
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. In light of recent violent events and the
2 tragic death of a child, the legislature finds that timeliness
3 is of the essence with investigations of alleged drug abuse in
4 the home of a child. There have been cases where drug use in
5 the home of a child was reported, but there was no immediate
6 response by a government agency to investigate the report of
7 alleged drug use.

8 The purpose of this Act is to further protect children who
9 may be in a household where drugs are used by requiring:

10 (1) The department of human services to conduct an
11 investigation within 24 hours of receiving a report of
12 alleged drug use in the home of a child;

13 (2) A parent or legal guardian to be free of drug use for
14 at least 60 days prior to being allowed visitation
15 rights with a child; and

16 (3) A parent or legal guardian to successfully participate
17 in substance abuse treatment for at least one year
18 prior to being awarded full custody of a child.



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

4 "PART . PARENT SUBSTANCE USE

5 §587- Investigation. (a) Upon receiving a report that
6 a parent, guardian, or legal custodian of a child may be abusing
7 substances when a child is present, the department shall conduct
8 an investigation within twenty-four hours of the reported
9 allegation of substance abuse. If the department finds that the
10 parent, guardian, or legal custodian has tested positive for
11 illegal drug use and that the child is placed in imminent harm
12 because of the substance abuse, the department shall immediately
13 place the child in foster custody.

14 (b) Any child who is placed in foster custody under this
15 section may be allowed to have visitation from the parent,
16 guardian, or legal custodian; provided that no visitation shall
17 be allowed for a minimum of sixty days unless the department
18 finds that the parent, guardian, or legal custodian has tested
19 negative for illegal drug use.

20 (c) For purposes of this part, "abuse" means the misuse of
21 a substance or the use of a substance to an extent deemed



1 deleterious or detrimental to the user, to others, or to
2 society.

3 **§587- Substance abuse treatment.** The department shall
4 require a parent or legal custodian to successfully participate
5 in a drug treatment program for a minimum of one year before the
6 parent, guardian, or legal custodian may regain full custody of
7 the child.

8 **§587- Rules.** The department may adopt rules in
9 accordance with chapter 91 to implement this part."

10 SECTION 3. This Act shall take effect on July 1, 2008.



Report Title:

Child Custody; Parent Drug Use

Description:

Requires the Department of Human Services to investigate reports of drug use by a parent or legal custodian in the home of a child within 24 hours. Requires a parent or legal custodian to be drug free for at least 60 days prior to being allowed visitation with a child, and to participate in substance abuse treatment for at least one year before being awarded full custody of a child. (PROPOSED HB2596 HD1)

