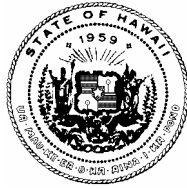


HB2533,HD2



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

March 27, 2012

TO: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary & Labor

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 27, 2012; 10:30 a.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.

Thank you for the opportunity to testify on this bill.