
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. Direct reporting by those who observe the acts will
15 ensure that the best evidence of abuse or neglect is obtained by
16 police and will provide child welfare services the opportunity
17 to intervene more expeditiously for the safety and well-being of
18 the children involved.



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

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

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

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

21 (2) Employees or officers of any public or private school;



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



1 alleged perpetrator is actively abusing both the child
2 and the family member."

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

5 SECTION 4. This Act shall take effect on July 1, 2011.

6

INTRODUCED BY:

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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. Effective 7/1/11.

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