

Honolulu, Hawaii

MAR 20

, 2024

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

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

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2245, S.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:

- (1) Add a definition for "exigent circumstances" under the Child Protective Act;
- (2) Amend the definition of "imminent harm" under the Child Protective Act;
- (3) Authorize a child's family to consent to protective custody or temporary foster custody of the child;
- (4) Clarify the circumstances when police officers shall assume protective custody of a child and when the Department of Human Services shall assume temporary foster custody of a child; and
- (5) Authorize the Department of Human Services to file a petition and seek an ex parte motion for protective



custody if there is reasonable cause to believe that a child is subject to imminent harm.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Judiciary; Honolulu Police Department; and one individual. Your Committee received testimony in opposition to this measure from nine individuals. Your Committee received comments on this measure from the Department of Human Services; Hawaii Coalition for Child Protective Reform; and one individual.

Your Committee finds that H.B. No. 2428, H.D. 2 (Regular Session of 2024), a substantially similar measure, was previously passed by the House. Your Committee further finds that H.B. No. 2428, H.D. 2, 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 also finds that H.B. 2428, H.D. 2, is preferable as it incorporates recommendations suggested by the Attorney General.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. No. 2428, H.D. 2, a measure that:
 - (A) Adds a definition for "exigent circumstances" and amends the definitions of "harm" and "imminent harm" under the Child Protective Act;
 - (B) Clarifies when the police may take protective custody of a child and when the Department of Human Services may assume temporary foster custody of a child when exigent circumstances are present;
 - (C) Creates a judicial process for filing a petition for an order for protective custody, including the circumstances where such an order may be issued without notice and without a hearing; and
 - (D) Contains an effective date of July 1, 3000;



- (2) Clarifying the time frame for the filing of initial reports associated with an ex parte motion for protective custody; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency and style.

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

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



LISA MARTEN, Chair



