

JAN 17 2008

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# A BILL FOR AN ACT

RELATING TO CHILD WELFARE.

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

1           SECTION 1. The case of Peter Kema, Jr., also known as  
2 Peter Boy, revealed the urgency, as well as the difficulty in  
3 locating missing children. Despite ongoing, statewide efforts  
4 since the report of his disappearance in 1998, Peter Boy's  
5 condition and whereabouts are still unknown.

6           As of November 6, 2007, there were fifty-six children on  
7 the department of human services' missing children list.  
8 Missing children may include runaways, as well as, abducted  
9 children. However, runaways are sometimes categorized  
10 separately, masking the actual number of children that are  
11 separated from their families or otherwise unaccounted for in  
12 Hawaii. In addition to the reported cases of missing children,  
13 some families involved with child welfare services move  
14 nomadically between various homes or locations, thereby  
15 unwittingly or purposefully hindering efforts to confirm their  
16 children's health and safety.



1           The department of human services publishes a current list  
2 of missing children on its web site to solicit information. The  
3 department of human services also uses other means, on an  
4 on-going basis, to locate missing children, including contacting  
5 law enforcement, speaking with family members, calling last  
6 known caretakers and service providers, and checking last known  
7 hang-outs. However, investigating these cases can be a  
8 challenge given the number of abuse and neglect cases reported  
9 annually. The department of human services' final report for  
10 the July 1, 2004 to June 30, 2006 Hawaii program improvement  
11 plan indicates that timely responses to reports and face-to-face  
12 contacts with children, parents, and foster parents are key  
13 areas in need of improvement.

14           Faced with difficulty investigating over four hundred  
15 alleged abuse and neglect cases because the families could not  
16 be located, Tarrant county child protective services in Texas  
17 initiated a program, funded by United Way, to hire a licensed  
18 private investigator to locate the missing families. Between  
19 November 2004 and August 2005, approximately five hundred thirty  
20 cases were referred to the private investigator. The private  
21 investigator was able to locate three hundred thirty of the  
22 missing families. Funding was also provided for the private



1 investigator to train caseworkers on investigative skills to  
2 help them track families on their own.

3       The National Center for Missing and Exploited Children  
4 offers law enforcement powerful resources, free of charge, to  
5 help investigate cases of missing and exploited children. One  
6 of its programs, Project ALERT (America's Law Enforcement  
7 Retiree Team), is comprised of over one hundred fifty-five  
8 retired federal, state, and local law enforcement professionals  
9 who volunteer their time and expertise. Their free consulting  
10 service is available to requesting agencies that need, among  
11 other things, training and additional manpower to resolve recent  
12 or long-term missing child cases.

13       The purpose of this Act is to:

- 14       (1) Authorize the department of human services to use the  
15 services of a qualified individual or organization,  
16 such as a licensed private investigator or volunteer  
17 law enforcement retiree organization, to investigate  
18 the whereabouts of missing and exploited children; and
- 19       (2) Require the department of human services to convene a  
20 task force to coordinate the development of a  
21 statewide corps of retired federal, state, and local  
22 law enforcement professionals who can volunteer their



1 expertise in investigating missing, abducted, and  
2 exploited children.

3 SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
4 amended by adding a new section to part II to be appropriately  
5 designated and to read as follows:

6 "§346- Missing and exploited children; investigative  
7 assistance. (a) The department may use the services of a  
8 qualified individual or organization, such as a licensed private  
9 investigator or volunteer law enforcement retiree organization,  
10 to investigate the whereabouts of missing and exploited  
11 children; provided that the individual or organization has  
12 investigative experience or training in missing and exploited  
13 children cases. For purposes of this section, "exploited  
14 children" means children who are the subject of actual or  
15 alleged abuse or neglect.

16 (b) The department shall adopt rules pursuant to chapter  
17 91 for purposes of this section, including under what  
18 circumstances confidential information may be disclosed."

19 SECTION 3. (a) The department of human services shall  
20 convene a task force to coordinate the development of a  
21 statewide corps of retired federal, state, and county law  
22 enforcement professionals who are willing to volunteer their



1 expertise in investigating cases of missing, abducted, and  
2 exploited children. For purposes of this section, "exploited  
3 children" means children who are the subject of actual or  
4 alleged abuse or neglect.

5 (b) The task force shall include representatives of:

- 6 (1) The department of human services, child welfare
- 7 services branch;
- 8 (2) The department of the attorney general, missing child
- 9 center Hawaii;
- 10 (3) The department of public safety;
- 11 (4) Each of the four county police departments;
- 12 (5) The local Fraternal Order of Police; and
- 13 (6) AARP Hawaii.

14 (c) The task force shall cease to exist on July 1, 2009.

15 (d) The task force shall submit a report, including any  
16 information gathered, action taken, recommendations, and  
17 proposed legislation to the legislature no later than twenty  
18 days prior to the convening of the 2009 regular session.

19 SECTION 4. New statutory material is underscored.

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

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**Report Title:**

Child Welfare Services; Investigation

**Description:**

Authorizes the department of human services to engage the services of a qualified individual or organization to investigate the whereabouts of missing and exploited children. Requires the department of human services to convene a task force to coordinate the development of a state corps of retired federal, state, and local law enforcement professionals who are willing to volunteer their expertise in investigating missing, abducted, and exploited children.

