
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 PART I

2 SECTION 1. (a) The chair of the senate committee on human
3 services and public housing and the chair of the house of
4 representatives committee on human services shall convene a
5 temporary statewide task force on system responses to cases of
6 child sexual assault and exploitation. The purpose of the task
7 force shall be to review, assess, and make recommendations on
8 Hawaii's system responses to cases regarding:

- 9 (1) Child sexual abuse, assault, and exploitation;
10 (2) Sexually reactive children;
11 (3) Youth who sexually offend; and
12 (4) Related minor-to-minor incest.

13 The task force shall also consider associated issues, including
14 Internet crimes against children, child pornography, and child
15 trafficking in its discussions.



1 (b) In addition to the co-convenors, as specified under
2 subsection (a), the task force shall consist of representatives
3 from each of the following:

- 4 (1) The judiciary;
- 5 (2) The Children's Justice Center;
- 6 (3) The county police department for each county;
- 7 (4) The department of human services;
- 8 (5) The department of health;
- 9 (6) The department of education;
- 10 (7) The prosecutor's office for each county;
- 11 (8) The department of the attorney general;
- 12 (9) Children's Alliance of Hawaii;
- 13 (10) Child and Family Service;
- 14 (11) Catholic Charities Hawaii;
- 15 (12) Sex Abuse Treatment Center;
- 16 (13) The Salvation Army; and
- 17 (14) The United States Attorney's Office.

18 (c) The inter-agency advisory committees of the Children's
19 Justice Center for each county shall be consulted on a regular
20 basis for input to the task force.



1 (d) The center for alternative dispute resolution shall
2 assist the task force in performing its duties as required by
3 this Act.

4 (e) The members shall not receive compensation for their
5 services but shall be reimbursed for expenses, including travel
6 expenses, incurred in the performance of their duties under this
7 Act.

8 SECTION 2. The statewide task force on system responses to
9 cases of child sexual assault and exploitation shall submit an
10 interim report of its findings and recommendations, including
11 any proposed legislation, to the legislature no later than
12 twenty days prior to the convening of the regular session of
13 2008, and a final report of its findings and recommendations,
14 including any proposed legislation, to the legislature no later
15 than twenty days prior to the convening of the regular session
16 of 2009. The advisory task force shall cease to exist on
17 June 30, 2009.

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$, or so
20 much thereof as may be necessary for fiscal year 2007-2008, and
21 the same sum, or so much thereof as may be necessary for fiscal



1 year 2008-2009, for the statewide task force on system responses
2 to cases of child sexual assault and exploitation.

3 The sums appropriated shall be expended by the senate for
4 the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$, or so
7 much thereof as may be necessary for fiscal year 2007-2008, and
8 the same sum, or so much thereof as may be necessary for fiscal
9 year 2008-2009, for the statewide task force on system responses
10 to cases of child sexual assault and exploitation.

11 The sums appropriated shall be expended by the house of
12 representatives for the purposes of this Act.

13 PART II

14 SECTION 5. Section 587-2, Hawaii Revised Statutes, is
15 amended by amending the definition of "party" to read as
16 follows:

17 ""Party" means an authorized agency, the child, the child's
18 family member or members who are required to be summoned
19 pursuant to section 587-32(a), any other member of the child's
20 family, or any other person who is alleged in the petition filed
21 under this chapter or who is subsequently determined at any
22 child protective proceeding to be encouraging, causing, or



1 contributing to the acts or conditions which bring the child
2 within this chapter, and who has been duly served with a summons
3 and a copy of the petition filed under this chapter; provided
4 that the court may limit a party's right to participate in any
5 child protective proceeding if the court deems such limitation
6 of such party's participation to be consistent with the best
7 interests of the child and such party is not a family member who
8 is required to be summoned pursuant to section 587-32(a), except
9 as ~~[is]~~ provided in section ~~[587-73(b)(4)].~~ 587-73(b)(1)(D)."

10 SECTION 6. Section 587-73, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) If the court determines that the criteria set forth
13 in subsection (a) are established by clear and convincing
14 evidence~~[, the court shall order:]~~ and:

15 (1) The goal of the permanent plan is for the child to be
16 adopted or remain in permanent custody, the court
17 shall order:

18 ~~[(1)]~~ (A) That the existing service plan be terminated and
19 that the prior award of foster custody be
20 revoked;

21 ~~[(2)]~~ (B) That permanent custody be awarded to an
22 appropriate authorized agency;



1 ~~[(3)]~~ (C) That an appropriate permanent plan be implemented
2 concerning the child whereby the child will:

3 ~~[(A)]~~ (i) Be adopted pursuant to chapter 578; provided
4 that the court shall presume that it is in
5 the best interests of the child to be
6 adopted, unless the child is or will be in
7 the home of family or a person who has
8 become as family and who for good cause is
9 unwilling or unable to adopt the child but
10 is committed to and is capable of being the
11 child's guardian or permanent custodian;

12 ~~[(B)]~~ ~~Be placed under guardianship pursuant to chapter~~
13 ~~560~~] or

14 ~~[(C)]~~ (ii) Remain in permanent custody until the child
15 is subsequently adopted, placed under a
16 guardianship, or reaches the age of
17 majority, and that such status shall not be
18 subject to modification or revocation except
19 upon a showing of extraordinary
20 circumstances to the court;

21 ~~[(4)]~~ (D) That such further orders as the court deems to be
22 in the best interests of the child, including~~[(7)]~~



1 but not limited to~~[7]~~ restricting or excluding
2 unnecessary parties from participating in adoption
3 or other subsequent proceedings, be entered; and
4 ~~[-5-]~~ (E) Until adoption or guardianship is ordered, that
5 each case be set for a permanent plan review
6 hearing not later than one year after the date that
7 a permanent plan is ordered by the court, or sooner
8 if required by federal law~~[7]~~, and thereafter, that
9 subsequent permanent plan review hearings be set
10 not later than each year, or sooner if required by
11 federal law; provided that at each permanent plan
12 review hearing, the court shall review the existing
13 permanent plan and enter such further orders as are
14 deemed to be in the best interests of the child~~[-]~~;

15 or

16 (2) The goal of the permanent plan is for the child to be
17 placed under guardianship pursuant to chapter 560, the
18 court shall order:

19 (A) That the prior award of foster custody be
20 continued and that the existing service plan be
21 terminated;



1 (B) That an appropriate permanent plan be implemented
2 concerning the child whereby the child will be
3 placed under guardianship pursuant to chapter
4 560; and

5 (C) That, until the guardianship is ordered, each
6 case be set for a permanent plan review hearing
7 not later than six months after the date that a
8 permanent plan is ordered by the court, or sooner
9 if required by federal law; provided that at each
10 permanent plan review hearing, the court shall
11 review the existing permanent plan and enter such
12 further orders as are deemed to be in the best
13 interests of the child."

14 SECTION 7. This Act shall take effect upon its approval;
15 provided that sections 3, 4, 5, and 6 shall take effect on
16 July 1, 2007.



Report Title:

Child Sexual Assault and Exploitation; Task Force; Guardianship

Description:

Establishes and appropriates funds for a two-year statewide task force to evaluate and make recommendations on the State's system responses to cases of child sexual assault and exploitation. Specifies that when the family court determines that the child's parents cannot provide the child with a safe family home, the Department of Human Services may submit a permanent plan with a goal of guardianship and the court may award guardianship to an appropriate entity without termination of parental rights.

(SB1779 HD1)

