
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

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PART I

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

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

The task force shall also consider associated issues, including Internet crimes against children, child pornography, and child 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 task force shall cease to exist on June 30, 2009.

17 PART II

18 SECTION 3. Section 587-2, Hawaii Revised Statutes, is
19 amended by amending the definition of "party" to read as
20 follows:

21 ""Party" means an authorized agency, the child, the child's
22 family member or members who are required to be summoned



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

14 SECTION 4. Section 587-73, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

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

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



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

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

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

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

17 ~~[(B)]~~ ~~Be placed under guardianship pursuant to chapter~~
18 ~~560.~~ or

19 ~~[(C)]~~ (ii) Remain in permanent custody until the child
20 is subsequently adopted, placed under a
21 guardianship, or reaches the age of
22 majority, and that such status shall not be



1 subject to modification or revocation except
2 upon a showing of extraordinary
3 circumstances to the court;

4 [~~4~~] (D) That such further orders as the court deems to be
5 in the best interests of the child, including~~7~~
6 but not limited to~~7~~ restricting or excluding
7 unnecessary parties from participating in
8 adoption or other subsequent proceedings, be
9 entered; and

10 [~~5~~] (E) Until adoption or guardianship is ordered, that
11 each case be set for a permanent plan review
12 hearing not later than one year after the date that
13 a permanent plan is ordered by the court, or sooner
14 if required by federal law, and thereafter, that
15 subsequent permanent plan review hearings be set
16 not later than each year, or sooner if required by
17 federal law; provided that at each permanent plan
18 review hearing, the court shall review the existing
19 permanent plan and enter such further orders as are
20 deemed to be in the best interests of the child~~7~~;

21 or



1 (2) The goal of the permanent plan is for the child to be
2 placed under guardianship pursuant to part 2 of
3 article V of chapter 560, the court shall order:

4 (A) That the prior award of foster custody be
5 continued and that the existing service plan be
6 terminated;

7 (B) That an appropriate permanent plan be implemented
8 concerning the child whereby the child will be
9 placed under guardianship pursuant to part 2 of
10 article V of chapter 560; and

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

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 6. This Act shall take effect on July 1, 2020.



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 HD3)

