



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 10, 2018

**GOV. MSG. NO. 1285**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2018, the following bill was signed into law:

HB1650 HD2 SD1 CD1

RELATING TO CHILD SAFETY  
**ACT 176 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

---

---

# A BILL FOR AN ACT

RELATING TO CHILD SAFETY.

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

1 SECTION 1. Section 350-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§350-2 Action on reporting. (a) Upon receiving a report  
4 concerning child abuse or neglect, the department shall proceed  
5 pursuant to chapter 587A and the department's rules.

6 (b) The department shall inform the appropriate police  
7 department of all reports received by the department regarding a  
8 case of child abuse or neglect, including reports received under  
9 section 350-1.1; provided that the name of the person who  
10 reported the case of child abuse or neglect shall be released to  
11 the police department pursuant only to court order or the  
12 person's consent.

13 (c) The department shall inform the appropriate police  
14 department or office of the prosecuting attorney of the relevant  
15 information concerning a case of child abuse or neglect when the  
16 information is required by the police department or the office  
17 of the prosecuting attorney for the investigation or prosecution  
18 of that case; provided that the name of the person who reported



1 the case of child abuse or neglect shall be released to the  
2 police department or the office of the prosecuting attorney  
3 pursuant only to court order or the person's consent.

4 (d) The department shall maintain a central registry of  
5 reported child abuse or neglect cases and shall promptly expunge  
6 the reports in cases if:

7 (1) The report is determined not confirmed by the  
8 department, an administrative hearing officer, or a  
9 Hawaii state court on appeal; or

10 (2) The petition arising from the report has been  
11 dismissed by order of the family court after an  
12 adjudicatory hearing on the merits pursuant to chapter  
13 587A.

14 Records and information contained in a report that is  
15 expunged may be retained by the department solely for future  
16 risk and safety assessment purposes.

17 (e) For a confirmed case of child abuse or neglect that  
18 occurred at a licensed or registered child care facility as  
19 defined in section 346-151, the department is authorized to  
20 disclose that the report of child abuse or neglect was confirmed  
21 to any parent or guardian of a child who was enrolled at the



1 licensed or registered child care facility as defined in section  
2 346-151.

3 (f) For a confirmed case of child abuse or neglect that  
4 occurred where a child is provided care, as defined in section  
5 346-151, in accordance with an exclusion or exemption pursuant  
6 to section 346-152 and upon receipt of the consent of the child  
7 care provider, the department is authorized to disclose that the  
8 report of child abuse or neglect was confirmed to any parent or  
9 guardian of a child who was enrolled at the licensed or  
10 registered child care facility as defined in section 346-151.

11 (g) For a confirmed case of child abuse or neglect that  
12 results in a child's death or near fatality, the department is  
13 authorized to disclose to the public:

- 14 (1) The cause of and circumstances regarding the fatality  
15 or near fatality;
- 16 (2) The age and gender of the child;
- 17 (3) Information describing any previous reports and  
18 results of child abuse or neglect investigations that  
19 are pertinent to the child abuse or neglect that led  
20 to the fatality or near fatality; and



1       (4) The action taken by the department on behalf of the  
2               child that is pertinent to the child abuse or neglect  
3               that led to the fatality or near fatality.

4       (h) The department shall adopt rules as may be necessary  
5       in carrying out this section."

6       SECTION 2. (a) There is established a working group to be  
7       placed in the department of human services for administrative  
8       purposes. The working group shall review laws, rules, and  
9       procedures relating to the coordination of investigations and  
10       enforcement efforts of the child welfare services branch and  
11       child care licensing program to improve child care safety in  
12       child care settings.

13       (b) The following individuals shall serve as members of  
14       the working group:

- 15       (1) The director of human services or the director's  
16               designee;
- 17       (2) The administrator of the child welfare services branch  
18               or the administrator's designee;
- 19       (3) A representative from the child care licensing program  
20               designated by the administrator of the benefit,  
21               employment and support services division;

- 1 (4) Four representatives from the department of the
- 2 attorney general, to be designated by the attorney
- 3 general, specifically:
  - 4 (A) One representative who specializes in criminal
  - 5 prosecution;
  - 6 (B) One representative who specializes in child
  - 7 welfare;
  - 8 (C) One representative who specializes in child care
  - 9 licensing administration; and
  - 10 (D) One representative who specializes in criminal
  - 11 investigations;
- 12 (5) The prosecuting attorney of the city and county of
- 13 Honolulu or the prosecuting attorney's designee;
- 14 (6) A representative from each of the county police
- 15 departments in the State;
- 16 (7) Four community advocates designated by the director of
- 17 human services; and
- 18 (8) A representative from the United States Department of
- 19 Defense Family Advocacy program.
- 20 (c) Members of the working group shall serve without
- 21 compensation and without reimbursement for expenses.



1 (d) The working group shall be exempt from chapter 92,  
2 Hawaii Revised Statutes.

3 (e) The working group shall submit a report of findings  
4 and recommendations, including any proposed legislation, to the  
5 legislature no later than twenty days prior to the convening of  
6 the regular sessions of 2019 and 2020.

7 (f) The working group shall cease to exist on January 30,  
8 2020.

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2018.

APPROVED this 10 day of JUL , 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 1650, HD 2, SD 1, CD 1

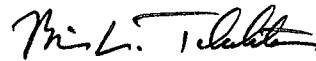
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives



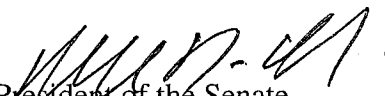
Brian L. Takeshita  
Chief Clerk  
House of Representatives




**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 1, 2018  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawai‘i, Regular Session of 2018.

  
President of the Senate

  
Clerk of the Senate