

ACT 17

S.B. NO. 1240

A Bill for an Act Relating to Child Abuse.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 350-1.1, Hawaii Revised Statutes, is amended to read as follows:

“§350-1.1 Reports. (a) The following persons who, in the performance of their professional or official duties, know or have reason to believe that a child has been abused or neglected or is threatened with abuse or neglect shall promptly report the matter orally to the department of social services and housing or to the police department:

- (1) Any licensed or registered professional of the healing arts and any health-related occupation who examines, attends, treats, or provides other professional or specialized services to a minor, including but not limited to physicians, psychologists, dentists, nurses, pharmacists, and other health-related professionals;
- (2) Employees or officers of any public or private school;
- (3) Employees or officers of any public or private agency or institution providing social, medical, hospital, or mental health services, including financial assistance;
- (4) Employees or officers of any law enforcement agency, including but not limited to the courts, police departments, correctional institutions, and parole or probation offices;
- (5) Employees or officers of any licensed day care center, foster care home, group child care center, or similar institution;
- (6) Medical examiners or coroners.

(b) Whenever a person designated in this section is a member of the staff of any public or private school, agency, or institution, that staff member shall immediately notify the person in charge, or a designated delegate, who shall promptly report, or cause reports to be made, in accordance with this chapter. Nothing in this section is intended to require more than one report from any school, agency, or institution.

(c) This section does not prohibit any of the persons enumerated in subsection (a) from reporting incidents which such persons have reason to believe involve abuse or neglect which come to their attention in any private or non-professional capacity.

(d) Any other person who has reason to believe that a minor has been abused or neglected or is threatened with abuse or neglect may report the matter orally to the department[.] of social services and housing or to the police department.

(e) The initial oral report shall be followed as soon thereafter as possible by a report in writing; provided that where a police department is the initiating agency a written report shall not be required to be filed with the department of social services and housing unless the police department has declined to take further action and the department of social services and housing informs the police department that it intends to pursue the matter of the orally reported incident of child abuse or neglect. All written reports shall contain the name and address of the minor and the minor's parents or other persons responsible for the minor's care, if known, the minor's age, the nature and extent of the minor's injuries and any other information that the reporter believes might be helpful in establishing the cause of the injuries.

(f) The director of social services may adopt, amend, or repeal rules, subject to chapter 91, to further define or clarify the specific forms of child abuse and neglect enumerated in section 350-1 for use in implementing this chapter; provided that rules adopted under this subsection shall be limited to such further or clarifying definitions."

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

"[[§350-7[]] Nonreporting; penalty. Any person subject to section 350-1.1(a) who knowingly fails to provide additional information as required by section 350- , or who knowingly fails to report an incident which the person has reason to believe involves child abuse or neglect as required by this chapter or wilfully prevents another person from reporting such an incident pursuant to this chapter shall be guilty of a petty misdemeanor."

SECTION 3. Chapter 350, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§350- Additional information. Any person subject to section 350-1.1(a) shall, upon demand of the department of social services and housing or any police department, provide all information related to the alleged incident of child abuse, including but not limited to medical records and medical reports, which was not stated in the written report required by section 350-1.1(e)."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved April 13, 1985.)

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Note

1. Edited pursuant to HRS §23G-16.5.