

ACT 145

H.B. NO. 470

A Bill for an Act Relating to Minors.

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

SECTION 1. Section 346-17.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (e) to read:

“(e) Any provider who renders no cost emergency shelter and related services to a minor pursuant to subsections (a) and (b) [~~of this section~~] and can demonstrate compliance with this section shall be immune from any civil or criminal liability based on the provider’s determination to provide the shelter and related services; provided that if a provider’s assessment and determination, or conduct in providing no cost emergency shelter and related services, is the result of the provider’s gross negligence or wilful or wanton acts or omissions, the provider may be held liable for the provider’s gross negligence or wilful or wanton acts or omissions.”

2. By amending subsection (h) to read:

“(h) For purposes of this section:

“Minor” means a person less than eighteen years of age.

“No cost emergency shelter and related services” means accommodation at no cost for a continuous period of no more than thirty days, unless extended for emergency purposes and in compliance with subsection (b), including beds, meals, individual showering facilities, transportation to and from the place of shelter, and any of the following services as deemed appropriate by the provider:

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

“Provider” means any child placing organization, or child caring institution authorized by the department under section 346-17 to receive or place minor children for care and maintenance and to provide related services, health care, or supplies to these minors. “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.”

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SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2029; provided that section 346-17.6, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.

(Approved July 1, 2024.)