
A BILL FOR AN ACT

RELATING TO JUVENILE JUSTICE REFORM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In 2014, the legislature passed Act 201,
2 Session Laws of Hawaii 2014, to reform Hawaii's juvenile justice
3 system, commit to improve outcomes for Hawaii's youth in the
4 juvenile justice system, and maximize the effective use of the
5 Hawaii youth correctional facilities' appropriations and
6 treatment options.

7 With incarceration costing over \$200,000 annually per bed,
8 diversion of youth away from the traditional incarceration model
9 of the Hawaii youth correctional facilities to an alternative
10 therapeutic and rehabilitative program has substantially reduced
11 the facilities' population and expenses.

12 The legislature finds that critical services to reduce
13 delinquency, including mental health, youth homelessness,
14 vocational services, and substance abuse treatment, are still
15 insufficiently resourced and inaccessible to Hawaii's at-risk
16 youth population.



1 Hawaii's commitment to the prevention of juvenile
2 delinquency and support of Hawaii's youth must also include
3 services for homeless, drug addicted, mentally ill, and
4 trafficked youth. The 2017 Hawaii statewide point-in-time count
5 reported the increasing significance of unaccompanied youth, and
6 youth who are parents, who are experiencing homelessness. For
7 purposes of the point-in-time count, the United States
8 Department of Housing and Urban Development defines youth as
9 individuals twenty-four years of age or younger. Hawaii's 2017
10 point-in-time count reported three hundred nineteen
11 unaccompanied youth, with two hundred sixty-three, or eighty-two
12 per cent, living unsheltered. Twenty-four individuals under the
13 age of eighteen were found living unsheltered without any
14 accompanying adults. The total unaccompanied youth count of
15 three hundred nineteen was similar to the three hundred nine
16 unaccompanied youth counted in 2016.

17 In accordance with Act 119, Session Laws of Hawaii 2015, as
18 amended by Act 124, Session Laws of Hawaii 2016, the department
19 of human services identified a gap in services for homeless
20 youth aged twenty-four and under. The department noted that the
21 population of unaccompanied youth is difficult to count as these



1 youth tend to be mobile and transient, some do not want to be
2 found, and unaccompanied youth are generally not connected to
3 the formal support service system.

4 The legislature further finds that, although overall
5 juvenile arrests are down, recent news reports indicate an
6 increase in juvenile arrests, particularly in Waikiki involving
7 youth who may also be homeless.

8 Regarding substance use by youth, most recent reports show
9 that while use of marijuana and cigarettes appears to be
10 declining among youth aged twelve to seventeen, use of alcohol
11 by this age group has not changed significantly, according to
12 the Substance Abuse and Mental Health Services Administration's
13 report titled *Behavioral Health Barometer: Hawaii, Volume 4:
14 Indicators as measured through the 2015 National Survey on Drug
15 Use and Health, the National Survey of Substance Abuse Treatment
16 Services, and the Uniform Reporting System* (SAMHSA report). The
17 SAMHSA report states that "In Hawaii, an annual average of about
18 6,000 adolescents aged 12-17 (6.2% of all adolescents) in 2014-
19 2015 used marijuana in the past month. The annual average
20 percentage in 2014-2015 was lower than the annual average
21 percentage in 2011-2012." With regard to cigarette use, the



1 same report states that "In Hawaii, an annual average of about
2 3,000 adolescents aged 12-17 (3.1% of all adolescents) in 2014-
3 2015 used cigarettes in the past month. The annual average
4 percentage in 2014-2015 was lower than the annual average
5 percentage in 2011-2012." As to alcohol use, the report states
6 that "In Hawaii, an annual average of about 10,000 adolescents
7 aged 12-17 (10.6% of all adolescents) in 2014-2015 used alcohol
8 in the past month. The annual average percentage in 2014-2015 was
9 not significantly different from the annual average percentage
10 in 2011-2012."

11 Act 201 paved the way to improved working relationships
12 between and among the judiciary, department of health,
13 department of education, department of human services, and
14 office of youth services. However, securing mental health
15 treatment services for Hawaii's most troubled youth remains
16 problematic. To avoid continued placement of Hawaii's youth in
17 mainland facilities, a secured mental health treatment facility
18 in Hawaii is preferred. With regard to mental health, the
19 SAMHSA report indicates there has been no reduction in major
20 depressive episodes among youth: "In Hawaii, an annual average
21 of about 10,000 adolescents aged 12-17 (9.9% of all adolescents)



1 in 2014-2015 had experienced [a major depressive episode] in the
2 past year. The annual average percentage in 2014-2015 was not
3 significantly different from the annual average percentage in
4 2011-2012." The SAMHSA report additionally states that "In
5 Hawaii, an annual average of about 3,000 adolescents aged 12-17
6 with past year [major depressive episode] (32.6% of all
7 adolescents with past year [major depressive episode]) from 2009
8 to 2015 received treatment for their depression in the past
9 year."

