

HB 2533, HD2

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

Report Title: Child Protective Act; Aggravated Circumstances

Description: Amends the definition of "aggravated circumstances" in chapter 587A,
Hawaii Revised Statutes, to make it consistent with the federal Child
Abuse Prevention and Treatment Act and the state plan under Title
IV-E of the Social Security Act. (HB2533 HD1)

Companion: SB2795

Package: Gov

Current Referral: HMS, JDL

Introducer(s): SAY (Introduced by request of another party)

NEIL ABERCROMBIE
GOVERNOR



PATRICIA McMANAMAN
DIRECTOR

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DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
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March 13, 2012

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2533, H.D. 2 - RELATING TO THE DEFINITION OF
AGGRAVATED CIRCUMSTANCES IN THE CHILD PROTECTIVE
ACT**

Hearing: Tuesday, March 13, 2012; 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of H.B. 2533, H.D. 2 is to ensure that the definition of "aggravated circumstances" in Chapter 587A, Hawaii Revised Statutes, is consistent with recent changes to the federal Child Abuse Prevention and Treatment Act provisions.

DEPARTMENT'S POSITION: The Department of Human Services supports this administrative bill as the legislation is necessary to ensure that Hawaii's Child Protective Act is consistent with federal Child Abuse Prevention and Treatment Act (CAPTA) provisions.

The required changes will expand the definition of "aggravated circumstances" to include situations where a parent is required to register with a sex offense registry and where a parent has committed sexual abuse against another child of the parent. An allegation of "aggravated circumstances" requires the family Court to conduct a

hearing to determine whether aggravating circumstances are present. If aggravating circumstances are present, the Family Court is then required to hold a permanency hearing within 30 days of the finding. The DHS must also file a motion to terminate parental rights within 60 days of the finding of "aggravated circumstances."

The federal Administration for Children and Families has informed the State that recent changes to CAPTA need to be incorporated into chapter 587A, Child Protective Act. These changes will allow the Department of Human Services to continue to receive federal CAPTA funding of approximately \$140,000. This funding is used to provide family strengthening services and child death review.

Compliance with CAPTA requirements is also necessary for the State's compliance with its federal Title IV-E State Plan so that Hawaii remains eligible for approximately \$40,000,000 in annual federal Title IV-E funding.

These federal funds support the State's child welfare services program.

To continue to receive CAPTA funding, the Governor had to certify that the State has in effect and is enforcing a state law, or has in effect and is operating a statewide program, relating to child abuse and neglect, which includes the necessary amendments.

The language amending the definition of "aggravated circumstances" is the same in H.B. 2533, H.D. 2 and its companion, S.B. 2795.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2533, H.D. 2, RELATING TO THE DEFINITION OF AGGRAVATED CIRCUMSTANCES IN THE CHILD PROTECTIVE ACT.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, March 13, 2012 **TIME:** 1:15 p.m.
LOCATION: State Capitol, Room 016
TESTIFIER(S): David M. Louie, Attorney General, or
Jay K. Goss, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to ensure that Hawaii's Child Protective Act, chapter 587A, Hawaii Revised Statutes, complies with recent changes in the federal Child Abuse Prevention and Treatment Act (CAPTA). This bill amends the definition of "aggravated circumstances" to include the situation where a parent has committed sexual abuse of a parent's other child or children, and the situation where a parent is required to register with a sex offender registry. This bill, with a few minor technical changes, is the same as Senate Bill No. 2795 that was previously heard by this committee.

This bill is necessary to ensure that Hawaii's Child Protective Act remains in compliance with the provisions in CAPTA. Compliance with CAPTA is necessary to ensure continued funding through CAPTA and to ensure that Hawaii remains eligible for approximately \$40,000,000 in annual federal Title IV-E funding.

We respectfully ask the Committee to pass this bill.