
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 as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 ""Exigent circumstances" means there is reasonable cause to
6 believe that immediately assuming protective custody and
7 temporary foster custody of a child is necessary to protect the
8 child from serious harm that is likely to occur before a court
9 order can be obtained pursuant to section 587A-11(9)."

10 2. By amending the definition of "imminent harm" to read:

11 ""Imminent harm" means that [~~without intervention within~~
12 ~~the next ninety days,~~] there is reasonable cause to believe that
13 harm to the child will occur or reoccur[.] and no reasonable
14 efforts other than removal of the child from the family home
15 will adequately prevent the harm."



1 SECTION 2. Section 587A-8, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "[~~+~~]**\$587A-8**[~~+~~] **Protective custody by police officer**
5 ~~[without court order]~~. (a) A police officer shall assume
6 protective custody of a child [~~without~~]:

7 (1) Upon order of the court;

8 (2) With the consent of the child's family; or

9 (3) Without a court order and without the consent of the
10 child's family, if in the discretion of the police
11 officer, the officer determines that[~~+~~

12 ~~(1) The child is subject to imminent harm while in the~~
13 ~~custody of the child's family;~~

14 ~~(2) The child has no parent, as defined in this chapter,~~
15 ~~who is willing and able to provide a safe family home~~
16 ~~for the child;~~

17 ~~(3) The child has no caregiver, as defined in this~~
18 ~~chapter, who is willing and able to provide a safe and~~
19 ~~appropriate placement for the child; or~~



1 ~~(4) The child's parent has subjected the child to harm or~~
2 ~~threatened harm and the parent is likely to flee with~~
3 ~~the child.]~~ exigent circumstances are present."

4 SECTION 3. Section 587A-9, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§587A-9 Temporary foster custody** ~~[without court order]~~.

7 (a) ~~[When the department receives protective custody of a child~~
8 ~~from the police, the]~~ The department shall~~[+~~

9 ~~(1) Assume]~~ assume temporary foster custody of ~~[the]~~ a
10 child:

11 (1) Upon order of the court;

12 (2) With the consent of the child's family; or

13 (3) Without a court order and without the consent of the

14 child's family, upon the transfer of protective

15 custody from a police officer if, in the discretion of

16 the department, the department determines that ~~[the~~

17 ~~child is subject to imminent harm while in the custody~~

18 ~~of the child's family;]~~ exigent circumstances are

19 present.

20 (b) When the department assumes temporary foster custody

21 of a child, the department shall:



1 ~~[(2)]~~ (1) Make every reasonable effort to inform the
2 child's parents of the actions taken, unless doing so
3 would put another person at risk of harm;

4 ~~[(3)]~~ (2) Unless the child is admitted to a hospital or
5 similar institution, place the child in emergency
6 foster care while the department conducts an
7 appropriate investigation, with placement preference
8 being given to an approved relative;

9 ~~[(4)]~~ (3) With authorized agencies, make reasonable efforts
10 to identify and notify all relatives within thirty
11 days of assuming temporary foster custody of the
12 child; and

13 ~~[(5)]~~ (4) Within three days, excluding Saturdays, Sundays,
14 and holidays:

15 (A) Relinquish temporary foster custody, return the
16 child to the child's parents, and proceed
17 pursuant to section 587A-11(4), (5), or (6);

18 (B) Secure a voluntary placement agreement from the
19 child's parents to place the child in foster
20 care, and proceed pursuant to section 587A-11(6)
21 or (8); or



1 (C) File a temporary foster custody petition with the
2 court.

3 [~~(b)~~] (c) Upon the request of the department and without
4 regard to parental consent, any physician licensed or authorized
5 to practice medicine in the State shall perform an examination
6 to determine the nature and extent of harm or threatened harm to
7 the child under the department's temporary foster custody."

8 SECTION 4. Section 587A-11, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§587A-11 Investigation; department powers.** Upon
11 receiving a report that a child is subject to imminent harm, has
12 been harmed, or is subject to threatened harm, and when an
13 assessment is required by this chapter, the department shall
14 cause [~~such~~] an investigation to be made as it deems to be
15 appropriate. In conducting the investigation, the department
16 may:

- 17 (1) Enlist the cooperation and assistance of appropriate
18 state and federal law enforcement authorities, who may
19 conduct an investigation and, if an investigation is
20 conducted, shall provide the department with all
21 preliminary findings, including the results of a



- 1 criminal history record check of an alleged
2 perpetrator of harm or threatened harm to the child;
- 3 (2) Conduct a criminal history record check of an alleged
4 perpetrator and all adults living in the family home,
5 with or without consent, to ensure the safety of the
6 child;
- 7 (3) Interview the child without the presence or prior
8 approval of the child's family and temporarily assume
9 protective custody of the child for the purpose of
10 conducting the interview;
- 11 (4) Resolve the matter in an informal fashion that it
12 deems appropriate under the circumstances;
- 13 (5) Close the matter if the department finds, after an
14 assessment, that the child is residing with a
15 caregiver who is willing and able to meet the child's
16 needs and provide a safe and appropriate placement for
17 the child;
- 18 (6) Immediately enter into a service plan:
19 (A) To safely maintain the child in the family home;
20 or



1 (B) To place the child in voluntary foster care
2 pursuant to a written agreement with the child's
3 parent.

4 If the child is placed in voluntary foster care and
5 the family does not successfully complete the service
6 plan within three months after the date on which the
7 department assumed physical custody of the child, the
8 department shall file a petition. The department is
9 not required to file a petition if the parents agree
10 to adoption or legal guardianship of the child and the
11 child's safety is ensured; provided that the adoption
12 or legal guardianship hearing is conducted within six
13 months of the date on which the department assumed
14 physical custody of the child;

15 (7) Assume temporary foster custody of the child and file
16 a petition with the court within three days, excluding
17 Saturdays, Sundays, and holidays, after the date on
18 which the department assumes temporary foster custody
19 of the child, with placement preference being given to
20 an approved relative; [~~or~~]



1 (8) File a petition or ensure that a petition is filed by
2 another appropriate authorized agency in court under
3 this chapter[-]; or

4 (9) File a petition pursuant to section 587A-12 and seek
5 an order for protective custody if there is reasonable
6 cause to believe that the child is subject to imminent
7 harm, as follows:

8 (A) The department may contemporaneously file an ex
9 parte motion for immediate protective custody
10 without notice and without a hearing;

11 (B) If the court finds reasonable cause to believe
12 that the child is subject to imminent harm, the
13 court shall issue a written order that a police
14 officer immediately take the child into
15 protective custody and that the department
16 immediately assume temporary foster custody of
17 the child pursuant to section 587A-8(b);

18 (C) If the court issues an order for protective
19 custody, the court shall order a police officer
20 to make every reasonable effort to personally
21 serve the child's parents and any person who has



1 physical custody of the child with copies of the
2 order and the department's ex parte motion
3 submitted pursuant to subparagraph (A); and
4 (D) After the court rules on the ex parte motion, the
5 case shall proceed pursuant to section
6 587A-12(c)."

7 SECTION 5. Section 587A-21, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) In deciding [~~in temporary foster custody hearings~~]
10 whether there is reasonable cause to believe that a child is
11 subject to imminent harm for orders for protective custody or in
12 temporary foster custody hearings, the court may consider
13 relevant hearsay evidence when direct testimony is unavailable
14 or when it is impractical to subpoena witnesses who will be able
15 to testify to facts based on personal knowledge."

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect on July 1, 2025.



Report Title:

DHS; Police Officers; Child Protective Act; Exigent
Circumstances; Imminent Harm; Order for Protective Custody

Description:

Adds a definition for "exigent circumstances" and amends the definition of "imminent harm" under the Child Protective Act. Authorizes the child's family to consent to protective custody or temporary foster custody of a child. Clarifies 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. Authorizes 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. Takes effect 7/1/2025. (SD1)

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