

JAN 23 2015

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, Hawaii's youth are not immune to daily threats
4 to their health and safety. Every year, youth faced with
5 pressures, threats, or fears seek help outside their families to
6 receive guidance and assistance. Without access to safe places,
7 youth in these situations are vulnerable and may be victimized
8 by predatory adults who lure them into alcohol and substance
9 abuse or prostitution.

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



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

9 The need for safe places is not unique to youth in Hawaii.
10 Most states have already established programs to provide safe
11 havens and resources to youth, and there is a national youth
12 outreach initiative to educate youth about the dangers of trying
13 to resolve difficult, threatening situations on their own. Safe
14 places can include a variety of locations and professionals such
15 as schools, shopping centers, life guards, law enforcement
16 officers, libraries, grocery stores, public transit workers,
17 restaurants, social service agencies, and nonprofit
18 organizations. It is important that youth have access to
19 immediate help and safety and a supportive network of programs
20 and services sustained by qualified agencies, trained
21 volunteers, and businesses.



1 The legislature finds that providing safe places for youth
2 is an important demonstration of many Hawaiian traditions and
3 values, and would demonstrate to youth that they are an
4 important part of the community. Providing safe places for
5 youth would further the "Aloha Spirit" that this State embraces
6 and is explicitly acknowledged in statute. Hawaiian law has
7 historically included the principle known as the "Law of the
8 Splintered Paddle" which means to treat all people with respect
9 and help all people when they are in need, which has become a
10 model for human rights law. Extended family, taking non-family
11 in as if they are family, and sticking together as a community
12 are also strong tenets of Hawaiian culture. It is commonly said
13 that it takes an ohana to raise a child. Providing safe places
14 for youth expands their ohana and exemplifies the community's
15 willingness to do whatever is necessary to support our youth's
16 safety and wellbeing.

17 Safe places are not meant to replace parents; rather, safe
18 places for youth can serve to strengthen families that may be
19 going through a difficult time. The program offers services
20 such as family counseling or family mediation, and requires that
21 service providers attempt to obtain parental consent.



1 The legislature finds that for the safety and wellbeing of
2 Hawaii's youth, youth should have access to safe places and
3 appropriate services. The legislature further finds that it
4 shall be the goal of the safe places and service providers to
5 reunite youth with their families whenever this is determined to
6 be safe for the youth.

7 Accordingly, the purpose of this Act is to:

- 8 (1) Require the office of youth services to coordinate a
9 five-year safe places for youth pilot program, to
10 coordinate a network of safe places which youth, of at
11 least fourteen years of age and under the age of
12 twenty-one, can access for safety and to obtain
13 advice, guidance, and access to programs and services;
- 14 (2) Establish the position of safe places for youth pilot
15 program coordinator;
- 16 (3) Establish a framework to allow youth under the age of
17 eighteen to consent to receive services from a service
18 provider of the safe places for youth pilot program;
19 and



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

4 SECTION 2. (a) Beginning on July 1, 2016, 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 in crisis may access for safety and to obtain advice,
9 guidance, and access to programs and services. The primary goal
10 of the safe places for youth pilot program shall be to reunite
11 youth with their families and provide family reunification
12 services whenever it is determined to be safe for the youth.
13 The program is voluntary, and all youth in crisis are eligible
14 for the program's services.

15 (b) There is established the position of safe places for
16 youth pilot program coordinator. The coordinator shall:

17 (1) Coordinate a network of safe places for youth in
18 crises;

19 (2) Partner with an entity to maintain an updated listing
20 of safe places statewide;



- 1 (3) Establish an assessment tool for service providers to
2 use when determining whether the youth in crisis less
3 than eighteen years of age would incur harm, or would
4 be subject to threatened harm, if the youth in crisis
5 returned immediately to the home of the parent, legal
6 guardian, or legal custodian for the purposes of
7 consenting to the services of a service provider;
- 8 (4) Establish protocols for service providers to utilize
9 when determining whether the youth in crisis can
10 communicate informed consent to the services, whether
11 the youth in crisis understands the rules and
12 requirements of the service provider and services, and
13 whether services are necessary to ensure the safety
14 and wellbeing of the youth in crisis;
- 15 (5) Provide ongoing training of school personnel,
16 community members, and service providers;
- 17 (6) Partner with the department of education, Hawaii state
18 student council, peer education programs, private
19 schools, and other youth services organizations to
20 build awareness of the safe places for youth network;
21 and



1 (7) Convene an annual meeting of service providers and
2 other interested parties to identify emerging needs,
3 provide feedback on the pilot program's effectiveness,
4 and provide an opportunity to recommend improvements
5 to the pilot program.

6 (c) The safe places for youth pilot program shall provide
7 access to and linkage with services and programs needed by youth
8 in crisis, including:

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



1 (12) Other relationship-building and life skills.

2 (d) Service providers may provide services to a consenting
3 youth in crisis who is less than eighteen years of age if the
4 service provider reasonably believes that:

5 (1) The youth in crisis understands the significant
6 benefits, responsibilities, risks, and limits of the
7 service provider and its services and can communicate
8 an informed consent;

9 (2) The youth in crisis understands the requirements and
10 rules of the service provider and services;

11 (3) The service provider and services are necessary to
12 ensure the safety and wellbeing of the youth in
13 crisis; and

14 (4) The service provider has conducted an assessment and
15 determined that the youth in crisis does not pose a
16 danger to self or to others persons at the safe place.
17 If the service provider determines that admitting the
18 youth in crisis poses a danger, the service provider
19 shall report the matter to an appropriate agency.

20 (e) A youth in crisis less than eighteen years of age may
21 consent to the services of a service provider and related



1 services if the youth in crisis understands the benefits,
2 responsibilities, risks, and limits of the service provider and
3 services and the youth in crisis agrees to adhere to the service
4 provider's rules and cooperate and participate in those services
5 recommended by the service provider; provided that:

- 6 (1) The service provider has not, despite reasonable
7 efforts, been able to contact the parent, legal
8 guardian, or legal custodian of the youth in crisis;
- 9 (2) The service provider has made contact with the parent,
10 legal guardian, or legal custodian of the youth in
11 crisis, and the parent, legal guardian, or legal
12 custodian has refused to give consent and, based on
13 the information available to the service provider, the
14 service provider reasonably believes that the youth in
15 crisis would incur harm, or would be subject to
16 threatened harm if the youth in crisis returned
17 immediately to the home of the parent, legal guardian,
18 or legal custodian; or
- 19 (3) The youth in crisis has refused to provide contact
20 information for the parent, legal guardian, or legal
21 custodian of the youth in crisis, and the service



1 provider reasonably believes that the youth in crisis
2 would incur harm, or would be subject to threatened
3 harm, if the youth in crisis returned immediately to
4 the home of the parent, legal guardian, or legal
5 custodian.

6 (f) Any consent given by a youth in crisis less than
7 eighteen years of age to a service provider shall be valid and
8 binding for the duration of the period for which the minor
9 wishes to receive services with respect to all services, as if
10 the minor had reached the age of majority.

11 (g) Service providers shall document in writing the
12 efforts made to contact the parent, legal guardian, or legal
13 custodian of the youth in crisis who is less than eighteen years
14 of age.

15 (h) Service providers shall report any suspected child
16 abuse or neglect to the department of human services or the
17 applicable police department in accordance with section 350-1.1,
18 Hawaii Revised Statutes.

19 (i) The office of youth services shall coordinate a
20 comprehensive network of safe places for youth to assist youth
21 in crisis in obtaining the advice and guidance they need.



1 (j) The safe places for youth pilot program shall cease to
2 exist on June 30, 2021.

3 (k) For the purposes of this Act:

4 "Safe places" means physical and virtual places of safety
5 for youth in crisis, and includes service providers.

6 "Service provider" means any individual, organization, or
7 agency designated by the safe places for youth pilot program
8 coordinator that maintains, operates, or provides services and
9 programs listed under subsection (c) to youth in crisis in the
10 normal course of the individual, organization, or agency's
11 duties, and maintains in good standing all licenses,
12 certifications, and requirements of an individual, organization,
13 or agency providing such services or programs to youth in crisis
14 under state law or rules, as verified by the coordinator.

15 "Youth in crisis" means a person who is at least fourteen
16 but less than twenty-one years of age experiencing a crisis
17 situation, including problems at home, issues at school, trouble
18 with peers, being thrown or locked out of the house, riding with
19 an unsafe driver, being in a dangerous situation on a date,
20 contemplation of suicide, sexual abuse, or alcohol or substance
21 abuse.



1 SECTION 3. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$53,000 or so much
 3 thereof as may be necessary for fiscal year 2015-2016 and the
 4 same sum or so much thereof as may be necessary for fiscal year
 5 2016-2017 for the position of safe places for youth pilot
 6 program coordinator and temporary housing opportunities for
 7 youth in crisis who participate in the pilot program.

8 The sums appropriated shall be expended by the office of
 9 youth services of the department of human services for the
 10 purposes of this Act.

11 SECTION 4. This Act shall take effect on July 1, 2015.

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S.B. NO. 979

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 in crisis can access safety and services. Establishes the position of safe places for youth program coordinator. Allows youth in crisis under 18 years of age to consent to services in the safe places program under certain circumstances. Makes an appropriation.

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