

Honolulu, Hawaii

APR 05 , 2024

RE: S.B. No. 2245
S.D. 1
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2245, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose of this measure is to amend the Child Protective Act by:

- (1) Adding a definition of "exigent circumstances" and amending the definitions of "harm" and "imminent harm";
- (2) Clarifying when the police may take a child into protective custody and when the Department of Human Services may assume temporary foster custody of a child when exigent circumstances are present; and
- (3) Authorizing the court to order a child to be placed into protective custody and temporary foster custody without notice or a hearing.

Your Committee received testimony in support of this measure from the Judiciary; Department of the Attorney General; Department of Human Services; Honolulu Police Department; Hawaii Coalition



for Child Protective Reform; Hawaii Family Advocacy Group; Kapalama Neighborhood Security Watch; and seven individuals.

Your Committee finds that this measure updates and clarifies the procedures for removing children from unsafe homes, with and without court orders, while taking into consideration concerns regarding maintaining family integrity, the due process rights of parents, and federal case law.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2025; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2245, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2245, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



