

A Bill for an Act Relating to the Reorganization of Youth Services.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER OFFICE OF YOUTH SERVICES

§ -1 **Finding and purpose.** The legislature finds that:

- (1) The State of Hawaii has the responsibility to provide its youth a fair and full opportunity to reach their full potential and become law-abiding citizens of our community by providing and encouraging services, which will strengthen their physical, emotional, social, educational, and moral development;
- (2) There is a need for a strong state commitment to the needs of youth and families. Of particular concern are those youth who come into conflict with the laws of our community. To achieve this commitment, there is need for statewide planning and system coordination; oversight of activities and services; and evaluation and monitoring of the effectiveness of these services. In addition, a single entity is needed to serve as a central intake agency, and to coordinate the delivery of services, and provide a continuum of programs to eliminate gaps and provide a clear sense of responsibility and accountability for youth services. This agency must have sufficient statutory authority to ensure that its directives and mandates are complied with by the various affected agencies.

The purpose of this chapter is to establish the office of youth services for the planning, case management, and delivery of services to youth at risk.

§ -2 **Policy for youth.** A policy for youth is established for the State as follows:

- (1) It shall be the policy of this State to concentrate on the prevention of delinquency as an important strategy which can be planned and implemented on behalf of youth and their families. The State shall encourage community involvement in the provision of services for youth including, as an integral part, local government, public and private voluntary groups, public and private nonprofit groups, and private-for-profit groups in order to encourage and provide innovative strategies for these services. To maximize resources and services to youth in need of services, agencies shall develop standards of care, methods to coordinate services, and evaluate and monitor these activities. For youth with special needs, the furtherance of this policy requires all agencies to recognize that their jurisdiction in meeting these youths' needs are not mutually exclusive and that they will work jointly under the coordination of the office of youth services;
- (2) When youth at risk or their families request help, state and local government resources shall be utilized to complement community efforts to help meet the needs of youth by aiding in the prevention and resolution of their problems. The State shall direct its efforts first to strengthen and encourage family life as the most appropriate environ-

ment for the care and nurturing of youth. To this end, the State shall assist and encourage families to utilize all available resources. For youth in need of services, the State shall secure those services as are needed to serve the emotional, mental, and physical welfare of youth and the best interests of the community, preferably in the youth's home or in the least restrictive environment possible. When youths must be placed in care away from their homes, the State shall ensure that they are protected against any harmful effects resulting from the temporary or permanent inability of parents to provide care and protection for their youth; and

- (3) This policy for youth shall be implemented through the cooperative efforts of state and county legislative, judicial, and executive branches, as well as other public and private resources. Where resources are limited, services shall be targeted to those youth in greatest need.

§ -3 Definitions. As used in this chapter:

"Executive director" means the executive director of the office of youth services.

"Office" means the office of youth services.

"Youth at risk" or "youth in need of services" means any youth who has been arrested, or who has had contact with the police, or who is experiencing social, emotional, psychological, educational, moral, physical, or other similar problems.

"Youth service system" means any youth services, facilities, or community-based programs provided through the family court and public and private agencies receiving state funds.

"Youth services" means public or privately funded programs which provide developmental, preventive, protective, recreational, treatment or rehabilitative services for youth at risk including: after school programs, foster care services, residential group homes, independent living programs; child nurturing and family living programs; camps; playground programs; services to youth with school-related problems including educational neglect; services to youth who are found to be subject to neglect, abuse, or exploitation; employment/training programs; diagnostic, preventive, and remedial medical and mental health services to youth, including chemically dependent, physically, mentally, and emotionally disabled and handicapped youth; information and referral services; and legal services to assure the rights of youth.

§ -4 Establishment; purpose. There is established within the department of human services for administrative purposes only the office of youth services. The office of youth services is established to provide services and programs for youth at risk under one umbrella agency in order to facilitate optimum service delivery, to prevent delinquency, and to reduce the incidence of recidivism among juveniles through the provision of prevention, rehabilitation, and treatment services. The office shall also be responsible for program planning and development, intake/assessment, oversight, as well as consultation, technical assistance, and staff training relating to the delivery of services.

