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# A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD  
PROTECTIVE ACT.

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

1           SECTION 1. The purpose of this Act is to amend the Child  
2 Protective Act, chapter 587A, Hawaii Revised Statutes, to allow  
3 the department of human services to conduct initial and periodic  
4 criminal history records checks of alleged perpetrators of child  
5 abuse or neglect, and all individuals who may reside in the same  
6 household with the alleged child victim, to better identify and  
7 address immediate and potential safety and risk factors.

8           SECTION 2. Chapter 587A, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11           "§587A- Authority to conduct criminal history records  
12 checks without consent. When an assessment is required pursuant  
13 to this chapter, the department is authorized to conduct  
14 criminal history checks, without consent, of an alleged  
15 perpetrator of harm or threat of harm and all adult household  
16 members to ensure the safety of the child."



1 SECTION 3. Section 587A-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§587A-11[+] Investigation; department powers. Upon  
4 receiving a report that a child is subject to imminent harm, has  
5 been harmed, or is subject to threatened harm, and when an  
6 assessment is required by this chapter, the department shall  
7 cause such investigation to be made as it deems to be  
8 appropriate. In conducting the investigation, the department  
9 may:

- 10 (1) Enlist the cooperation and assistance of appropriate  
11 state and federal law enforcement authorities, who may  
12 conduct an investigation and, if an investigation is  
13 conducted, shall provide the department with all  
14 preliminary findings, including the results of a  
15 criminal history record check of an alleged  
16 perpetrator of harm or threatened harm to the child;
- 17 (2) Conduct a criminal history record check of an alleged  
18 perpetrator and all adults living in the family home  
19 to ensure the safety of the child, with or without  
20 consent;



1       ~~[(2)]~~ (3) Interview the child without the presence or prior  
2                   approval of the child's family and temporarily assume  
3                   protective custody of the child for the purpose of  
4                   conducting the interview;

5       ~~[(3)]~~ (4) Resolve the matter in an informal fashion that it  
6                   deems appropriate under the circumstances;

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

12       ~~[(5)]~~ (6) Immediately enter into a service plan:

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

14                       or

15               (B) To place the child in voluntary foster care

16                       pursuant to a written agreement with the child's

17                       parent.

18               If the child is placed in voluntary foster care and  
19               the family does not successfully complete the service  
20               plan within three months after the date on which the  
21               department assumed physical custody of the child, the



1 department shall file a petition. The department is  
2 not required to file a petition if the parents agree  
3 to adoption or legal guardianship of the child and the  
4 child's safety is ensured; provided that the adoption  
5 or legal guardianship hearing is conducted within six  
6 months of the date on which the department assumed  
7 physical custody of the child;

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

14 ~~[(7)]~~ (8) File a petition or ensure that a petition is  
15 filed by another appropriate authorized agency in  
16 court under this chapter."

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Child Protective Act; Criminal History Records Checks

**Description:**

Amends the Child Protective Act so that when an assessment is required the Department of Human Services is authorized to conduct criminal history checks without the consent of an alleged perpetrator of harm or threat of harm and all adult household members living in the family home with the alleged victim child. (HB2340 HD1)

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