10 To improve access by adolescents to mental health services,
11 the legislature passed Act 181, Session Laws of Hawaii 2016,
12 which reduced the age of consent for adolescent mental health
13 services to fourteen. Conference committee report no. 11-16
14 explains that:

15 The purpose of this measure is to reduce barriers
16 to accessing mental health services for minors by
17 lowering the age of consent to receive treatment and
18 services, other than prescription medication or out-
19 of-home or residential treatment, from eighteen years
20 of age to fourteen years.



1 Your Committee on Conference finds that requiring
2 parental consent for minors to receive substance abuse
3 treatment and family planning services may pose a
4 barrier to health care. Minors may find desired
5 mental health services inaccessible due to the
6 discomfort and even opposition caused by obtaining
7 parental consent. By allowing access to mental health
8 services for consenting minors of a certain age,
9 individuals seeking improved emotional and mental
10 well-being may be served in a timely manner.

11 With regard to youth who may also be victims of human
12 trafficking, the legislature passed Act 16, Session Laws of
13 Hawaii 2017 (Act 16), which brought the State into compliance
14 with the federal Justice for Victims of Trafficking Act of 2015
15 and the federal Child Abuse Prevention and Treatment Act of
16 2010. Act 16, among other things, amended the definition of
17 "child abuse or neglect" to include sex trafficking or severe
18 forms of trafficking in persons.

19 Hawaii is not isolated from human and sex trafficking.
20 Hawaii's location in the Pacific makes it a highly sought-after
21 tourist destination and lucrative place for national and



1 international conferences, thereby creating a demand for
2 prostitution, which may include sex trafficking of minors.

3 Youth in foster care are at a higher risk of being victims
4 of sex trafficking because of continuing vulnerabilities that
5 stem from being maltreated or neglected as children. It is
6 difficult to obtain an accurate picture of this issue due to the
7 covert nature of sex trafficking and the fact that victims
8 typically do not identify themselves as victims. However, it is
9 anticipated that with the change in mandated reporting
10 requirements, the numbers of youth who are victims of human
11 trafficking in the State will be better identified.

12 The purpose of this Act is to:

- 13 (1) Support ho'opono mamo, the new Hawaii youth diversion
14 system, through the establishment of the Kawaiiloa
15 youth and family wellness center operated and
16 maintained by the Hawaii youth correctional
17 facilities;
- 18 (2) Improve and enhance Hawaii's juvenile justice system
19 by strengthening services available to prevent
20 juvenile delinquency and recidivism and support
21 rehabilitation; and



1 (3) Re-invest savings from the reduction of the number of
2 youth in secure confinement at the Hawaii youth
3 correctional facility into the provision of mental
4 health and substance abuse treatment and
5 rehabilitation services to prevent juvenile
6 delinquency, and to provide a more successful and
7 supportive community reentry transition.

8 SECTION 2. Chapter 352, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§352- Hawaii youth correctional facilities; Kawaihoa
12 youth and family wellness center; authority. (a) The Hawaii
13 youth correctional facilities shall operate and maintain the
14 Kawaihoa youth and family wellness center within the scope of
15 the authority granted by the office of youth services pursuant
16 to section 352D- , using funds appropriated or approved by the
17 legislature for this purpose.

18 (b) Persons committed to the Hawaii youth correctional
19 facilities shall be segregated from youth and young adults
20 admitted to the Kawaihoa youth and family wellness center. For



1 purposes of this section, "young adult" has the same meaning as
2 in section 352D-3."

3 SECTION 3. Chapter 352D, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 **"§352D- Kawaihoa youth and family wellness center;**

7 **creation.** (a) The office of youth services shall create and
8 develop a central youth service center known as the Kawaihoa
9 youth and family wellness center at the site of the Hawaii youth
10 correctional facilities. The office of youth services shall
11 grant to the Hawaii youth correctional facilities the authority
12 to operate and maintain the Kawaihoa youth and family wellness
13 center.

14 (b) A primary objective of the Kawaihoa youth and family
15 wellness center shall be to prevent delinquency, as specified in
16 section 352D-7.

17 (c) The other objectives of the Kawaihoa youth and family
18 wellness center shall be to:

- 19 (1) Offer residential programs in delinquency prevention,
20 including youth services, as defined in section
21 352D-3;



- 1 (2) Provide a wider range of informal dispositions,
2 particularly alternatives to the juvenile justice
3 system; and
- 4 (3) Develop an improved system of intake, assessment, and
5 follow-up for youth at risk and young adults at risk.
- 6 (d) The Kawaiiloa youth and family wellness center services
7 and programs may include but shall not be limited to mental
8 health services and programs, substance abuse treatment
9 programs, crisis shelters for homeless youth, crisis shelters
10 for victims of human and sex trafficking, vocational training,
11 group homes, day treatment programs, aftercare, independent and
12 family counseling services, educational services, and other
13 services and programs that may be required to meet the needs of
14 youth or young adults.
- 15 (e) All youth at risk and all young adults at risk shall
16 be eligible for services at the Kawaiiloa youth and family
17 wellness center."

