

JAN 23 2025

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. Act 144, Session Laws of Hawaii 2024, is
2 amended as follows:

3 1. By amending section 3 to read:

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

6 "**§587A-9 Temporary foster custody.** (a) The department
7 shall assume temporary foster custody of a child:

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

9 (2) Upon order of the court; or

10 (3) Without the consent of the child's family and without
11 a court order, upon the transfer of protective custody
12 from a police officer if, in the discretion of the
13 department, the department determines that exigent
14 circumstances are present.

15 (b) If the department assumes temporary foster custody of
16 a child, the department shall:



- 1 (1) Make every reasonable effort to inform the child's
2 parents of the actions taken, unless doing so would
3 put another person at risk of harm;
- 4 (2) Unless the child is admitted to a hospital or similar
5 institution, place the child in emergency foster care
6 while the department conducts an appropriate
7 investigation, with placement preference being given
8 to an approved relative;
- 9 (3) With authorized agencies, make reasonable efforts to
10 identify and notify all relatives within thirty days
11 of assuming temporary foster custody of the child; and
- 12 (4) Within three days, excluding Saturdays, Sundays, and
13 holidays:
- 14 (A) Relinquish temporary foster custody, return the
15 child to the child's parents, and proceed
16 pursuant to section 587A-11[~~(4)~~] (5), [~~or~~] (6),
17 or (7);
- 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
21 section 587A-11[~~(6)~~] (7) or [~~(8)~~] (9); or



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

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

8 2. By amending section 4 to read:

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

11 "**§587A-11 Investigation; department powers.** Upon
12 receiving a report that a child is subject to imminent harm, has
13 been harmed, or is subject to threatened harm, and when an
14 assessment is required by this chapter, the department shall
15 cause an investigation to be made as it deems to be appropriate.
16 In conducting the investigation, the department 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) Interview the alleged perpetrator and all adults
12 living in the family home and if an interview is
13 conducted, the interview shall be recorded by video or
14 audio and shall be saved in the case file and included
15 in any petition for removal;
- 16 [~~4~~] (5) Resolve the matter in an informal fashion that it
17 deems appropriate under the circumstances;
- 18 [~~5~~] (6) Close the matter if the department finds, after
19 an assessment, that the child is residing with a
20 caregiver who is willing and able to meet the child's



1 needs and provide a safe and appropriate placement for
2 the child;

3 [~~(6)~~] (7) Immediately enter into a service plan to:

4 (A) Safely maintain the child in the family home; or

5 (B) Place the child in voluntary foster care pursuant
6 to a written agreement with the child's parent.

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

18 [~~(7)~~] (8) Assume temporary foster custody of the child and
19 file a petition with the court within three days,
20 excluding Saturdays, Sundays, and holidays, after the
21 date on which the department assumes temporary foster



1 custody of the child, with placement preference being
2 given to an approved relative;

3 [~~8~~] (9) File a petition or ensure that a petition is
4 filed by another appropriate authorized agency in
5 court under this chapter; or

6 [~~9~~] (10) File a petition pursuant to section 587A-12 and
7 seek an order for protective custody if there is
8 reasonable cause to believe that the child is subject
9 to imminent harm, as follows:

10 (A) The department may contemporaneously file an ex
11 parte motion for protective custody and the court
12 may issue an order for protective custody without
13 notice and without a hearing;

14 (B) If an ex parte motion for protective custody is
15 filed contemporaneously with a petition pursuant
16 to this paragraph, the initial reports in
17 section 587A-18(b) (1) and (2) shall not be
18 required at the time the petition is filed;
19 provided that the ex parte motion shall be
20 accompanied by a written declaration setting
21 forth the facts establishing reasonable cause to



1 believe that a child is subject to imminent harm.

2 The initial reports required by
3 section 587A-18(b) (1) and (2) shall be filed on
4 or before the next hearing date unless required
5 sooner by the court;

6 (C) If the court finds reasonable cause to believe
7 that the child is subject to imminent harm, the
8 court shall issue a written order that a police
9 officer immediately take the child into
10 protective custody and transfer custody of the
11 child to the department, which will then assume
12 temporary foster custody of the child pursuant to
13 section 587A-8(b);

14 (D) If an order for protective custody is issued
15 under this paragraph, the court shall order that
16 a police officer make every reasonable effort to
17 personally serve the child's parents and any
18 person who has physical custody of the child with
19 copies of the ex parte motion and order; and



1 (E) After the court rules on the ex parte motion, the
2 case shall proceed pursuant to
3 section 587A-12(c)."

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

6 SECTION 3. This Act shall take effect on July 1, 2025.

7

INTRODUCED BY: *Jametta DeCote*



S.B. NO. 1605

Report Title:

Child Protective Act; Adult Interviews; Recording; DHS

Description:

Provides that investigative powers of the Department of Human Services under the Child Protective Act include interviews of adults living in the family home and the alleged perpetrator in the; Requires DHS to record and save adult interviews conducted as part of an investigation of a report of harm, threatened harm, or imminent harm to a child and to include recorded adult interviews in any filed petition for removal.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

