

JAN 23 2009

S.B. NO. 112

A BILL FOR AN ACT

RELATING TO THE CHILDREN'S JUSTICE PROGRAM.

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

1 SECTION 1. Section 588-1.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [†] §588-1.5 [‡] **Coordination function.** (a) The program
4 shall promote the sharing of information among agencies
5 providing services to the child and family, for purposes of
6 implementing this chapter.

7 (b) All agencies and their providers that have information
8 regarding the mental, physical health, or other information
9 relating to the best interest of the child shall share the
10 information among the agencies working with the child unless
11 otherwise prohibited by federal or state statute or rule. No
12 agency shall further disclose any confidential information
13 unless written consent expressly authorizing further disclosure
14 is obtained from the person who is the subject thereof, or
15 disclosure is permitted by law.

16 (c) Files, reports, notes, photographs, records,
17 electronic and other communications, working papers, and
18 recordings used or developed by the program in providing



1 services under this chapter are confidential, are not subject to
2 public release under chapter 92F, and shall not be disclosed,
3 except to the following persons:

4 (1) Staff employed by the program and those agencies and
5 providers directly involved in the investigation,
6 treatment, case management, and legal processing of
7 cases under this chapter;

8 (2) Medical and mental health professionals listed by name
9 in a release of information signed by the guardian of
10 the child; provided that the information shared shall
11 be limited to that necessary to promote the physical
12 or psychological health of the child, or to treat the
13 child for abuse related symptoms; and

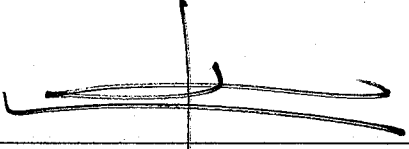
14 (3) The court and those persons so authorized by a court
15 order."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: _____


By Request

Report Title:

Children's Justice Program; Confidentiality of Records

Description:

Establishes the confidentiality of children's justice program records, subject to exceptions for program and provider staff, mental and physical health professionals, and the courts.

