

JAN 23 2009

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## A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. Section 587-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§587-21 Investigation.** (a) Upon receiving a report that  
4 a child is subject to imminent harm, has been harmed, or is  
5 subject to threatened harm, the department shall cause [~~such~~] an  
6 investigation to be made as it deems to be appropriate. In  
7 conducting the investigation, the department may:

8 (1) Enlist the cooperation of appropriate law enforcement  
9 authorities for phases of the investigation for which  
10 they are better equipped, and the law enforcement  
11 authority may conduct and provide to the department  
12 the results of a criminal history record check  
13 concerning an alleged perpetrator of imminent harm,  
14 harm, or threatened harm to a child; and

15 (2) Interview a child who is the subject of an  
16 investigation without the prior approval [~~of~~] and  
17 [~~without the~~] presence of the child's family,



1 including temporarily assuming protective custody of  
2 the child for the purpose of conducting the interview,  
3 if the action is deemed necessary and appropriate  
4 under the circumstances by the department and a police  
5 officer.

6 (b) [~~Upon satisfying itself as to~~] Before deciding the  
7 course of action that should be pursued to best accord with the  
8 purpose of this chapter, the department shall[+] conduct an  
9 ohana conference, unless it is determined by written findings  
10 that an ohana conference is not appropriate under the  
11 circumstances, including that the conference is not in the best  
12 interest of the child. The department may excuse a family  
13 member from the ohana conference upon written findings that it  
14 is in the best interest of the child.

15 (c) Following the ohana conference held pursuant to  
16 subsection (b), or upon determination that an ohana conference  
17 is not appropriate, the department shall:

- 18 (1) Resolve the matter in an informal fashion appropriate  
19 under the circumstances;
- 20 (2) Seek to enter into a service plan, without filing a  
21 petition in court, with members of the child's family  
22 and other authorized agency as the department deems



1 necessary to the success of the service plan,  
2 including the member or members of the child's family  
3 who have legal custody of the child. The service plan  
4 may include an agreement with the child's family to  
5 voluntarily place the child in the foster custody of  
6 the department or other authorized agency, provided  
7 that placement preference shall be given to an  
8 appropriate relative identified by the department, or  
9 to place the child and the necessary members of the  
10 child's family under the family supervision of the  
11 department or other authorized agency; provided  
12 further that if a service plan is not successfully  
13 completed within six months, the department shall file  
14 a petition or ensure that a petition is filed by  
15 another appropriate authorized agency in court under  
16 this chapter and the case shall be reviewed as is  
17 required by federal law;

- 18 (3) Assume temporary foster custody of the child pursuant  
19 to section 587-24(a) and file a petition with the  
20 court under this chapter within [~~three~~] five working  
21 days, excluding Saturdays, Sundays, and holidays,  
22 after the date of the department's assumption of



1 temporary foster custody of the child; provided that  
2 placement preference shall be given to an appropriate  
3 relative identified by the department; or

4 (4) File a petition or ensure that a petition is filed by  
5 another appropriate authorized agency in court under  
6 this chapter."

7 SECTION 2. Section 587-24, Hawaii Revised Statutes, is  
8 amended by amending subsection (e) to read as follows:

9 "(e) Within [~~three~~] five working days, excluding  
10 Saturdays, Sundays, or holidays, after the date of its  
11 assumption of temporary foster custody, the department shall:

12 (1) Relinquish its temporary foster custody and return the  
13 child to the child's legal custodian and proceed  
14 pursuant to section 587-21(b) (1), (2), or (4);

15 (2) Continue its assumption of temporary foster custody of  
16 the child with the child being voluntarily placed in  
17 foster care by the child's legal custodian and proceed  
18 pursuant to section 587-21(b) (2) or (4); or

19 (3) Continue its assumption of temporary foster custody of  
20 the child and proceed pursuant to section  
21 587-21(b) (3)."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *Shannon Chun Cleveland*  
*By Request*



**Report Title:**

Child Protective Services; Temporary Foster Custody;  
Investigations; Ohana Conference

**Description:**

Extends the time the department of human services may assume temporary foster custody of a child without an order of the court from three to five working days to allow for more time to conduct an investigation. Requires the department to conduct an ohana conference prior to deciding what course of action to take.

