
A BILL FOR AN ACT

RELATING TO CHILD SAFETY.

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

1 SECTION 1. Section 350-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§350-2 Action on reporting.** (a) Upon receiving a report
4 concerning child abuse or neglect, the department shall proceed
5 pursuant to chapter 587A and the department's rules.

6 (b) The department shall inform the appropriate police
7 department of all reports received by the department regarding a
8 case of child abuse or neglect, including reports received under
9 section 350-1.1; provided that the name of the person who
10 reported the case of child abuse or neglect shall be released to
11 the police department pursuant only to court order or the
12 person's consent.

13 (c) The department shall inform the appropriate police
14 department or office of the prosecuting attorney of the relevant
15 information concerning a case of child abuse or neglect when the
16 information is required by the police department or the office
17 of the prosecuting attorney for the investigation or prosecution
18 of that case; provided that the name of the person who reported



1 the case of child abuse or neglect shall be released to the
2 police department or the office of the prosecuting attorney
3 pursuant only to court order or the person's consent.

4 (d) The department shall maintain a central registry of
5 reported child abuse or neglect cases and shall promptly expunge
6 the reports in cases if:

7 (1) The report is determined not confirmed by the
8 department, an administrative hearing officer, or a
9 Hawaii state court on appeal; or

10 (2) The petition arising from the report has been
11 dismissed by order of the family court after an
12 adjudicatory hearing on the merits pursuant to chapter
13 587A.

14 Records and information contained in a report that is
15 expunged may be retained by the department solely for future
16 risk and safety assessment purposes.

17 (e) For a confirmed case of child abuse or neglect that
18 occurred at a licensed or registered child care facility as
19 defined in section 346-151, the department is authorized to
20 disclose that the report of child abuse or neglect was confirmed
21 to any parent or guardian of a child who was enrolled at the



1 licensed or registered child care facility as defined in section
2 346-151.

3 (f) For a confirmed case of child abuse or neglect that
4 occurred where a child is provided care, as defined in section
5 346-151, in accordance with an exclusion or exemption pursuant
6 to section 346-152 and upon receipt of the consent of the child
7 care provider, the department is authorized to disclose that the
8 report of child abuse or neglect was confirmed to any parent or
9 guardian of a child who was enrolled at the licensed or
10 registered child care facility as defined in section 346-151.

11 (g) For a confirmed case of child abuse or neglect that
12 results in a child's death or near fatality, the department is
13 authorized to disclose to the public:

14 (1) The cause of and circumstances regarding the fatality
15 or near fatality;

16 (2) The age and gender of the child;

17 (3) Information describing any previous reports and
18 results of child abuse or neglect investigations that
19 are pertinent to the child abuse or neglect that led
20 to the fatality or near fatality; and



1 (4) The action taken by the department on behalf of the
2 child that is pertinent to the child abuse or neglect
3 that led to the fatality or near fatality.

4 (h) The department shall adopt rules as may be necessary
5 in carrying out this section."

6 SECTION 2. (a) There is established a working group to be
7 placed in the department of human services for administrative
8 purposes. The working group shall review laws, rules, and
9 procedures relating to the coordination of investigations and
10 enforcement efforts of the child welfare services branch and
11 child care licensing program to improve child care safety in
12 child care settings.

13 (b) The following individuals shall serve as members of
14 the working group:

15 (1) The director of human services or the director's
16 designee;

17 (2) The administrator of the child welfare services branch
18 or the administrator's designee;

19 (3) A representative from the child care licensing program
20 designated by the administrator of the benefit,
21 employment and support services division;



- 1 (4) Four representatives from the department of the
2 attorney general, to be designated by the attorney
3 general, specifically:
- 4 (A) One representative who specializes in criminal
5 prosecution;
- 6 (B) One representative who specializes in child
7 welfare;
- 8 (C) One representative who specializes in child care
9 licensing administration; and
- 10 (D) One representative who specializes in criminal
11 investigations;
- 12 (5) The prosecuting attorney of the city and county of
13 Honolulu or the prosecuting attorney's designee;
- 14 (6) A representative from each of the county police
15 departments in the State;
- 16 (7) Four community advocates designated by the director of
17 human services; and
- 18 (8) A representative from the United States Department of
19 Defense Family Advocacy program.
- 20 (c) Members of the working group shall serve without
21 compensation and without reimbursement for expenses.



1 (d) The working group shall be exempt from chapter 92,
2 Hawaii Revised Statutes.

3 (e) The working group shall submit a report of findings
4 and recommendations, including any proposed legislation, to the
5 legislature no later than twenty days prior to the convening of
6 the regular sessions of 2019 and 2020.

7 (f) The working group shall cease to exist on January 30,
8 2020.

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2018.



Report Title:

Child Abuse; Child Neglect; Disclosure; Working Group; Reports

Description:

Authorizes the Department of Human Services to disclose certain information regarding confirmed cases of child abuse or neglect. Establishes a working group to improve safety in child care settings. Requires the working group to report to the Legislature prior to the Regular Sessions of 2019 and 2020.
(HB1650 CD1)

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