

JAN 15 2014

A BILL FOR AN ACT

RELATING TO THE CHILD PROTECTIVE ACT.

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

1 SECTION 1. Section 587A-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~587A-11~~§~~ Investigation; department powers. (a)

4 Upon receiving a report that a child is subject to imminent
5 harm, has been harmed, or is subject to threatened harm, the
6 department shall cause such investigation to be made as it deems
7 to be appropriate. In conducting the investigation, the
8 department may:

9 (1) Enlist the cooperation and assistance of appropriate
10 state and federal law enforcement authorities, who may
11 conduct an investigation and, if an investigation is
12 conducted, shall provide the department with all
13 preliminary findings, including the results of a
14 criminal history record check of an alleged
15 perpetrator of harm or threatened harm to the child;

16 (2) Interview the child without the presence or prior
17 approval of the child's family and temporarily assume



1 protective custody of the child for the purpose of
2 conducting the interview;

3 (3) Resolve the matter in an informal fashion that it
4 deems appropriate under the circumstances;

5 (4) Close the matter if the department finds, after an
6 assessment, that the child is residing with a
7 caregiver who is willing and able to meet the child's
8 needs and provide a safe and appropriate placement for
9 the child;

10 (5) Immediately enter into a service plan:

11 (A) To safely maintain the child in the family home;

12 or

13 (B) To place the child in voluntary foster care
14 pursuant to a written agreement with the child's
15 parent.

16 If the child is placed in voluntary foster care and
17 the family does not successfully complete the service
18 plan within three months after the date on which the
19 department assumed physical custody of the child, the
20 department shall file a petition. The department is
21 not required to file a petition if the parents agree
22 to adoption or legal guardianship of the child and the



S.B. NO. 2001

1 child's safety is ensured; provided that the adoption
2 or legal guardianship hearing is conducted within six
3 months of the date on which the department assumed
4 physical custody of the child;

5 (6) Assume temporary foster custody of the child and file
6 a petition with the court within three days, excluding
7 Saturdays, Sundays, and holidays, after the date on
8 which the department assumes temporary foster custody
9 of the child, with placement preference being given to
10 an approved relative; or

11 (7) File a petition or ensure that a petition is filed by
12 another appropriate authorized agency in court under
13 this chapter.

14 (b) All interviews conducted by the department in the
15 course of an investigation shall be recorded on film, videotape,
16 or audiotape, or by other reliable electronic means."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

20
INTRODUCED BY: Stzanne Chun Oakland



S.B. NO. 2001

Report Title:

Child Protective Act; Investigation; Interview; Recording

Description:

Requires all interviews conducted by the department of human services during the course of a child maltreatment investigation to be recorded on film, videotape, or audiotape, or other reliable electronic means.

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