

ACT 176

H.B. NO. 1650

A Bill for an Act Relating to Child Safety.

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

SECTION 1. Section 350-2, Hawaii Revised Statutes, is amended to read as follows:

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

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

(c) The department shall inform the appropriate police department or office of the prosecuting attorney of the relevant information concerning a case of child abuse or neglect when the information is required by the police department or the office of the prosecuting attorney for the investigation or prosecution of that case; provided that the name of the person who reported the case of child abuse or neglect shall be released to the police department or the office of the prosecuting attorney pursuant only to court order or the person’s consent.

(d) The department shall maintain a central registry of reported child abuse or neglect cases and shall promptly expunge the reports in cases if:

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

- (2) The petition arising from the report has been dismissed by order of the family court after an adjudicatory hearing on the merits pursuant to chapter 587A.

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

(e) For a confirmed case of child abuse or neglect that occurred at a licensed or registered child care facility as defined in section 346-151, the department is authorized to disclose that the report of child abuse or neglect was confirmed to any parent or guardian of a child who was enrolled at the licensed or registered child care facility as defined in section 346-151.

(f) For a confirmed case of child abuse or neglect that occurred where a child is provided care, as defined in section 346-151, in accordance with an exclusion or exemption pursuant to section 346-152 and upon receipt of the consent of the child care provider, the department is authorized to disclose that the report of child abuse or neglect was confirmed to any parent or guardian of a child who was enrolled at the licensed or registered child care facility as defined in section 346-151.

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

- (1) The cause of and circumstances regarding the fatality or near fatality;
- (2) The age and gender of the child;
- (3) Information describing any previous reports and results of child abuse or neglect investigations that are pertinent to the child abuse or neglect that led to the fatality or near fatality; and
- (4) The action taken by the department on behalf of the child that is pertinent to the child abuse or neglect that led to the fatality or near fatality.

(h) The department shall adopt rules as may be necessary in carrying out this section."

SECTION 2. (a) There is established a working group to be placed in the department of human services for administrative purposes. The working group shall review laws, rules, and procedures relating to the coordination of investigations and enforcement efforts of the child welfare services branch and child care licensing program to improve child care safety in child care settings.

(b) The following individuals shall serve as members of the working group:

- (1) The director of human services or the director's designee;
- (2) The administrator of the child welfare services branch or the administrator's designee;
- (3) A representative from the child care licensing program designated by the administrator of the benefit, employment and support services division;
- (4) Four representatives from the department of the attorney general, to be designated by the attorney general, specifically:
 - (A) One representative who specializes in criminal prosecution;
 - (B) One representative who specializes in child welfare;
 - (C) One representative who specializes in child care licensing administration; and
 - (D) One representative who specializes in criminal investigations;
- (5) The prosecuting attorney of the city and county of Honolulu or the prosecuting attorney's designee;

- (6) A representative from each of the county police departments in the State;
 - (7) Four community advocates designated by the director of human services; and
 - (8) A representative from the United States Department of Defense Family Advocacy program.
- (c) Members of the working group shall serve without compensation and without reimbursement for expenses.
- (d) The working group shall be exempt from chapter 92, Hawaii Revised Statutes.
- (e) The working group shall submit a report of findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular sessions of 2019 and 2020.
- (f) The working group shall cease to exist on January 30, 2020.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2018.

(Approved July 10, 2018.)