
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 "harm" to read:

3 ""Harm" means damage or injury to a child's physical or
4 psychological health or welfare, where:

5 (1) The child exhibits evidence of injury, including[7]

6 but not limited to:

7 (A) Substantial or multiple skin bruising;

8 (B) Substantial external or internal bleeding;

9 (C) Burn or burns;

10 (D) Malnutrition;

11 (E) Failure to thrive;

12 (F) Soft tissue swelling;

13 (G) Extreme pain;

14 (H) Extreme mental distress;

15 (I) Gross degradation;

16 (J) Poisoning;

17 (K) Fracture of any bone;



- 1 (L) Subdural hematoma; or
2 (M) Death; and
3 [~~and~~] the injury is not justifiably explained, [~~or~~]
4 the history given concerning the condition or death is
5 not consistent with the degree or type of the
6 condition or death, or there is evidence that the
7 condition or death may not be the result of an
8 accident;
- 9 (2) The child has been the victim of sexual contact or
10 conduct, including sexual assault; sodomy;
11 molestation; sexual fondling; incest; prostitution;
12 obscene or pornographic photographing, filming, or
13 depiction; or other similar forms of sexual
14 exploitation, including but not limited to acts that
15 constitute an offense pursuant to section
16 712-1202(1)(b);
- 17 (3) The child's psychological well-being has been injured,
18 including but not limited to by exposure to abuse or
19 assaultive conduct by the child's family members or
20 others who have access to the family home, as



1 evidenced by a substantial impairment in the child's
2 ability to function;

3 (4) The child is not provided in a timely manner with
4 adequate food; clothing; shelter; supervision; or
5 psychological, physical, or medical care;

6 (5) The child is provided with dangerous[7] drugs,
7 harmful[7] drugs, or detrimental drugs as defined in
8 section 712-1240, except when a child's family
9 administers drugs to the child as directed or
10 prescribed by a practitioner as defined in section
11 712-1240; or

12 (6) The child has been the victim of labor trafficking
13 under chapter 707."

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

16 "(a) The service plan shall provide:

17 (1) The specific steps necessary to facilitate the return
18 of the child to a safe family home, if the proposed
19 placement of the child is in foster care under foster
20 custody. These specific steps shall include treatment
21 and services that will be provided, actions completed,



- 1 specific measurable and behavioral changes that must
2 be achieved, and responsibilities assumed;
- 3 (2) Whether an ohana conference will be conducted for
4 family finding and family group [~~decision-making~~]
5 decision-making;
- 6 (3) The respective responsibilities of the child, the
7 parents, the legal guardian or custodian, the
8 department, other family members, and treatment
9 providers, and a description and expected outcomes of
10 the services required to achieve the permanency goal;
- 11 (4) The required frequency and types of contact between
12 the assigned social worker, the child, and the family;
- 13 (5) The time frames during which services will be
14 provided, actions must be completed, and
15 responsibilities must be discharged;
- 16 (6) Notice to the parents that their failure to
17 substantially achieve the objectives described in the
18 service plan within the time frames established may
19 result in termination of their parental rights;
- 20 (7) Notice to the parents that if the child has been in
21 foster care under the responsibility of the department



1 for an aggregate of fifteen out of the most recent
2 twenty-two months from the child's date of entry into
3 foster care, the department is required to file a
4 motion to set a termination of parental rights
5 hearing, and the parents' failure to provide a safe
6 family home within two years from the date when the
7 child was first placed under foster custody by the
8 court, may result in the parents' parental rights
9 being terminated; [~~and~~]

10 (8) In cases of alleged or confirmed domestic violence by
11 the child's family, an evaluation or assessment by a
12 service provider trained in domestic violence of the
13 family members in the family home who are perpetrators
14 or alleged perpetrators of domestic violence; and

15 [~~(8)~~] (9) Any other terms and conditions that the court or
16 the authorized agency deem necessary to the success of
17 the service plan."

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.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Child Protective Act; Harm; Service Plan; Department of Human Services

Description:

Amends the definition of "harm" under the Child Protective Act. Requires a service plan to include an evaluation or assessment by a service provider trained in domestic violence of family members in the family home who are perpetrators or alleged perpetrators of domestic violence. Effective 7/1/3000. (HD2)

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