
A BILL FOR AN ACT

RELATING TO THE CHILD PROTECTIVE ACT.

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

1 SECTION 1. Section 587A-4, Hawaii Revised Statutes, is
2 amended by amending the definition of "aggravated circumstances"
3 to read:

4 "Aggravated circumstances" means that:

- 5 (1) The parent has murdered, or has solicited, aided,
6 abetted, attempted, or conspired to commit the murder
7 or voluntary manslaughter of, another child of the
8 parent;
- 9 (2) The parent has committed a felony assault that results
10 in serious bodily injury to the child or another child
11 of the parent;
- 12 (3) The parent's rights regarding a sibling of the child
13 have been judicially terminated or divested;
- 14 (4) The parent has tortured the child;
- 15 (5) The child is an abandoned infant;
- 16 (6) The parent has committed sexual abuse against another
17 child of the parent; [⊖]



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1 (7) The parent is required to register with a sex offender
2 registry under section 113(a) of the Adam Walsh Child
3 Protection and Safety Act of 2006, title 42 United
4 States Code section 16913(a) [-]; or

5 (8) The parent has committed family violence, as defined
6 in section 571-2, against the child, another child of
7 the parent, or other parent."

8 SECTION 2. Section 587A-27, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) The service plan shall provide:

11 (1) The specific steps necessary to facilitate the return
12 of the child to a safe family home, if the proposed
13 placement of the child is in foster care under foster
14 custody. These specific steps shall include treatment
15 and services that will be provided, actions completed,
16 specific measurable and behavioral changes that must
17 be achieved, and responsibilities assumed;

18 (2) Whether an ohana conference will be conducted for
19 family finding and family group decision making;

20 (3) The respective responsibilities of the child, the
21 parents, legal guardian or custodian, the department,



1 other family members, and treatment providers, and a
2 description and expected outcomes of the services
3 required to achieve the permanency goal;

4 (4) The required frequency and types of contact between
5 the assigned social worker, the child, and the family;

6 (5) The time frames during which services will be
7 provided, actions must be completed, and
8 responsibilities must be discharged;

9 (6) Notice to the parents that their failure to
10 substantially achieve the objectives described in the
11 service plan within the time frames established may
12 result in termination of their parental rights;

13 (7) Notice to the parents that if the child has been in
14 foster care under the responsibility of the department
15 for an aggregate of fifteen out of the most recent
16 twenty-two months from the child's date of entry into
17 foster care, the department is required to file a
18 motion to set a termination of parental rights
19 hearing, and the parents' failure to provide a safe
20 family home within two years from the date when the
21 child was first placed under foster custody by the



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1 court, may result in the parents' parental rights
 2 being terminated; [~~and~~]
 3 (8) In cases of family violence, as defined in section
 4 571-2, an evaluation or assessment of the parents by a
 5 professional with domestic violence training, which
 6 shall include a primary aggressor assessment of the
 7 parents to determine the principal or most
 8 significant, but not necessarily the first, aggressor;
 9 and

10 [~~(8)~~] (9) Any other terms and conditions that the court or
 11 the authorized agency deem necessary to the success of
 12 the service plan."

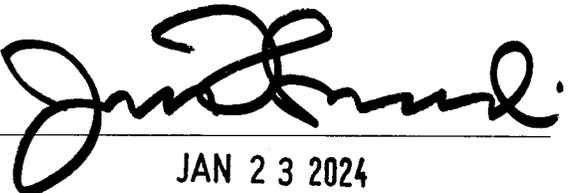
13 SECTION 3. This Act does not affect rights and duties that
 14 matured, penalties that were incurred, and proceedings that were
 15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

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

19

INTRODUCED BY:



 JAN 23 2024



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Report Title:

Child Protective Act; Aggravated Circumstances; Service Plan;
Department of Human Services

Description:

Amends the definition of "aggravated circumstances" under the Child Protective Act. Requires a service plan to include an evaluation or assessment of parents, including a primary aggressor assessment, by a professional with domestic violence training in cases of family violence.

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