
A BILL FOR AN ACT

RELATING TO MINORS.

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

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

3 " [†] §346-17.6 [†] Consent to no cost emergency shelter and
4 related services. (a) A provider may provide no cost emergency
5 shelter and related services to a consenting minor if the
6 provider reasonably believes that:

- 7 (1) The minor understands the significant benefits,
8 responsibilities, risks, and limits of the shelter and
9 services and can communicate an informed consent;
- 10 (2) The minor understands the requirements and rules of
11 the shelter and services; and
- 12 (3) The shelter and services are necessary to ensure the
13 minor's safety and well-being;

14 and the provider has conducted an assessment and determined that
15 the minor does not pose a danger to the minor's self or to other
16 persons at the same location. If the provider determines that



1 admitting the minor poses a danger, the provider shall report
2 the matter to an appropriate agency.

3 (b) A minor may consent to no cost emergency shelter and
4 related services if the minor understands the benefits,
5 responsibilities, risks, and limits of the shelter and services,
6 and the minor agrees to adhere to the provider's rules and
7 cooperate and participate in those services recommended by the
8 provider; provided that:

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

12 (2) The provider has made contact with the minor's parent,
13 legal guardian, or legal custodian, and the minor's
14 parent, legal guardian, or legal custodian has refused
15 to give consent and, based on the information
16 available to the provider, the provider reasonably
17 believes that the minor would incur harm, or would be
18 subject to threatened harm, if the minor returned
19 immediately to the home of the parent, legal guardian,
20 or legal custodian; [~~or~~]



1 (3) The minor has refused to provide contact information
2 for the minor's parent, legal guardian, or legal
3 custodian, and the provider reasonably believes that
4 the minor would incur harm, or would be subject to
5 threatened harm, if the minor returned immediately to
6 the home of the parent, legal guardian, or legal
7 custodian[-]; or

8 (4) The provider supplying shelter is licensed to do so
9 for minors or adults and is in compliance with zoning
10 and safety regulations.

11 (c) Any consent given by a minor under this section shall,
12 for the duration of the period of shelter and with respect to
13 all services, including medical services, be valid and binding
14 as if the minor had reached the age of majority.

15 (d) The consent given under this section shall not be
16 subject to later disaffirmance by reason of the minor's
17 minority.

18 (e) Any provider who renders emergency shelter and related
19 services to a minor pursuant to subsections (a) and (b) of this
20 section and can demonstrate compliance with this section shall
21 be immune from any civil or criminal liability based on the



1 provider's determination to provide the shelter and related
2 services; provided that if a provider's assessment and
3 determination, or conduct in providing emergency shelter and
4 related services, is the result of the provider's gross
5 negligence or wilful or wanton acts or omissions, the provider
6 may be held liable for the provider's gross negligence or wilful
7 or wanton acts or omissions.

8 (f) A provider who renders emergency shelter and related
9 services to a minor shall document in writing the efforts made
10 to contact the minor's parent, legal guardian, or legal
11 custodian.

12 (g) The provider shall report any suspected child abuse or
13 neglect to the department or the police department in accordance
14 with section 350-1.1.

15 (h) The department of human services shall make every
16 effort to ensure that every island has a shelter for
17 unaccompanied minors.

18 [~~h~~] (i) For purposes of this section:

19 "Minor" means a person less than eighteen years of age.

20 "No cost emergency shelter and related services" means
21 accommodation at no cost for a continuous period of no more than



1 thirty days, unless extended for emergency purposes and in
2 compliance with subsection (b), including beds, meals,
3 individual showering facilities, transportation to and from the
4 place of shelter, and any of the following services as deemed
5 appropriate by the provider:

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

19 "Provider" means any child placing organization, or child
20 caring institution authorized by the department under section
21 346-17 to receive or place minor children for care and



1 maintenance and to provide related services, health care, or
2 supplies to these minors."

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

5 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Minors; Emergency; Shelter; Consent; Keiki Caucus

Description:

Expands the provisions for a minor to consent to no-cost emergency shelter and related services to include requiring a provider to be licensed and in compliance with zoning and safety regulations. Requires DHS to make every effort to have a shelter for minors on each island. (HD1)

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