



# GOV. MSG. NO. 1248

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 1, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 1, 2024, the following bill was signed into law:

HB2425 HD2 SD2

RELATING TO THE CHILD ABUSE AND  
NEGLECT CENTRAL REGISTRY.  
**ACT 147**

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.  
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

H.B. NO. 2425  
H.D. 2  
S.D. 2

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# A BILL FOR AN ACT

RELATING TO THE CHILD ABUSE AND NEGLECT CENTRAL REGISTRY.

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

1 PART I

2 SECTION 1. Section 350-1, Hawaii Revised Statutes, is  
3 amended by adding three new definitions to be appropriately  
4 inserted and to read as follows:

5 "Aggravated circumstances" means the same as defined in  
6 section 587A-4.

7 "Harm" means the same as defined in section 587A-4.

8 "Threatened harm" means the same as defined in section  
9 587A-4."

10 PART II

11 SECTION 2. Chapter 350, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and read as follows:

14 "§350- Central registry; expungement. (a) The  
15 department shall maintain a central registry of reported child  
16 abuse or neglect cases. When the department confirms a report  
17 by a preponderance of the evidence that a person is the



1 perpetrator of child abuse or neglect, harm, or threatened harm,  
2 the person's name shall be included in the central registry.

3 (b) The department shall promptly expunge a person's name  
4 from the central registry if:

5 (1) The report is determined not confirmed by the  
6 department, including after administrative proceedings  
7 conducted pursuant to chapter 91; provided that in an  
8 administrative appeal hearing, the department shall  
9 have the burden of proving by a preponderance of the  
10 evidence that the confirmation was correct; or

11 (2) The family court determines that the report is not  
12 confirmed after:

13 (A) A petition arising from the report filed pursuant  
14 to section 587A-12 has been dismissed by order of  
15 the family court because the court did not find  
16 sufficient evidence based upon a preponderance of  
17 the evidence to assume jurisdiction pursuant to  
18 section 587A-5; or

19 (B) A written report with the disposition is  
20 submitted to the family court pursuant to a  
21 referral under section 586-10.5, and the family



1           court finds that the facts supporting the  
2           confirmation were not proven by a preponderance  
3           of the evidence.

4           The family court shall retain exclusive jurisdiction  
5           for purposes of determining that a report was  
6           correctly confirmed under this paragraph as long as  
7           the family court matter is pending. The person whose  
8           name is included in the central registry shall not  
9           request an administrative appeal hearing to contest  
10          the confirmation unless the family court dismisses or  
11          closes the related matter without making findings as  
12          to the facts supporting the confirmation.

13          (c) A person who has been confirmed as the perpetrator of  
14          abuse or neglect, harm, or threatened harm, whose name has not  
15          been expunged from the central registry pursuant to subsection  
16          (b), may submit a request for expungement to the department;  
17          provided that:

- 18           (1) The confirmation is more than five years old;  
19           (2) The record does not involve aggravated circumstances  
20           or conduct described in paragraph (1)(B) of the



1 definition of child abuse or neglect in section 350-1;

2 and

3 (3) There are no other reports of abuse or neglect

4 subsequent to the confirmation.

5 Requests submitted that do not meet these minimum requirements

6 shall be denied.

7 (d) A person seeking to have the person's own name

8 expunged pursuant to subsection (c) shall submit a request for

9 expungement to the department on a form prescribed by the

10 department. The request for expungement shall be reviewed in

11 accordance with rules adopted by the department pursuant to

12 chapter 91 that shall consider, at minimum, the following

13 criteria:

14 (1) Length of time since the report was confirmed;

15 (2) Severity of the abuse or neglect, harm, or threatened

16 harm;

17 (3) Age of the child at the time of the report;

18 (4) Age of the confirmed perpetrator at the time of the

19 report;

20 (5) Evidence of the confirmed perpetrator's

21 rehabilitation; and



1       (6) Any other relevant information received and deemed  
2           credible by the department.

3       (e) Upon review of a request for expungement, the  
4       department may grant the request for expungement based on a  
5       finding of good cause shown that the expungement would serve the  
6       interests of justice. A person whose request for expungement is  
7       denied shall not submit another request for expungement for a  
8       period of five years from the date of the denial or five years  
9       from the date the denial is affirmed on appeal, whichever is  
10       later.

11       (f) Notwithstanding any other provision of law to the  
12       contrary, the department may review reports on its own action  
13       and, in its discretion, may expunge a person's name from the  
14       central registry based on criteria established in rules adopted  
15       pursuant to chapter 91.

16       (g) Records and information contained in a report for  
17       which a person's name is expunged from the central registry  
18       shall be retained by the department solely for future risk and  
19       safety assessment purposes."

20       SECTION 3. Section 350-2, Hawaii Revised Statutes, is  
21       amended by amending subsection (d) to read as follows:



1           "(d) The department shall maintain a central registry of  
2 reported child abuse or neglect cases [~~and shall promptly~~  
3 ~~expunge the reports in cases if:~~

4           ~~(1) The report is determined not confirmed by the~~  
5           ~~department, an administrative hearing officer, or a~~  
6           ~~Hawaii state court on appeal; or~~

7           ~~(2) The petition arising from the report has been~~  
8           ~~dismissed by order of the family court after an~~  
9           ~~adjudicatory hearing on the merits pursuant to chapter~~  
10           ~~587A.~~

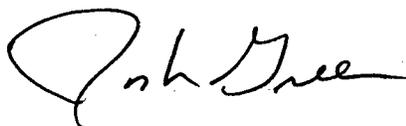
11           ~~Records and information contained in a report that is~~  
12 ~~expunged may be retained by the department solely for future~~  
13 ~~risk and safety assessment purposes.] in accordance with section~~  
14 350- ."

PART III

16           SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18           SECTION 5. This Act shall take effect on July 1, 2025.

APPROVED this 1st day of July , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2425, HD 2, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 18, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives

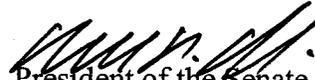


Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 9, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate