

JAN 16 2014

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# A BILL FOR AN ACT

RELATING TO YOUTH.

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

1           SECTION 1. The legislature finds that Hawaii is one of the  
2 safest and healthiest places in the nation for children and  
3 youth. However, many of Hawaii's youth are not immune to daily  
4 threats to their health and safety. Every year, youth run away  
5 from homes where abuse, neglect, and domestic violence are  
6 commonplace, or from schools where intolerable bullying becomes  
7 a major barrier to educational achievement. Without access to  
8 safe places, youth in these situations are vulnerable and may be  
9 victimized by predatory adults who lure them into alcohol and  
10 substance abuse or prostitution.

11           In October 2012, these concerns were discussed during the  
12 annual children and youth summit sponsored by the legislature's  
13 keiki caucus. In these discussions, youth expressed concerns  
14 over a lack of safe places. Youth were interested in accessing  
15 places where they could seek safety from intolerable home or  
16 school environments without fear of being judged, detained, or  
17 criminalized as a runaway. Youth also expressed interest in  
18 being able to access other youth-specific advice, guidance,



1 programs, and services, including guidance and counseling for  
2 suicide prevention, teen pregnancy prevention, tobacco  
3 cessation, and alcohol and substance abuse support. Finally,  
4 youth wished to access safe places where they could have fun  
5 without the fear of being harassed, bullied, or pressured by  
6 other youth or adults. At the end of the summit, participating  
7 youth identified the need for safe places as one of their  
8 highest priorities.

9 Therefore, the purpose of this Act is to:

- 10 (1) Require the office of youth services to coordinate a  
11 five-year safe places for youth pilot program, which  
12 will coordinate a network of safe places where youth  
13 can access safety and obtain advice, guidance,  
14 programs, and services;
- 15 (2) Establish the position of safe places for youth  
16 program coordinator;
- 17 (3) Establish rules to allow minors to consent to enter  
18 the safe places program and provide immunity from  
19 liability to safe place providers and other related  
20 service providers; and



1           (4)   Appropriate funds for the safe places for youth  
2                   program coordinator position and residential options  
3                   for the pilot program.

4           SECTION 2.   (a)   Beginning on July 1, 2015, the office of  
5 youth services shall implement a safe places for youth pilot  
6 program in partnership with private organizations.   The primary  
7 objective of the pilot program shall be to coordinate a network  
8 that youth may access for safety and to obtain advice, guidance,  
9 programs, and services.   All youth are eligible for services at  
10 the safe places.

11           (b)   There is established the position of safe places for  
12 youth program coordinator.   The coordinator shall:

- 13           (1)   Coordinate the safe places for youth network;
- 14           (2)   Partner with an entity to maintain an updated listing  
15                   of safe places statewide;
- 16           (3)   Provide ongoing training of school personnel,  
17                   community members, and providers designated as safe  
18                   places for youth;
- 19           (4)   Partner with the department of education, Hawaii state  
20                   student council, peer education programs, private  
21                   schools, and other youth services organizations to



1 build awareness of the safe places for youth network;

2 and

3 (5) Convene an annual meeting of safe places for youth  
4 providers and other interested parties to identify  
5 emerging needs, provide feedback on program  
6 effectiveness, and provide an opportunity to recommend  
7 improvements to the pilot program.

8 (c) The safe places for youth pilot program shall provide  
9 access to and linkage with services and programs needed by  
10 youth, including but not limited to:

- 11 (1) Domestic violence prevention or reduction;
- 12 (2) Violence and trauma recovery and support;
- 13 (3) Human trafficking resources and prevention;
- 14 (4) Suicide prevention;
- 15 (5) Resources targeted at teenagers, including teen  
16 pregnancy prevention;
- 17 (6) Tobacco cessation;
- 18 (7) Alcohol and substance abuse support;
- 19 (8) Behavior health counseling and education;
- 20 (9) Assistance for youth to achieve their educational and  
21 vocational goals;
- 22 (10) Dating violence prevention; and



1 (11) Other relationship building and life skills.

2 (d) Providers may provide services to a consenting minor  
3 if the provider reasonably believes that:

4 (1) The minor understands the significant benefits,  
5 responsibilities, risks, and limits of the provider  
6 and its services and can communicate an informed  
7 consent;

8 (2) The minor understands the requirements and rules of  
9 the provider and services; and

10 (3) The provider and services are necessary to ensure the  
11 minor's safety and well-being; and the provider has  
12 conducted an assessment and determined that the minor  
13 does not pose a danger to the minor's self or to other  
14 persons at the same location. If the provider  
15 determines that admitting the minor poses a danger,  
16 the provider shall report the matter to an appropriate  
17 agency.

18 (e) A minor may consent to the provider and related  
19 services if the minor understands the benefits,  
20 responsibilities, risks, and limits of the provider and  
21 services, and the minor agrees to adhere to the provider's rules



1 and cooperate and participate in those services recommended by  
2 the provider; provided that:

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

6 (2) The provider has made contact with the minor's parent,  
7 legal guardian, or legal custodian, and the minor's  
8 parent, legal guardian, or legal custodian has refused  
9 to give consent and, based on the information  
10 available to the provider, the provider reasonably  
11 believes that the minor would incur harm, or would be  
12 subject to threatened harm, if the minor returned  
13 immediately to the home of the parent, legal guardian,  
14 or legal custodian; or

15 (3) The minor has refused to provide contact information  
16 for the minor's parent, legal guardian, or legal  
17 custodian, and the provider reasonably believes that  
18 the minor would incur harm, or would be subject to  
19 threatened harm, if the minor returned immediately to  
20 the home of the parent, legal guardian, or legal  
21 custodian.



1 (f) Any consent given by a minor to a provider shall, for  
2 the duration of the period with respect to all services, be  
3 valid and binding as if the minor had reached the age of  
4 majority.

5 (g) The consent given by the minor to the provider shall  
6 not be subject to later disaffirmance by reason of the minor's  
7 minority.

8 (h) Providers shall be immune from any civil or criminal  
9 liability based on the provider's determination to provide  
10 services to a minor; provided that if the provider's assessment  
11 and determination, or conduct in providing services, is the  
12 result of the provider's gross negligence or wilful or wanton  
13 acts or omissions, the provider may be held liable for the  
14 provider's gross negligence or wilful or wanton acts or  
15 omissions.

16 (i) Providers shall document in writing the efforts made  
17 to contact the minor's parent, legal guardian, or legal  
18 custodian.

19 (j) Providers shall report any suspected child abuse or  
20 neglect to the department or the police department in accordance  
21 with section 350-1.1, Hawaii Revised Statutes.



1 (k) The office of youth services shall coordinate a  
2 comprehensive network of safe places for youth to assist youth  
3 in obtaining the advice and guidance they need.

4 (l) The safe places for youth pilot program shall cease to  
5 exist on June 30, 2019.

6 (m) For the purposes of this Act:

7 "Minor" or "youth" means a person less than twenty-one  
8 years of age.

9 "Provider" means any organization designated by the safe  
10 places for youth coordinator as a safe place for youth and  
11 provides access to and linkage with services and programs listed  
12 under subsection (c).

13 "Safe places" means physical and virtual places of safety  
14 for youth.

15 SECTION 3. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2014-2015 for  
18 the position of safe places for youth program coordinator and  
19 residential options for the pilot program.

20 The sum appropriated shall be expended by the department of  
21 human services office of youth services for the purposes of this  
22 Act.





# S.B. NO. 2211

1 SECTION 4. This Act shall take effect on July 1, 2014.

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# S.B. NO. 2211

**Report Title:**

Office of Youth Services; Safe Places for Youth Pilot Program; Appropriation

**Description:**

Requires the office of youth services to coordinate a five-year safe places for youth pilot program to establish a network of safe places where youth can access safety and services. Establishes the position of safe places for youth program coordinator. Establishes rules to allow minors to consent to enter the safe places program and provide immunity from liability to safe place providers and other related service providers. Makes appropriation.

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