



GOV. MSG. NO. 1128

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 17, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

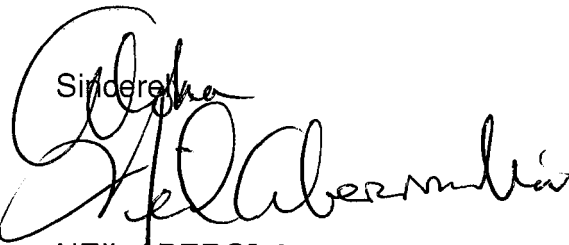
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 17, 2012, the following bill was signed into law:

HB2533 HD2

RELATING TO THE DEFINITION OF  
AGGRAVATED CIRCUMSTANCES IN THE CHILD  
PROTECTIVE ACT.

**Act 028 (12)**

Sincerely,  
  
NEIL ABERCROMBIE  
Governor, State of Hawaii

ORIGINAL

Approved by the Governor  
on APR 17 2012  
HOUSE OF REPRESENTATIVES  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 028

H.B. NO. 2533  
H.D. 2

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## A BILL FOR AN ACT

RELATING TO THE DEFINITION OF AGGRAVATED CIRCUMSTANCES IN THE  
CHILD PROTECTIVE ACT.

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

1           SECTION 1. During the 2010 regular session, the  
2 legislature passed Senate Bill No. 2716, which was enacted as  
3 Act 135, Session Laws of Hawaii 2010, and codified as the Child  
4 Protective Act, chapter 587A, Hawaii Revised Statutes. Act 135  
5 was a comprehensive update of the former Child Protective Act,  
6 chapter 587, Hawaii Revised Statutes.

7           The State subsequently was informed by the federal  
8 Administration for Children and Families that recent changes to  
9 the federal Child Abuse Prevention and Treatment Act needed to  
10 be incorporated into chapter 587A, Hawaii Revised Statutes. The  
11 changes to chapter 587A, Hawaii Revised Statutes, are necessary  
12 to ensure the State's compliance with the federal Child Abuse  
13 Prevention and Treatment Act as well as with the state plan  
14 under Title IV-E of the Social Security Act.

15           The purpose of this Act is to ensure that Hawaii remains  
16 eligible for approximately \$40,000,000 in Title IV-E and  
17 \$140,000 in Child Abuse Prevention and Treatment Act annual



1 federal funding to support the State's child welfare services  
2 program by making amendments to the state's Child Protective Act  
3 that conform to the Federal Child Abuse Prevention and Treatment  
4 Act, as well as the state plan under Title IV-E of the Social  
5 Security Act.

6 SECTION 2. Section 587A-4, Hawaii Revised Statutes, is  
7 amended by amending the definition of "aggravated circumstances"  
8 to read as follows:

9 "Aggravated circumstances" means that:

- 10 (1) The parent has murdered, or has solicited, aided,  
11 abetted, attempted, or conspired to commit the murder  
12 or voluntary manslaughter of, another child of the  
13 parent;
- 14 (2) The parent has committed a felony assault that results  
15 in serious bodily injury to the child or another child  
16 of the parent;
- 17 (3) The parent's rights regarding a sibling of the child  
18 have been judicially terminated or divested;
- 19 (4) The parent has tortured the child; ~~[or]~~
- 20 (5) The child is an abandoned infant[-];
- 21 (6) The parent has committed sexual abuse against another  
22 child of the parent; or

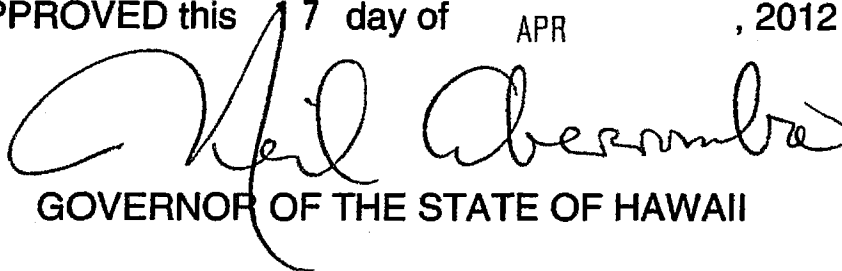


1        (7) The parent is required to register with a sex offender  
2        registry under section 113(a) of the Adam Walsh Child  
3        Protection and Safety Act of 2006, title 42 United  
4        States Code section 16913(a)."

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

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

APPROVED this 7 day of APR, 2012



NEIL ABERNETHY  
GOVERNOR OF THE STATE OF HAWAII

