

ACT 26

H.B. NO. 975

A Bill for an Act Relating to Reports of Child Abuse.

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

SECTION 1. The legislature finds that the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247), as amended, provides federal funding to states for prevention, assessment, investigation, prosecution, and treatment activities for child abuse and neglect. On January 7, 2019, the Victims of Child Abuse Act Reauthorization Act of 2018 (P.L. 115-424), was enacted, further amending certain provisions of the Child Abuse Prevention and Treatment Act. The 2019 amendment provides immunity from civil and criminal liability “for individuals making good faith reports of suspected or known instances of child abuse or neglect, or who otherwise provide information or assistance, including medical evaluations or consultations, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect.”

The legislature further finds that due to the impact of the coronavirus disease 2019 pandemic on the Hawaii state legislature’s regular session of 2020, the Children’s Bureau of the Administration for Children and Families of the United States Department of Health and Human Services, granted the department of human services an extension until June 30, 2021, to bring Hawaii’s law into compliance with federal law.

The purpose of this Act is to bring state law into compliance with the most recent amendments to the Child Abuse Prevention and Treatment Act by no later than June 30, 2021.

SECTION 2. Section 350-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might be otherwise incurred or imposed by or as a result of the making of such report[-], including persons who otherwise provide information or assistance, including medical evaluations or consultation, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on June 30, 2021.

(Approved May 28, 2021.)