

# S.B. NO. 2795

JAN 25 2012

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## A BILL FOR AN ACT

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RELATING TO THE DEFINITION OF AGGRAVATED CIRCUMSTANCES IN THE  
CHILD PROTECTIVE ACT.

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

1       SECTION 1. During the 2010 regular session, the  
2       legislature passed Senate Bill No. 2716, which was enacted as  
3       Act 135, Session Laws of Hawaii 2010, and codified as chapter  
4       587A, Child Protective Act, Hawaii Revised Statutes. Act 135  
5       was a comprehensive update of chapter 587, the former Child  
6       Protective Act, Hawaii Revised Statutes.

7       The State subsequently was informed by the federal  
8       Administration for Children and Families that recent changes to  
9       the federal Child Abuse Prevention and Treatment Act need to be  
10      incorporated into chapter 587A. The proposed changes to chapter  
11      587A are needed to ensure the State's compliance with the  
12      federal Child Abuse Prevention and Treatment Act as well as with  
13      our Title IV-E State Plan. The amendments proposed in this bill  
14      will ensure that Hawaii remains eligible for approximately  
15      \$40,000,000 in Title IV-E and \$140,000 in Child Abuse Prevention  
16      and Treatment Act annual federal funding to support the State's  
17      child welfare services program.

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SECTION 2. Section 587A-4, Hawaii Revised Statutes, is amended by amending the definition of "aggravated circumstances" to read as follows:

"Aggravated circumstances" means that:

- (1) The parent has murdered, or has solicited, aided, abetted, attempted, or conspired to commit the murder or voluntary manslaughter of, another child of the parent;
- (2) The parent has committed a felony assault that results in serious bodily injury to the child or another child of the parent;
- (3) The parent's rights regarding a sibling of the child have been judicially terminated or divested;
- (4) The parent has tortured the child; ~~[or]~~
- (5) The child is an abandoned infant ~~[-]~~;
- (6) The parent has committed sexual abuse against another child of the parent; or
- (7) The parent is required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. section 16913(a))."

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

3       SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Child Protective Act; Definition of "aggravated circumstances".

**Description:**

Ensures that the definition of "aggravated circumstances" in chapter 587A, Hawaii Revised Statutes, is consistent with recent changes to the federal Child Abuse Prevention and Treatment Act provisions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

## JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO THE DEFINITION OF AGGRAVATED CIRCUMSTANCES IN THE CHILD PROTECTIVE ACT.

PURPOSE: To ensure state compliance with recent changes in the federal Child Abuse Prevention and Treatment Act.

MEANS: Amend section 587A-4, Hawaii Revised Statutes.

JUSTIFICATION: This legislation is necessary to ensure that Hawaii's Child Protective Act is consistent with federal Child Abuse Prevention and Treatment Act (CAPTA) provisions.

The federal Administration for Children and Families has informed the State that recent changes to CAPTA need to be incorporated into chapter 587A, Child Protective Act. These changes will allow the Department of Human Services to continue to receive federal CAPTA funding of approximately \$140,000. This funding is used to provide family strengthening services and child death review.

Compliance with CAPTA requirements is also necessary for the State's compliance with its federal Title IV-E State Plan so that Hawaii remains eligible for approximately \$40,000,000 in annual federal Title IV-E funding.

These federal funds support the State's child welfare services program.

To continue to receive CAPTA funding, the Governor had to certify that the State has in effect and is enforcing a state law, or has in effect and is operating a statewide program, relating to child abuse and

neglect, which includes the necessary amendments.

Impact on the public: There will be a positive impact on the public. Not losing federal CAPTA or Title IV-E funds will preserve vital funding for the State's child welfare services program.

Impact on the department and other agencies: The department will be able to maintain funding for its child welfare services program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HMS 301.

OTHER AFFECTED  
AGENCIES: Judiciary, Department of the Attorney General.

EFFECTIVE DATE: Upon approval.