



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2024**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2425, H.D. 2, RELATING TO THE CHILD ABUSE AND NEGLECT CENTRAL REGISTRY.

**BEFORE THE:**

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

**DATE:** Monday, March 18, 2024                      **TIME:** 1:00 p.m.

**LOCATION:** State Capitol, Room 225 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Lynne M. Youmans, Deputy Attorney General

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Chair San Buenaventura and Members of the Committee:

The Attorney General supports this bill in the interest of greater government transparency and efficiency.

Section 1 of this bill adds definitions of "harm" and "threatened harm" to section 350-1, Hawaii Revised Statutes (HRS), to have the same meanings as those terms are defined in section 587A-4, HRS.

Section 2 of this bill adds a new section to chapter 350, HRS, to clarify when a person's name should be included in the central registry of people confirmed to be perpetrators of child abuse<sup>1</sup>, and establishes a process for a person to request that their name be expunged from the central registry.

Section 3 of this bill eliminates the brief description of the central registry expungement process currently in section 350-2(d), HRS, in favor of the new section.

The new section added to chapter 350 in section 2 of the bill does five things. First, it clarifies that a person cannot be placed on the central registry unless the Department of Human Services (DHS), after investigation, confirms by a preponderance of evidence that the person has perpetrated abuse to a child. Second, it details the

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<sup>1</sup> For brevity, we use the term "abuse" in this testimony to be inclusive of "child abuse or neglect" as defined in section 350-1, HRS, as well as "harm" or "threatened harm" as defined in section 587A-4, HRS.

methods for challenging the initial confirmation by DHS through the administrative appeal process or through Family Court. Third, it creates a mechanism for people who were added to the central registry to have their names removed from the registry, or expunged, upon a showing of certain criteria that suggest that the behavior that led them to be placed on the registry is unlikely to reoccur. Fourth, it clarifies the details of the process for review of requests for expungement. Fifth, it authorizes DHS to review its records and expunge names from the registry on its own, without a request, based on criteria established by rules.

Being listed on the central registry can have serious consequences, including being barred from employment, volunteer opportunities, and adoption. Despite the seriousness of the consequences, the details of the process for people's names being added to the registry, and how that addition to the registry can be challenged, are not commonly understood. The Attorney General supports this bill because it will clarify the process and better inform people about the existence of the registry and the process to challenge the results of a DHS investigation.

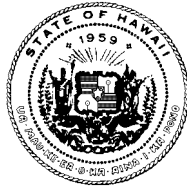
Additionally, the Attorney General supports adding the new process that allows the expungement from the central registry based on positive changes people were able to make to their life and family relationships. The current central registry keeps people listed indefinitely in most cases. Although this may be appropriate for very serious abuse cases, including sexual abuse, it may not be appropriate for all cases of confirmed abuse. This amendment recognizes that people can mature and grow and, through hard work, perseverance, and dedication, change things in their lives that were at one time harming themselves and their families.

The bill refers to "aggravated circumstances" on page 3, line 16, but does not provide a definition, and the term is not defined in chapter 350, HRS. We suggest revising the bill to add a new definition to section 350-1, HRS, in section 1 of the bill after line 3 on page 1, to read as follows:

"Aggravated circumstances" means the same as defined in section 587A-4."

We respectfully request that the Committee pass this bill with the suggested revision.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

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March 16, 2024

TO: The Honorable Senator Joy A. San Buenaventura  
Senate Committee on Health and Human Services

FROM: Cathy Betts, Director

SUBJECT: **HB 2425 HD2 – RELATING TO THE CHILD ABUSE AND NEGLECT REGISTRY.**

Hearing: March 18, 2024, 1:00 p.m.  
Conference Room 225, State Capitol & Video Conference

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this administration measure, offers comments, and respectfully requests that the measure become effective on July 1, 2025, to give the Department time to make necessary changes to implement the measure.

**PURPOSE:** This bill clarifies that a confirmed report of child abuse or neglect, harm, or threatened harm will result in the perpetrator's name being maintained in the central registry. Clarifies when a person's name may be expunged from the central registry and establishes a process for expungement upon request. Effective 7/1/3000. (HD2)

The Committee on Judiciary & Hawaiian Affairs (HD1) amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The Committee on Finance (HD2) amended this measure by changing the effective date to July 1, 3000, to encourage further discussion.

This bill provides an administrative process for identified perpetrators of confirmed reports of harm or threatened harm other than those involving "aggravated circumstances," as defined in section 587A-4, HRS, to request that a record, five years or older, be expunged from

the central registry. The Department will review the request for expungement based on factors such as the age of the report, the age of the child at the time the confirmed harm occurred, and the severity of the harm, among other things.

This amendment recognizes that an individual can make positive changes in their circumstances and supports an individual to be successful by allowing them to pursue employment, educational opportunities, licensures, or other personal matters.

The measure also allows the agency to expunge reports pursuant to administrative rules and DHS procedures. The measure will require additional resources from DHS and the Department of the Attorney General to respond to requests for expungements of central registry information and possible appeals of those decisions.

In response to questions in previous hearings on the issue of notice provided to individuals that their name has been added to the central registry, CWS sends a written Notice of Disposition to parents/caregivers who are identified as potential perpetrators upon completion of the CWS assessment of allegations of child abuse or neglect. The notice informs the person that:

- (1) The Department's investigation has confirmed or did not confirm child abuse or neglect, or harm or threatened harm, and
- (2) If the allegations are confirmed,
  - a. The person's name is being added to the central registry;
  - b. The potential impact of being added to the central registry may limit the person's ability to be employed in work involving children or vulnerable adults or the person's ability to adopt minor children, and
  - c. The person has the right to challenge the results of the Department's investigation either through the Family Court or a DHS administrative process.

The Notice of Disposition also includes a form to request a DHS administrative hearing. Currently, court-appointed counsel is only available when a child welfare case is in the Family Court pursuant to chapter 587A, HRS, and if a parent meets the Judiciary's eligibility

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requirements. For the administrative appeals process, parents can seek legal representation from legal services agencies or retain counsel.

The Department requests an effective date of July 1, 2025, which will allow time to draft and pass administrative rules and to develop and implement an expungement process.

Thank you for the opportunity to provide testimony on this measure.

HHS hearing 3/18/24.

Senator San Buenaventura and committee,

It is an improvement for the department to have constructed a bill (HB2425) to provide a process to expunge a name from the Central Child Abuse Registry, but it ignores the fact that most parents are not aware of the Registry until the point that they are prevented from employment that involves children or, in the case of Courtney Bird who tried to adopt a child 7 years after a child welfare case had closed with no allegations of abuse registered against her.

Thank you for the opportunity to express this concern.