serve until the appointment of the director of the office of children and youth and a majority of the members of the advisory council for children and youth.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee shall be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Although the office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the office or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

The preceding paragraphs of this section to the contrary notwithstanding, the director of the office of children and youth may retain such employees of the commission on children and youth as he desires.

All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the commission on children and youth or the youth affairs office of the office of information and youth affairs relating to the functions transferred to the office of children and youth shall be transferred with the functions to which they relate to the office of children and youth.

SECTION 4. In the event the office of children and youth is created, all legislative appropriations which have been made for the commission on children and youth and the youth affairs office of the office of information and youth affairs and other funds which are otherwise transferable shall be transferred to the office of children and youth to coincide with the effective date of the creation of the office of children and youth.

SECTION 5. All funds previously appropriated to the commission on children and youth and the youth affairs office of the office of information and youth affairs are transferred to and shall be expended by the office of children and youth.

SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 8. This Act shall take effect on July 1, 1976.

(Approved June 7, 1976.)

*Edited accordingly.