

Approved by the Governor  
on JUL 1 2011

**ACT 179**

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2011  
STATE OF HAWAII

**S.B. NO.** 921  
S.D. 2  
H.D. 3

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## A BILL FOR AN ACT

RELATING TO MINORS.

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

1           SECTION 1. Chapter 346, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§346-       Consent to no cost emergency shelter and related  
5 services. (a) A provider may provide no cost emergency shelter  
6 and related services to a consenting minor if the provider  
7 reasonably believes that:  
8           (1) The minor understands the significant benefits,  
9                 responsibilities, risks, and limits of the shelter and  
10                services and can communicate an informed consent;  
11           (2) The minor understands the requirements and rules of  
12                the shelter and services; and  
13           (3) The shelter and services are necessary to ensure the  
14                minor's safety and well-being;  
15 and the provider has conducted an assessment and determined that  
16 the minor does not pose a danger to the minor's self or to other  
17 persons at the same location. If the provider determines that

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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

21 (3) The minor has refused to provide contact information  
22 for the minor's parent, legal guardian, or legal



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

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

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

13           (e) Any provider who renders emergency shelter and related  
14           services to a minor pursuant to subsections (a) and (b) of this  
15           section and can demonstrate compliance with this section shall  
16           be immune from any civil or criminal liability based on the  
17           provider's determination to provide the shelter and related  
18           services; provided that if a provider's assessment and  
19           determination, or conduct in providing emergency shelter and  
20           related services, is the result of the provider's gross  
21           negligence or wilful or wanton acts or omissions, the provider



1 may be held liable for the provider's gross negligence or wilful  
2 or wanton acts or omissions.

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

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

10 (h) For purposes of this section:

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

18 (1) Assistance with reunification with the family, legal  
19 guardian, or legal custodian of the minor;

20 (2) Referral to safe housing;

21 (3) Individual, family, and group counseling;

22 (4) Assistance in obtaining clothing;

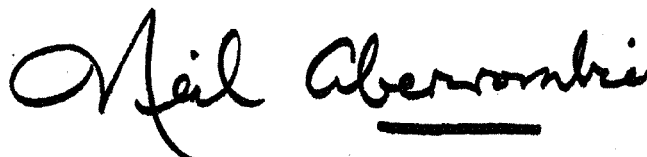


- 1        (5) Access to medical and dental care, and mental health
- 2                counseling;
- 3        (6) Education and employment services;
- 4        (7) Recreational activities;
- 5        (8) Case management, advocacy, and referral services;
- 6        (9) Independent living skills training; and
- 7        (10) Aftercare services, as those services are defined in
- 8                Title 45 Code of Federal Regulations Section 1351.1.
- 9        "Minor" means a person less than eighteen years of age.
- 10       "Provider" means any child-placing organization, or child-
- 11 caring institution authorized by the department under section
- 12 346-17 to receive or place minor children for care and
- 13 maintenance and to provide related services, health care, or
- 14 supplies to these minors."

15        SECTION 2. New statutory material is underscored.

16        SECTION 3. This Act shall take effect on July 1, 2011.

APPROVED this        1        day of        JUL        , 2011



GOVERNOR OF THE STATE OF HAWAII



GOV. MSG. NO. **1283**

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 1, 2011

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

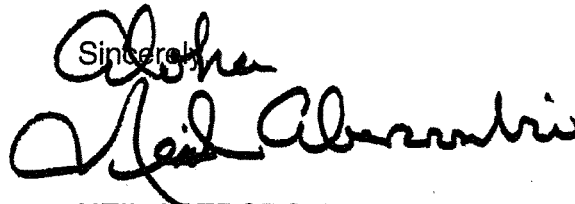
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 1, 2011, the following bill was signed into law:

SB921 SD2 HD3

RELATING TO MINORS  
Act 179 (11)

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii