
A BILL FOR AN ACT

RELATING TO AGGRAVATED CIRCUMSTANCES IN CHILD PROTECTIVE PROCEEDINGS.

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

1 SECTION 1. Section 587A-4, Hawaii Revised Statutes, is
2 amended by amending the definition of "aggravated circumstances"
3 to read as follows:

4 " "Aggravated circumstances" means that:

5 (1) The parent has murdered, or has solicited, aided,
6 abetted, attempted, or conspired to commit the murder
7 or voluntary manslaughter of, another child of the
8 parent;

9 (2) The parent has committed a felony assault that results
10 in serious bodily injury to the child or another child
11 of the parent;

12 (3) The parent's rights regarding a sibling of the child
13 have been judicially terminated or divested;

14 (4) The family court, or another court of competent
15 jurisdiction, has found that the parent has tortured
16 the child[+], as described in the offense of torture



1 under section 707-718; provided that a conviction for
2 that offense shall not be required for a court to make
3 a finding under this paragraph;

- 4 (5) The child is an abandoned infant;
5 (6) The parent has committed sexual abuse against another
6 child of the parent; or
7 (7) The parent is required to register with a sex offender
8 registry under section 113(a) of the Adam Walsh Child
9 Protection and Safety Act of 2006, title 42 United
10 States Code section 16913(a)."

11 SECTION 2. Section 587A-28, Hawaii Revised Statutes, is
12 amended by amending subsection (e) to read as follows:

13 "(e) If the court finds that the child's physical or
14 psychological health or welfare has been harmed or is subject to
15 threatened harm by the acts or omissions of the child's family,
16 the court:

- 17 (1) Shall enter a finding that the court has jurisdiction
18 pursuant to section 587A-5;
19 (2) Shall enter a finding regarding whether, before the
20 child was placed in foster care, the department made



1 reasonable efforts to prevent or eliminate the need to
2 remove the child from the child's family home;

3 (3) Shall enter orders:

4 (A) That the child be placed in foster custody if the
5 court finds that the child's remaining in the
6 family home is contrary to the welfare of the
7 child and the child's parents are not willing and
8 able to provide a safe family home for the child,
9 even with the assistance of a service plan; or

10 (B) That the child be placed in family supervision if
11 the court finds that the child's parents are
12 willing and able to provide the child with a safe
13 family home with the assistance of a service
14 plan;

15 (4) Shall determine whether aggravated circumstances are
16 present.

17 (A) If aggravated circumstances are present, the
18 court shall:

19 (i) Conduct a permanency hearing within thirty
20 days, and the department shall not be
21 required to provide the child's parents with



an interim service plan or interim visitation; and

(ii) Order the department to file, within sixty days after the court's finding that aggravated circumstances are present, a motion to terminate parental rights unless the department has documented in the safe family home factors or other written report submitted to the court a compelling reason why it is not in the best interest of the child to file a motion.

(B) If aggravated circumstances are not present or there is a compelling reason why it is not in the best interest of the child to file a motion to terminate parental rights, the court shall order that the department make reasonable efforts to reunify the child with the child's parents and order an appropriate service plan[†].

(C) Whether or not the court finds that aggravated circumstances are present during the return hearing, at any other time during the case prior



1 to the termination of parental rights, the court
2 may, on its own motion or upon the motion of any
3 party, order an evidentiary hearing to determine
4 whether aggravated circumstances are present. A
5 party shall file the motion as soon as possible
6 but no later than twenty-one days from its
7 determination that aggravated circumstances
8 exist. If the court finds that aggravated
9 circumstances are present under this
10 subparagraph, then all applicable portions of
11 subparagraphs (A) and (B) shall apply;

- 12 (5) Shall order reasonable supervised or unsupervised
13 visits for the child and the child's family, including
14 with the child's siblings, unless such visits are
15 determined to be unsafe or detrimental to, and not in
16 the best interests of, the child;
17 (6) Shall order each of the child's birth parents to
18 complete the medical information forms and release the
19 medical information required under section 578-14.5,
20 to the department. If the child's birth parents
21 refuse to complete the forms or to release the



- 1 information, the court may order the release of the
2 information over the parents' objections;
- 3 (7) Shall determine whether each party understands that
4 unless the family is willing and able to provide the
5 child with a safe family home, even with the
6 assistance of a service plan, within the reasonable
7 period of time specified in the service plan, their
8 respective parental and custodial duties and rights
9 shall be subject to termination;
- 10 (8) Shall determine the child's date of entry into foster
11 care as defined in this chapter;
- 12 (9) Shall set a periodic review hearing to be conducted no
13 later than six months after the date of entry into
14 foster care and a permanency hearing to be held no
15 later than twelve months after the date of entry into
16 foster care;
- 17 (10) Shall set a status conference, as the court deems
18 appropriate, to be conducted no later than ninety days
19 after the return hearing; and
- 20 (11) May order that:



- (A) Any party participate in, complete, be liable for, and make every good faith effort to arrange payment for such services or treatment as are authorized by law and that are determined to be in the child's best interests;
 - (B) The child be examined by a physician, surgeon, psychiatrist, or psychologist; and
 - (C) The child receive treatment, including hospitalization or placement in other suitable facilities, as is determined to be in the child's best interests."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY:

By Request

JAN 23 2026



H.B. NO. 2096

Report Title:

Judiciary Package; Family Courts; Child Protective Proceedings; Aggravated Circumstances Hearings

Description:

Expands the authority of the family court in child protective proceedings to find that aggravated circumstances are present at any stage prior to the termination of parental rights, not only at the outset of the case or the return hearing. Specifies what acts of torture against a child constitute aggravated circumstances.

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