18 SECTION 4. Section 352-2.1, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§352-2.1 Purpose.** (a) This chapter creates within the
21 department of human services, and [~~to be placed~~] places within



1 the office of youth services under the supervision of the
2 director and such other subordinates as the director shall
3 designate, the Hawaii youth correctional facilities, to provide
4 for the custody, rehabilitation, and institutional care and
5 services to prepare for reentry into their communities and
6 families, youth committed by the courts of the State.

7 (b) This chapter further creates within the department of
8 human services, and places within the office of youth services
9 under the supervision of the director and such other
10 subordinates as the director shall designate, and under the
11 supervision of the Hawaii youth correctional facilities, the
12 Kawailoa youth and family wellness center, to provide
13 prevention, rehabilitation, and treatment services and programs
14 for youth at risk and young adults at risk, to prevent
15 delinquency and reduce the incidence of recidivism among youth
16 and young adults in the State.

17 [~~(b)~~] (c) The policy and purpose of this chapter is to
18 harmonize the sometimes conflicting requirements of public
19 safety, secure placement, and individualized services for law
20 violators in the custody and care of the director. To that end,
21 the director shall provide the opportunity for intelligence and



1 aptitude evaluation, psychological testing and counseling,
2 prevocational and vocational training, and employment counseling
3 to all persons committed to the Hawaii youth correctional
4 facilities[-] and to all youth and young adults admitted to the
5 Kawailoa youth and family wellness center. Counseling services
6 shall be available to the committed or admitted person's family
7 during the term of commitment[-] to the Hawaii youth
8 correctional facilities or admission to the Kawailoa youth and
9 family wellness center. The director shall coordinate services
10 provided to the facilities by other departments and agencies, to
11 realize these policies and purposes.

12 (d) For purposes of this section, "youth at risk", "young
13 adult at risk", and "young adult" have the same meaning as in
14 section 352D-3."

15 SECTION 5. Section 352D-3, Hawaii Revised Statutes, is
16 amended by adding a new definition to be appropriately inserted
17 and to read as follows:

18 "Young adult at risk" or "young adult" means any adult
19 between the ages of eighteen and twenty-four who has been
20 arrested, who has had contact with the police, who is
21 experiencing social, emotional, psychological, educational, or



1 physical problems, or who is no longer eligible for child
2 protective services provided by the State due to the adult's
3 age."

4 SECTION 6. Section 352D-7, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"352D-7 Youth services centers; creation.** (a) Beginning
7 July 1, 1991, the office of youth services shall create,
8 develop, and operate youth service centers throughout the State,
9 including one or more in each county[-] and including the
10 Kawailoa youth and family wellness center created in section
11 352D- . This may be done either directly or by contract with
12 private parties. Delinquency prevention shall be a primary
13 objective of these centers. The population eligible for
14 services at the centers [~~would~~] shall be all youths in need of
15 services[-] and all young adults at risk. All referrals and
16 admissions to a youth services center shall be voluntary.
17 Centers [~~would~~] shall also develop individualized intake
18 capabilities, program plans, delivery of services, and a
19 comprehensive referral network. The objectives of the youth
20 service centers shall be to:



- 1 (1) Develop and implement programs in delinquency
2 prevention;
- 3 (2) Provide a wider range of informal dispositions,
4 particularly alternatives to the juvenile justice
5 system;
- 6 (3) Develop an improved system of intake, assessment, and
7 follow-up for youths[+] including youth at risk, and
8 for young adults at risk; and
- 9 (4) Provide better coordination of juvenile justice and
10 nonjuvenile justice services in order to reduce
11 overlaps and gaps in services.
- 12 (b) Each center shall:
- 13 (1) Be responsible for coordinating all services, justice
14 system or [~~nonjustice~~] non-justice system, both public
15 and private, to the youth and young adults referred to
16 it; and
- 17 (2) Be responsive to the needs of its immediate community
18 and offer an array of services that are tailored to
19 the needs of its constituents.
- 20 (c) Every youth and young adult referred to a youth
21 services center shall[~~, as soon as possible,~~] be appropriately



1 placed with a service provider and provided services~~[]~~ as soon
2 as possible. The center shall develop procedures ~~[which]~~ that
3 will ~~[insure]~~ ensure that appropriate service providers are
4 available on a twenty-four hour basis for each youth~~[]~~ and
5 young adult. The center may contract with ~~[such]~~ service
6 providers for ~~[such]~~ provision of services.

7 (d) Each youth service center shall maintain a registry of
8 every youth and young adult referred to it and shall monitor and
9 supervise the follow-up services that are provided to the
10 youth~~[]~~ or young adult. Each center shall be primarily
11 responsible to ~~[insure]~~ ensure that ~~[the]~~ each youth is fully
12 diverted from the juvenile justice system."

13 SECTION 7. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

DHS; OYS; HYCF; Juvenile Justice Reform; Kawaiiloa Youth and Family Wellness Center

Description:

Establishes the Kawaiiloa Youth and Family Wellness Center within the Department of Human Services under the supervision of the Office of Youth Services and the Hawaii Youth Correctional Facilities. Changes the approach of juvenile justice to a more therapeutic model. Takes effect 7/1/2050. (SD2)

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