

ACT 210

S.B. NO. 2165

A Bill for an Act Relating to Child Abuse and Protection.

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

SECTION 1. The Child Abuse Prevention and Treatment Act (CAPTA, Public Law 93-247) was enacted by Congress in 1974 to create a focal point within the federal government to identify and address the issues of child abuse and neglect, and to support effective methods of prevention and treatment. The Keeping Children and Families Safe Act of 2003 (Public Law 108-36) reauthorized CAPTA to help states improve practices in preventing and treating child abuse and neglect, including a basic grant program for improving state child protective services. Of particular relevance to Hawaii are the newly enacted federal provisions requiring states to enact by law or to operate an administrative program regarding health care of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

The purpose of this Act is to enhance the medical treatment of drug-addicted newborn infants and the appropriate referrals for their families, and to require the department of human services to seek federal grants.

SECTION 2. Chapter 587, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§587- Drug-affected infants; treatment; family referral; federal grants. (a) In conformity to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) as amended by the Keeping Children and Families Safe Act of 2003 (Public Law 108-36), the department of human services shall implement and operate a statewide program relating to child abuse and neglect that includes:

- (1) Policies and procedures, including but not limited to appropriate referrals to child protective service systems and other appropriate services, to address the needs of infants born and identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, including a requirement that health care providers involved in the delivery or care of an affected infant notify child protective services of the occurrence of the condition in the infant; provided that the notification shall not be construed to require criminal prosecution for any illegal action;
- (2) Development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms; and
- (3) Triage procedures for the appropriate referral to a community organization or voluntary preventive service for a child who is not at-risk of imminent harm and for the child’s family.

(b) The department of human services, under the Keeping Children and Families Safe Act of 2003 and subsequent federal laws, shall:

- (1) Seek available federal grants and prepare and submit a state plan for the purposes thereof;
- (2) Ensure that federal reporting requirements are adhered to; and
- (3) Adopt rules pursuant to chapter 91 necessary to obtain grants.”

SECTION 3. New statutory material is underscored.¹

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

(Approved July 12, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.