
A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

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

1 SECTION 1. Section 350-1.1, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

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

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

12 (2) All written reports shall contain the name and address
13 of the child and the child's parents or other persons
14 responsible for the child's care, if known[7]; the
15 military status of the child's parents or other
16 persons responsible for the child's care, if known;
17 the child's age[7]; the nature and extent of the



1 child's injuries[~~7~~]; and any other information that
2 the reporter believes might be helpful or relevant to
3 the investigation of the child abuse or neglect; and

4 (3) This subsection shall not be construed to serve as a
5 cause of action against the department, the police, or
6 the department of law enforcement."

7 SECTION 2. Section 350-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§350-2 Action on reporting.** (a) Upon receiving a report
10 concerning child abuse or neglect, the department shall proceed
11 pursuant to chapter 587A and the department's rules.

12 (b) The department shall inform the appropriate police
13 department of all reports received by the department regarding a
14 case of child abuse or neglect, including reports received under
15 section 350-1.1; provided that the name of the person who
16 reported the case of child abuse or neglect shall be released to
17 the police department pursuant only to court order or the
18 person's consent.

19 (c) Upon receiving a report, if there is sufficient
20 information to determine that the report involves a family where
21 one of the parents, guardians, or alleged perpetrators is a



1 member of an identifiable branch of the United States military,
2 the department shall inform the appropriate authority for that
3 branch of the military.

4 ~~[(e)]~~ (d) The department shall inform the appropriate
5 police department or office of the prosecuting attorney of the
6 relevant information concerning a case of child abuse or neglect
7 when the information is required by the police department or the
8 office of the prosecuting attorney for the investigation or
9 prosecution of that case; provided that the name of the person
10 who reported the case of child abuse or neglect shall be
11 released to the police department or the office of the
12 prosecuting attorney pursuant only to court order or the
13 person's consent.

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

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

20 (2) The petition arising from the report has been
21 dismissed by order of the family court after an



1 adjudicatory hearing on the merits pursuant to
2 chapter 587A.

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

6 ~~[(+e)]~~ (f) For a confirmed case of child abuse or neglect
7 that occurred at a licensed or registered child care facility as
8 defined in section 346-151, the department is authorized to
9 disclose that the report of child abuse or neglect was confirmed
10 to any parent or guardian of a child who was enrolled at the
11 licensed or registered child care facility as defined in
12 section 346-151.

13 ~~[(+f)]~~ (g) For a confirmed case of child abuse or neglect
14 that occurred at a child care facility as defined in
15 section 346-151 that is operating in accordance with an
16 exclusion or exemption pursuant to section 346-152 and upon
17 receipt of consent, the department is authorized to disclose the
18 report of child abuse or neglect was confirmed to any parent or
19 guardian of a child who was enrolled at the child care facility.



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

4 (1) The cause of and circumstances regarding the fatality
5 or near fatality;

6 (2) The age and gender of the child;

7 (3) Information describing any previous reports and
8 results of child abuse or neglect investigations that
9 are pertinent to the child abuse or neglect that led
10 to the fatality or near fatality; and

11 (4) The action taken by the department on behalf of the
12 child that is pertinent to the child abuse or neglect
13 that led to the fatality or near fatality.

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

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on December 31,
2 2050; provided that section 2 shall take effect on June 30,
3 2025.



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 inform the appropriate authority of the United States military when, upon receiving a report of child abuse or neglect, there is sufficient information to determine that the report involves a family where one of the parents, guardians, or alleged perpetrators is a member of an identifiable branch of the United States military. Effective 12/31/2050. (SD2)

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

