
A BILL FOR AN ACT

RELATING TO MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT.

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

1 SECTION 1. Currently, the law does not require family
2 members to immediately report any known or suspected child abuse
3 or neglect to the department or the police. In many instances,
4 the family has first-hand knowledge of abuse or neglect
5 situations within their family not available to other persons
6 who have no interactions within the family. However, because of
7 the family connections, the abuse or neglect is not reported,
8 sometimes resulting in serious health and safety consequences
9 for the child.

10 The inclusion of family members as mandated reporters of
11 child abuse or neglect will help ensure that instances of known
12 child abuse or neglect will be reported directly to child
13 welfare services or the police by those who observe it and
14 without delay.

15 This will also ensure that the best evidence of abuse or
16 neglect is obtained because it is reported directly by those who
17 observe which will provide child welfare services and the police



1 the opportunity to intervene to ensure the safety and well-being
2 of children.

3 SECTION 2. Section 350-1.1, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Notwithstanding any other state law concerning
6 confidentiality to the contrary, the following persons who, in
7 their professional or official capacity, have reason to believe
8 that child abuse or neglect has occurred or that there exists a
9 substantial risk that child abuse or neglect may occur in the
10 reasonably foreseeable future, shall immediately report the
11 matter orally to the department or to the police department:

12 (1) Any licensed or registered professional of the healing
13 arts or any health-related occupation who examines,
14 attends, treats, or provides other professional or
15 specialized services, including ~~[but not limited to]~~
16 physicians, ~~[including]~~ physicians in training,
17 psychologists, dentists, nurses, osteopathic
18 physicians and surgeons, optometrists, chiropractors,
19 podiatrists, pharmacists, and other health-related
20 professionals;

21 (2) Employees or officers of any public or private school;



- 1 (3) Employees or officers of any public or private agency
2 or institution, or other individuals, providing
3 social, medical, hospital, or mental health services,
4 including financial assistance;
- 5 (4) Employees or officers of any law enforcement agency,
6 including [~~but not limited to~~] the courts, police
7 departments, department of public safety, correctional
8 institutions, and parole or probation offices;
- 9 (5) Individual providers of child care, or employees or
10 officers of any licensed or registered child care
11 facility, foster home, or similar institution;
- 12 (6) Medical examiners or coroners; [~~and~~]
- 13 (7) Employees of any public or private agency providing
14 recreational or sports activities[~~-~~]; and
- 15 (8) Any family member as defined in section 587-2 who has
16 reached the age of majority and who has knowledge that
17 child abuse or neglect is occurring or has knowledge
18 that the child has been harmed due to abuse or
19 neglect; provided that victims of domestic violence
20 shall not be required to report child abuse or neglect
21 under this section if the alleged perpetrator is



1 actively abusing both the child and the family
2 member."

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

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



Report Title:

Child Abuse and Neglect; Family Members; Mandated Reporting

Description:

Broadens the group of persons required to report child abuse and neglect to include family members unless they are victims of domestic violence. (HB3133 HD1)

