

ACT 169

S.B. NO. 2474-86

A Bill for an Act Relating to the Children's Advocacy Program.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
CHILDREN'S ADVOCACY PROGRAM**

§ -1 Children's advocacy program; establishment, purpose. (a) There is established a children's advocacy program within the judiciary.

(b) The purpose of the program shall be to:

- (1) Develop, achieve, and maintain interagency and interprofessional cooperation and coordination in the case management of intrafamilial and extrafamilial child sex abuse cases;
- (2) Obtain evidence useful for both criminal prosecution as well as protective action in civil proceedings;
- (3) Reduce to the absolute minimum the number of interviews of child sex abuse victims so as to minimize revictimization of the child;
- (4) Coordinate the therapeutic and treatment program for child sex abuse victims and their families;
- (5) Provide for a multidisciplinary team and case management approach which is focused first, on the alleged or suspected child sex abuse victim's needs and conditions; second, on the family members who are supportive of the child and whose interests are consistent with the best interests of the child; and third, on law enforcement and prosecutorial needs;
- (6) Provide for the training and continuing education of skilled professional interviewers of child sex abuse victims; and
- (7) Serve as the focus of information and referral for child sex abuse programs.

§ -2 Definition of child sexual abuse. For the purpose of this chapter, “child sexual abuse” means any of the offenses described under chapter 707, part V, when committed on a person under the age of sixteen years or as is set forth in paragraph (2) of the definition of harm in section 587-2.

§ -3 Director, program administrative staff. The program shall be headed by a director appointed by the administrative director of the courts. The director and administrative staff shall be subject to chapters 76 and 77.

§ -4 Duties of the director. The director shall:

- (1) Enter into agreements with police departments, departments of the prosecuting attorneys and county corporation counsels, the departments of the attorney general, health, social services and housing,

- and other public and private agencies, including agreements for the temporary assignment of appropriate personnel from each agency to the program;
- (2) Enter into contracts for the provision of specialized training and continuing education for interviewers of child sex abuse victims from both public and private agencies;
 - (3) Arrange for the conduct of interviews of child sex abuse victims at the child's home or other appropriate setting, to include the selection of the interviewer for each child sex abuse victim;
 - (4) Coordinate the therapeutic and treatment services by public and private agencies for child sex abuse victims;
 - (5) Coordinate the flow of information between the agencies responsible for criminal prosecution and those agencies responsible for protective action in civil proceedings;
 - (6) Arrange for the exchange of information, to include statistical data from public and private agencies involved in child sex abuse programs and issues;
 - (7) Develop recommendations and plans for action to assist the public and private agencies involved in child sex abuse cases; and
 - (8) Prepare and maintain records and reports for the program.

§ -5 Admissibility of evidence. Any evidence gathered at the center shall be gathered in such manner so as to be admissible as evidence at a judicial proceeding.

§ -6 Investigatory function. The center shall not have any law enforcement or prosecutorial functions, but shall investigate any alleged or suspected case of child sexual abuse in such a manner as to best ascertain the validity of the allegations or suspicions and if such are determined invalid, the underlying family problems, if any, which resulted in such invalid allegations or suspicions being made; provided that this provision shall not prevent the center from cooperating with any individual or public or private entity in such manner as the center determines to be in the best interests of the child."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary for fiscal year 1986-1987, for the purposes of this Act. The sum appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 1986.

(Approved May 17, 1986.)