

STAND. COM. REP. NO. 2470

Honolulu, Hawaii

FEB 15 2024

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

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

"A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify certain definitions under the Child Protective Act;
- (2) 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
- (3) Authorize the Department of Human Services to file a petition and seek an order 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 Honolulu Police Department and CARES.

Your Committee received testimony in opposition to this measure from the Hawaii Coalition for Child Protective Reform, Hawaii Family Advocacy Group, and three individuals.



Your Committee received comments on this measure from the Department of the Attorney General, Department of Human Services, and the Judiciary.

Your Committee finds that protecting the health and safety of Hawaii's keiki is of paramount importance. Certain circumstances such as imminent danger to the child may warrant emergency action, including assumption of temporary custody of a child by a police department or temporary foster placement. This measure adequately balances the need for immediate government action to ensure safety of the child and the due process rights of the child's parents and legal guardians.

Your Committee notes the testimony of the Department of the Attorney General raising concerns that the measure does not provide for cases in which a child's family consents to protective custody and temporary foster custody of the child. Your Committee also notes the testimony of the Judiciary raising concerns regarding the Department of Human Services' ability to obtain immediate protective custody orders from the court by filing a "written application", an undefined term, rather than the normal civil law process of filing a motion. This measure, therefore requires amendments to address these concerns.

Accordingly, your Committee has amended this measure by:

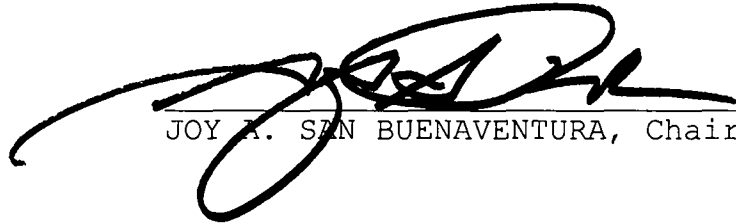
- (1) Inserting language that addresses circumstances in which a child's family consents to a police officer assuming protective custody or the Department of Human Services assuming temporary foster custody of the child;
- (2) Allowing the Department of Human Services to obtain an immediate protective custody order by filing an ex parte motion with the court, and upon issuance of the order, allowing the case to proceed pursuant to normal civil law proceedings under section 587A-12(c), Hawaii Revised Statutes;
- (3) Clarifying that the court order required for police officers or the Department of Human Services to take immediate custody of a child shall be in writing; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

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



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JOY A. SAN BUENAVENTURA, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:* <b>SB2245</b>	Committee Referral: <b>HHS, JDC</b>	Date: <b>1/31/2024</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	<b>4</b>		<b>1</b>	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution:                     Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes