

JAN 15 2014

S.B. NO. 2002

A BILL FOR AN ACT

RELATING TO CHILD PROTECTIVE PROCEEDINGS.

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

1 SECTION 1. Section 587A-25, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 " (b) ~~[The general public shall be excluded from child~~
4 ~~protective proceedings. Only parties found by the court to have~~
5 ~~a direct interest in the case shall be admitted to the hearing.]~~
6 Except as provided by this section, child protective proceedings
7 shall be open to the public. The court shall close a hearing if
8 a party to the proceeding, other than an authorized agency, can
9 prove by clear and convincing evidence that an open hearing
10 would cause severe emotional distress to the child. If the
11 court orders a closed hearing, the court shall close the hearing
12 for the minimum amount of time necessary to protect the child's
13 interest."

14 SECTION 2. Section 587A-40, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~[§]§587A-40[§]~~ **Court records.** The court shall keep a
17 record of all child protective proceedings under this chapter.

18 ~~[Written reports, photographs, x-rays, or other information that~~



1 ~~are submitted to the court may be made available to other~~
2 ~~appropriate persons, who are not parties, only upon an order of~~
3 ~~the court. The court may issue this order upon determining that~~
4 ~~such access is in the best interests of the child or serves some~~
5 ~~other legitimate purpose.] Unless otherwise prohibited by law or~~
6 this section, all records shall be open to the public. Records
7 shall not be made available to the public if a party to the
8 proceeding, other than an authorized agency, can prove by clear
9 and convincing evidence that access to the records would cause
10 severe emotional distress to the child. If the court prohibits
11 access to records, it shall prohibit access to the minimum
12 amount of records necessary to protect the child's interest.

13 As set forth in rules adopted pursuant to chapter 91 by the
14 department of human services and consistent with applicable
15 laws, the department may disclose information in the court
16 record without order of the court, unless otherwise ordered by
17 the court."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



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

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INTRODUCED BY: Inzanne Chun Oakland



S.B. NO. 2002

Report Title:

Child Protective Proceedings; Open Hearings; Records

Description:

Requires child protective proceedings and records to be open to the public unless a party to the proceeding, other than an authorized agency, can prove by clear and convincing evidence that an open hearing or access to records would cause the child severe emotional distress.

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