

JAN 17 2025

A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

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

1 SECTION 1. Section 350-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Director" means the director of human services."

5 SECTION 2. Section 350-1.1, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) The initial oral report shall be followed as soon as
8 possible by a report in writing to the department; provided
9 that:

10 (1) If a police department or the department of law
11 enforcement is the initiating agency, a written report
12 shall be filed with the department for cases that the
13 police or the department of law enforcement takes
14 further action on or for active cases in the
15 department under this chapter;

16 (2) All written reports shall contain the name and address
17 of the child and the child's parents or other persons



1 responsible for the child's care, if known[7]; the
2 military status of the child's parents or other
3 persons responsible for the child's care, if known;
4 the child's age[7]; the nature and extent of the
5 child's injuries[7]; and any other information that
6 the reporter believes might be helpful or relevant to
7 the investigation of the child abuse or neglect; and
8 (3) This subsection shall not be construed to serve as a
9 cause of action against the department, the police, or
10 the department of law enforcement."

11 SECTION 3. Section 350-2, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§350-2 Action on reporting.** (a) Upon receiving a report
14 concerning child abuse or neglect, the department shall proceed
15 pursuant to chapter 587A and the department's rules.

16 (b) The department shall inform the appropriate police
17 department of all reports received by the department regarding a
18 case of child abuse or neglect, including reports received under
19 section 350-1.1; provided that the name of the person who
20 reported the case of child abuse or neglect shall be released to



1 the police department pursuant only to court order or the
2 person's consent.

3 (c) As soon as practicable after receiving a report
4 concerning child abuse or neglect, the department shall make
5 efforts to determine the military status of the person
6 implicated. If the department determines that the person
7 implicated is a member of the United States military, the
8 department shall notify the appropriate Department of Defense
9 family advocacy program that the person has been implicated
10 regarding child abuse or neglect and is the subject of an open
11 investigation.

12 [~~e~~] (d) The department shall inform the appropriate
13 police department or office of the prosecuting attorney of the
14 relevant information concerning a case of child abuse or neglect
15 when the information is required by the police department or the
16 office of the prosecuting attorney for the investigation or
17 prosecution of that case; provided that the name of the person
18 who reported the case of child abuse or neglect shall be
19 released to the police department or the office of the
20 prosecuting attorney pursuant only to court order or the
21 person's consent.



1 [~~(d)~~] (e) The department shall maintain a central registry
2 of reported child abuse or neglect cases and shall promptly
3 expunge the reports in cases if:

4 (1) The report is determined not confirmed by the
5 department, an administrative hearing officer, or a
6 Hawaii state court on appeal; or

7 (2) The petition arising from the report has been
8 dismissed by order of the family court after an
9 adjudicatory hearing on the merits pursuant to chapter
10 587A.

11 Records and information contained in a report that is
12 expunged may be retained by the department solely for future
13 risk and safety assessment purposes.

14 [~~(e)~~] (f) For a confirmed case of child abuse or neglect
15 that occurred at a licensed or registered child care facility as
16 defined in section 346-151, the department is authorized to
17 disclose that the report of child abuse or neglect was confirmed
18 to any parent or guardian of a child who was enrolled at the
19 licensed or registered child care facility as defined in section
20 346-151.



1 [~~(f)~~] (g) For a confirmed case of child abuse or neglect
2 that occurred at a child care facility as defined in section
3 346-151 that is operating in accordance with an exclusion or
4 exemption pursuant to section 346-152 and upon receipt of
5 consent, the department is authorized to disclose the report of
6 child abuse or neglect was confirmed to any parent or guardian
7 of a child who was enrolled at the child care facility.

8 [~~(g)~~] (h) For a confirmed case of child abuse or neglect
9 that results in a child's death or near fatality, the department
10 is authorized to disclose to the public:

- 11 (1) The cause of and circumstances regarding the fatality
12 or near fatality;
- 13 (2) The age and gender of the child;
- 14 (3) Information describing any previous reports and
15 results of child abuse or neglect investigations that
16 are pertinent to the child abuse or neglect that led
17 to the fatality or near fatality; and
- 18 (4) The action taken by the department on behalf of the
19 child that is pertinent to the child abuse or neglect
20 that led to the fatality or near fatality.



1 ~~[(h)]~~ (i) The department shall adopt rules as may be
2 necessary in carrying out this section."

SECTION 4. No later than _____, the director of human services shall adopt or amend rules, pursuant to chapter 91, Hawaii Revised Statutes to authorize the disclosure to Department of Defense family advocacy groups any reported instances of child abuse or neglect involving a member of the United States military, as required by section 350-2(c), Hawaii Revised Statutes.

SECTION 5. This Act does not affect rights and duties that
matured, penalties that were incurred, and proceedings that were
begun before its effective date.

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

SB LRB 25-0157.docx



Report Title:

DOD; DHS; Child Protection; United States Military; Mandatory Reporting

Description:

Requires mandatory reports of child abuse or neglect to include the military status of the child's parent or guardian, if known. Requires the Department of Human Services to make efforts to determine the military status of a person implicated in child abuse or neglect and to inform the appropriate Department of Defense family advocacy program of an open investigation of a member of the United States military. Requires the Director of Human Services to amend or adopt rules, to authorize the disclosure to Department of Defense family advocacy programs any allegations of child and abuse or neglect involving a member of the United States military.

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

