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## 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 of human services or the police.  
4 In many instances, the family has first-hand knowledge of abuse  
5 or neglect situations within their family not available to other  
6 persons who have no interactions within the family. However,  
7 because of the family connections, the abuse or neglect is not  
8 reported, sometimes resulting in serious health and safety  
9 consequences 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 without delay by those who  
14 observe it.

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 the acts. This will provide child welfare services and



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

3 The purpose of this Act is to require certain family  
4 members to report child abuse and neglect.

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

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

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



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



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1           under this section if the alleged perpetrator is  
2           actively abusing both the child and the family  
3           member."

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

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

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INTRODUCED BY:

*John M. Nigro*  
*Tom Brown*

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**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.