The office shall provide a continuum of services as follows:

- (1) An integrated intake/assessment and case management system;
- (2) The necessary educational, vocational, social counseling and mental health services;
- (3) Community-based shelter and residential facilities;
- (4) Oversight of youth services; and

- (5) Other programs which encourage the development of positive self-images and useful skills in such youth.

To this end, on July 1, 1991, this office shall assume the responsibilities for juvenile corrections functions, which were temporarily placed in the department of corrections pursuant to Act 338 of 1987. These functions shall include, but not be limited to, all responsibilities, under chapter 352, for the Hawaii youth correctional facilities.

§ -5 Appointment of director; powers and duties. The office of youth services shall be headed by an executive director who shall be appointed by the governor without regard to chapters 76 and 77. The director may appoint such other staff as may be necessary to carry out the duties of the office of youth services.

§ -6 Organizational structure. The office of youth services shall be composed of such divisions and sections as are deemed necessary by the director to provide:

- (1) Diagnostic evaluation, treatment, and rehabilitation services for all youths referred to services provided by the office or placed in the office's custody by the family court;
- (2) Supervision and counseling services for youth in shelter or correctional facilities under the office's jurisdiction, including community-based facilities;
- (3) Educational, vocational-educational, and other programs to effectively occupy the time of the youth placed in a facility under the office's jurisdiction which promote the development of self-esteem and useful skills to prepare youths in becoming productive members of the community;
- (4) Continuous program planning, development, and coordination of youth services, including the coordination with other government and private social service agencies that work with youths to ensure that a full-range of programs is available and that such programs are consistent with the policy of this chapter and are not unnecessarily duplicative or conflicting;
- (5) Prevention services to include a comprehensive intake/assessment and information/referral system throughout the State which shall access services to youth and their families;
- (6) A case management system based on the individual needs of youth which shall provide for in-depth client assessment, appropriate service planning, and client advocacy;
- (7) Provide for the implementation of chapter 352, youth correctional facilities and other needed correctional services;
- (8) Facilitate the development of and, when appropriate, provide for training programs for persons offering services to youth at risk;
- (9) Provide for technical assistance and consultation to providers and potential providers;
- (10) Seek, apply for, and encourage the use of all federal funds for youth services and facilitate the coordination of federal, state, and local policies concerning services for youth;
- (11) Prepare and submit an annual report to the governor and the legislature. This report shall include, but not be limited to, a review of the status of youth services within the State, recommendations for priorities for the development and coordination of youth services; and

- (12) Monitor, evaluate, and audit all grant subsidies, and purchase of services under chapter 42 which relate to the office of youth services.

§ **-7 Youth services centers; creation.** (a) Beginning July 1, 1991, the office of youth services shall create, develop, and operate youth service centers throughout the State including one or more in each county. This may be done either directly or by contract with private parties. Delinquency prevention shall be a primary objective of these centers. The population eligible for services at the centers would be all youths in need of services. Centers would also develop individualized intake capabilities, program plans, delivery of services, and a comprehensive referral network. The objectives of the youth service centers shall be to:

- (1) Develop and implement programs in delinquency prevention;
- (2) Provide a wider range of informal dispositions, particularly alternatives to the juvenile justice system;
- (3) Develop an improved system of intake, assessment, and follow-up for youths; and
- (4) Provide better coordination of juvenile justice and nonjuvenile justice services in order to reduce overlaps and gaps in services.

(b) Each center shall be responsible for coordinating all services, justice system or nonjustice system, both public and private, to the youth referred to it.

(c) Every youth referred to a youth services center shall, as soon as possible, be appropriately placed with service provider and provided services. The center shall develop procedures which will insure that appropriate service providers are available on a twenty-four hour basis for each youth. The center may contract with such service providers for such services.

(d) Each youth service center shall maintain a registry of every youth referred to it and shall monitor and supervise the follow-up services that are provided to the youth. Each center shall be primarily responsible to insure that the youth is fully diverted from the juvenile justice system.

§ **-8 Office of youth services oversight committee; powers, duties, and authority.** (a) Beginning July 1, 1991, and terminating on June 30, 1992, there shall be established within the office of youth services an oversight committee, consisting of seven members. The committee shall include five members who represent providers of youth services and two lay citizens. All members shall have knowledge and experience regarding the needs of youth. All members shall be appointed by the governor as provided in section 26-34. The director shall serve as executive secretary of the committee. The oversight committee shall have the responsibility of investigating and reporting misfeasance and malfeasance within the youth service system, inquiring into areas of concern, and conducting periodic audit evaluations of the youth service system to ascertain its effectiveness and compliance with established responsibilities. This responsibility shall not include, however, services which are provided directly by the office of youth services.

