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## A BILL FOR AN ACT

RELATING TO CHILD SAFETY.

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

1           SECTION 1. The legislature finds that, except for  
2 reporting requirements to the coroner, Hawaii law does not  
3 require family members to report any known incidents of child  
4 abuse or neglect, or the death or disappearance of a child, to a  
5 child welfare service agency or to law enforcement. In many  
6 instances, family members have first-hand knowledge of abuse or  
7 neglect situations within their families. However, due to  
8 ramifications on the family in reporting these incidents, child  
9 abuse and neglect often go unreported. The consequences of not  
10 reporting child abuse and neglect, as well as not reporting the  
11 disappearance of a child, endanger the child's health and  
12 safety. Furthermore, not reporting the maltreatment of a child,  
13 a child's disappearance, or a child's death greatly impedes  
14 investigations into possible criminal conduct.

15           The purpose of this Act is to protect the safety of  
16 children by requiring family members to report incidents of  
17 child abuse and neglect, and requiring parents and the legal  
18 guardians and custodians of a child to report the disappearance



1 or death of the child, to the department of human services or to  
2 the police department.

3 SECTION 2. Chapter 707, Hawaii Revised Statutes, is  
4 amended by adding two new sections to part VI to be  
5 appropriately designated and to read as follows:

6 "§707- Disappearance or death of a child; failure to  
7 report. (1) A person as defined in this section commits the  
8 offense of failure to report the disappearance or death of a  
9 child if the person knows or has reason to know about the death  
10 or disappearance of a child, and fails to report the  
11 disappearance or death of the child to the department of human  
12 services or to the police department within \_\_\_\_\_ hours of  
13 knowing or having reason to know about the disappearance or  
14 death of the child.

15 (2) Failure to report the disappearance or death of a  
16 child as provided in this section is a class C felony for which  
17 a sentence of imprisonment may be imposed as provided in section  
18 706-660.

19 (3) As used in this section:

20 "Child" means a person who is under the age of \_\_\_\_\_.

21 "Person" means any legal parent of the child; the birth  
22 mother of the child, unless the child has been legally adopted;



1 the concerned natural father of the child as provided in section  
2 578-2(a)(5), unless the child has been legally adopted; the  
3 legal guardians or any other legal custodians of the child; or  
4 any other person or legal entity with:

5 (a) Legal or physical custody or guardianship of the  
6 child; or

7 (b) Responsibility for the child's care.

8 **§707- Child abuse or neglect; failure to report. (1) A**  
9 person as defined in this section commits the offense of failure  
10 to report child abuse or neglect if the person knows or has  
11 reason to know that child abuse or neglect in the family is  
12 occurring, or knows or has reason to know that a child in the  
13 family has been harmed due to abuse or neglect, and fails to  
14 report abuse or neglect of the child to the department of human  
15 services or to the police department within \_\_\_\_\_ hours of  
16 knowing or having reason to know about the abuse or neglect of  
17 the child.

18 (2) Failure to report as provided in this section is a  
19 class C felony for which a sentence of imprisonment may be  
20 imposed as provided in section 706-660.



1 (3) As used in this section:

2 "Child" means a person who is under the age of \_\_\_\_\_.

3 "Family" means each legal parent of the child; the birth  
4 mother, unless the child has been legally adopted; the concerned  
5 natural father as provided in section 578-2(a)(5), unless the  
6 child has been legally adopted; each parent's spouse or former  
7 spouse; each sibling or person related by blood or marriage;  
8 each person residing in the dwelling unit; and any other person  
9 or legal entity with:

10 (a) Legal or physical custody or guardianship of the  
11 child; or

12 (b) Responsibility for the child's care.

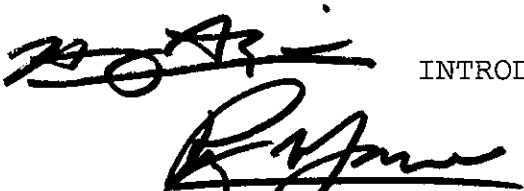
13 For the purposes of this section, the term "family" does  
14 not apply to an authorized agency that assumes the foregoing  
15 legal status or relationship with a child.

16 "Person" means any member of a family who has reached the  
17 age of majority."

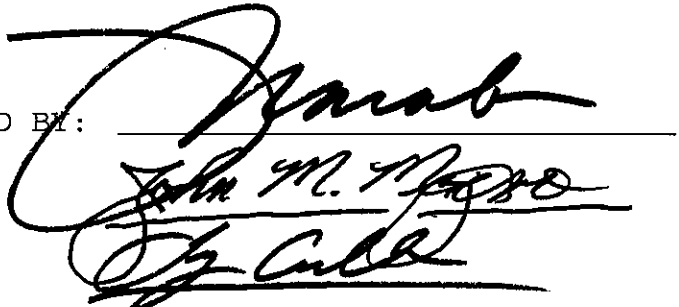
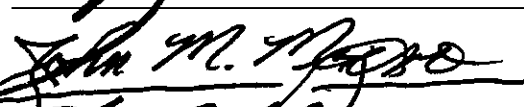

18 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:



# H.B. NO. 1886

**Report Title:**

Child Disappearance and Death; Abuse and Neglect; Failure to Report

**Description:**

Makes it a class C felony for parents, guardians, and custodians of a child to fail to report the disappearance or death of the child to the Department of Human Services or the police department within hours. Makes it a class C felony for family members to fail to report known child abuse or neglect to the Department of Human Services or police department within hours.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

