

# H .B. NO. 2364

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## A BILL FOR AN ACT

RELATING TO CHILD ABUSE OR NEGLECT REPORTING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The intent of the legislature is to ensure the  
2 safety of children through timely reporting of child abuse or  
3 neglect.

4           The purpose of this bill is to strengthen the child abuse  
5 reporting statute to ensure that instances of known or suspected  
6 child abuse or neglect are reported without delay by requiring  
7 the staff at a public or private school, agency, or institution,  
8 who observe the abuse or neglect, to report the abuse or neglect  
9 directly to the department of human services or the police.  
10 This direct reporting will also ensure that the best evidence of  
11 abuse or neglect is obtained.

12           SECTION 2. Section 350-1.1, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14           "(b) Whenever a person designated in subsection (a) is a  
15 member of the staff of any public or private school, agency, or  
16 institution, that staff member shall immediately report the  
17 known or suspected child abuse or neglect directly to the  
18 department of human services or to the police and shall

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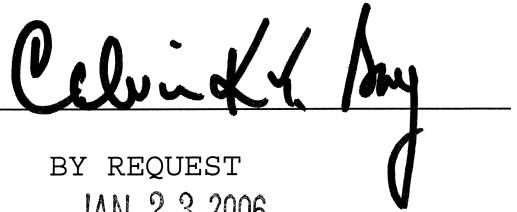
1 immediately notify the person in charge [~~7~~] or a designated  
2 delegate [~~7, who shall immediately report, or cause reports to be~~  
3 ~~made~~] of such report in accordance with this chapter."

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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY:

  
BY REQUEST  
JAN 23 2006

## JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING.

PURPOSE: The purpose of this bill is to require mandated reporters who are staff members of a public or private school, agency, or institution who, in their professional capacity, have reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that a child may be abused or neglected in the foreseeable future, to immediately report the abuse or neglect directly to the department of human services or the police, in accordance with chapter 350, Hawaii Revised Statutes.

MEANS: Amend section 350-1.1(b), Hawaii Revised Statutes.

JUSTIFICATION: Currently, the law requires that the staff member of any public or private school, agency, or institution immediately report any known or suspected child abuse or neglect to the person in charge or to a designated delegate, who then is responsible for making the report to the department of human services or to the police. This indirect reporting has resulted in at least one known incident of a public school teacher's report of suspected abuse not being reported by the school principal to the department or the police, and the child was subsequently horribly beaten and maimed and nearly died. This amendment will ensure that instances of known or suspected child abuse or neglect will be reported directly by those who observe it and

without delay as required by law. This will ensure that the best evidence of abuse or neglect is obtained because it is reported directly by those who observe it.

Impact on the public: Safety of children will be ensured with instances of known or suspected child abuse or neglect being reported without delay directly by those who observe it.

Impact on the department or other agencies: Public and private schools, agencies and other institutions will need to revise procedures that require their staff to only report to the principal or designated delegate. Staff will also need to be trained in the new procedures. Medical care costs and possible lawsuits brought as a result of failure to report abuse or neglect can be avoided.

GENERAL FUNDS: -0-

OTHER FUNDS: -0-

PPBS PROGRAM  
DESIGNATION: HMS 301

OTHER AFFECTED  
AGENCIES: Public and private schools, agencies and other institutions.

EFFECTIVE DATE: Upon approval.