It shall be the duty of the oversight committee to conduct regular, periodic, unannounced inspections of state-operated children's institutions and facilities and to review the reports of the inspections of the state fire marshal and the department of health and any agencies which accredit such institutions and facilities.

(b) The oversight committee shall have the authority to:

- (1) Examine all records and budgets pertaining to the youth service system and shall have access to all facilities within the youth service system for the purpose of conducting site visits and speaking with the residents of such facilities;

- (2) Subpoena witnesses and hold public hearings;
- (3) Issue reports to the governor, the speaker of the house of representatives, the president of the senate, the chief justice of the supreme court, the director of the agency under consideration, and such other persons as necessary and appropriate;
- (4) Publish its findings and recommendations on an annual basis to be made available to members of the general public upon request, and such special findings and reports as deemed necessary; and
- (5) Establish a quality assurance program that identifies evaluation and monitoring procedures to assure that quality services are provided in an efficient and effective manner. This program shall include standards of performance that is expected of youth service providers."

SECTION 2. It is the intent of this Act the office of youth services will initially perform a planning and program development function. Its primary duties for the first two years shall be to:

(a) Define and describe with particularity, the various types of youth to be included in the target population, and describe the nature and type of services that are most appropriate for the different types of youth. Collect data on the problems and needs of the target population and the nature, extent, and availability of services, public and private, for youth in need of services to provide empirical basis for the development of operational and organizational plans for the office of youth services.

(b) Determine what services need to be developed and which can be transferred from the department of human services, department of health, and the judiciary except for protective supervision and probation. The study shall also include purchase of services and alternative services.

(c) Develop an organizational plan that will implement the operational plan.

(d) Propose legislation to implement the operational and organizational plans.

The operational and organizational plans which shall be submitted to the legislature no later than twenty days prior to the convening of the regular session of 1991 shall provide for the following:

- (1) A study of all services, public and private, for youth at risk in the State and an overall plan for the delivery of services needed. This plan should include operational and organizational detail to include goals and objectives of the office of youth services and timetables for implementation.
- (2) An operational plan which shall contain the following:
 - (A) Plans for the transfer of the Hawaii youth correctional facility and its juvenile parole functions to the office of youth services on July 1, 1991;
 - (B) Recommendations regarding the feasibility of transferring functions and services, including grants, subsidies, and purchases of service, which are currently provided by the department of health, department of human services, and the family court, except that probation and protective supervision functions shall remain with the family court;
 - (C) Recommendations for actions required of the affected agencies and the legislature, timetables to implement any transfer recommendations, identification of the specific resources including staff that will require transfer or the establishment of new positions, and interagency agreements needed to insure that services are provided;

- (D) Recommendations regarding whether detention functions should be transferred to the office; and
- (E) Design of a comprehensive intake/assessment system such as the youth service center, which shall include a study of the impact of this proposed intake system upon the present operations of the departments of health, education, human services, the family court, police, and prosecutors. The study shall plan for referral of all youth in need of services by the police departments, family court, departments of health, education, human services and other public and private agencies to the intake/assessment system for follow-up services.
- (F) An examination of the function and role of the oversight committee established in section -8 within the office of youth services. A preliminary operational plan only examining the function and role of the oversight committee shall be submitted to the legislature no later than twenty days prior to the convening of the regular session of 1990.
- (3) An organizational plan which shall include the functions and services of the office, to include grants, subsidies, and purchases of service, as well as budget projections to operationalize the office of youth services.
- (4) Implement services on July 1, 1991, with the transfer of purchases of service and functions or the development of parallel services.

SECTION 3. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency.

SECTION 4. All laws and parts of laws heretofore in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during this regular session of 1989, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$600,000 or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$600,000 or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act. The sums appropriated shall be expended by the department of human services.

SECTION 6. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$600,000, or 0.026 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstances 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 8. This Act shall take effect on July 1, 1989.

ACT 375

(Approved June 26, 1989.)