
A BILL FOR AN ACT

RELATING TO THE CHILDREN'S JUSTICE PROGRAM.

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

1 SECTION 1. Chapter 588, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§588- Confidentiality. (a) The following documents
5 and materials shall be confidential and shall not be disclosed,
6 subject to the exceptions established in subsection (b):

7 (1) Documents and materials that pertain to
8 specifically-identified cases or clients, including
9 files, reports, notes, photographs, records,
10 electronic and other communications, working papers,
11 and recordings; and

12 (2) Documents and materials that comprise client interview
13 guidelines and other interview-related material, as
14 well as all materials used in training forensic
15 interviewers.

16 (b) Confidential documents and materials may be disclosed
17 only as follows:



1 (1) To persons employed by the program, or by agencies or
 2 providers, who are directly involved in the treatment
 3 of the child, or in the investigation, case
 4 management, or legal processing of cases under this
 5 chapter, including but not limited to law enforcement,
 6 child welfare, prosecuting attorneys, and medical and
 7 mental health professionals; or

8 (2) Pursuant to federal or state law that authorizes
 9 disclosure of the confidential information."

10 SECTION 2. Section 588-1, Hawaii Revised Statutes, is
 11 amended by amending subsection (b) to read as follows:

12 "(b) The purpose of the program shall be to:

13 (1) Develop, achieve, and maintain interagency and
 14 interprofessional cooperation and coordination in the
 15 investigation of and case management of [~~intrafamilial~~
 16 ~~and extrafamilial child sex abuse and serious physical~~
 17 ~~child abuse cases~~];

18 (A) Child abuse or neglect cases, with a priority for
 19 cases involving:

20 (i) Sexual abuse or sexual exploitation of a
 21 child;



- 1 (ii) Serious physical child abuse; or
- 2 (iii) Human trafficking of children; and
- 3 (B) Cases involving child witnesses;
- 4 (2) Facilitate in an impartial manner the professional
- 5 gathering of information by public and private
- 6 agencies and their providers for court proceedings
- 7 involving child abuse or neglect victims and child
- 8 witnesses;
- 9 (3) [~~Reduce to the absolute minimum~~] Minimize the number
- 10 of interviews of child [~~sex~~] abuse or neglect victims
- 11 [~~so as~~] and child witnesses, to [~~minimize~~] avoid
- 12 revictimization of the child;
- 13 (4) Coordinate [~~the~~] therapeutic and treatment [~~program~~]
- 14 programs for child [~~sex~~] abuse or neglect victims and
- 15 child witnesses, and their families;
- 16 (5) Provide for a multidisciplinary team and case
- 17 management approach [~~which is focused~~] that focuses
- 18 first, on the alleged or suspected child [~~sex~~] abuse
- 19 or neglect victim's and child witness' needs and
- 20 conditions; second, on the family members who are
- 21 supportive of the child and whose interests are



- 1 consistent with the best interests of the child; and
2 third, on law enforcement and prosecutorial needs;
- 3 (6) Provide for the training and continuing education of
4 skilled professional interviewers of child ~~[sex]~~ abuse
5 or neglect victims ~~[7]~~ and child witnesses; and
- 6 (7) ~~[Serve as the focus of]~~ Provide information and
7 referral for child ~~[sex]~~ abuse or neglect and child
8 witness programs."

9 SECTION 3. Section 588-1.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~+~~] **§588-1.5** [~~+~~] **Coordination function.** (a) The program
12 shall promote the mutual sharing of information among the
13 program and agencies providing services to the child and family,
14 for purposes of implementing this chapter.

15 (b) ~~[All]~~ The program and all agencies and ~~[their]~~
16 providers that have information regarding the ~~[mental,]~~ physical
17 or mental health ~~[7]~~ of the child, or other information relating
18 to the best ~~[interest]~~ interests of the child, shall share ~~[the]~~
19 this information ~~[among the agencies working with the child]~~
20 with each other, unless otherwise prohibited by federal or state
21 statute or rule. ~~[No agency shall further disclose any~~



1 ~~confidential information unless written consent expressly~~
2 ~~authorizing further disclosure is obtained from the person who~~
3 ~~is the subject thereof, or disclosure is permitted by law.] "~~

4 SECTION 4. Section 588-2, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding three new definitions to be appropriately
7 inserted and to read:

8 "Child abuse or neglect" means an act or omission that
9 results in "harm", as defined in section 587A-4, to a person
10 under the age of eighteen years.

11 "Child witness" means a child who is a witness to a crime.

12 "Program" means the children's justice program."

13 2. By amending its title to read:

14 "§588-2 Definitions [~~of child abuse~~]."

15 3. By repealing the definition of "child sexual abuse".

16 [~~"Child sexual abuse" means any of the offenses described~~
17 ~~under chapter 707, part V, when committed against a person under~~
18 ~~the age of eighteen years or as set forth in paragraph (2) of~~
19 ~~the definition of "harm" in section 587A-4."]~~

20 SECTION 5. Section 588-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§588-4 Duties of the director. The director shall:

2 (1) Enter into agreements with police departments,
3 departments of the prosecuting attorneys and county
4 corporation counsels, the departments of the attorney
5 general, health, and human services, and other public
6 and private agencies, including agreements for the
7 temporary assignment of appropriate personnel from
8 each agency to the program;

9 (2) Enter into contracts for the provision of specialized
10 training and continuing education for interviewers of
11 child [~~sex~~] abuse or neglect victims and child
12 witnesses from both public and private agencies and
13 providers;

14 (3) Arrange for interviews of child [~~sex~~] abuse or neglect
15 victims and child witnesses in an appropriate setting;

16 (4) Promote interagency cooperation and coordination,
17 including information sharing and gathering, among the
18 public and private agencies and their providers that
19 deliver investigative, case management, and
20 therapeutic services;



- 1 (5) Coordinate the flow of information between the
2 agencies responsible for criminal prosecution and the
3 agencies responsible for protective action in civil
4 proceedings, including those professionals providing
5 services to children and their families;
- 6 (6) Arrange for the exchange of information, to include
7 statistical data from public and private agencies
8 involved in child [~~sex~~] abuse or neglect and child
9 witness programs and issues;
- 10 (7) Develop recommendations and plans for action to assist
11 [~~the~~] public and private agencies involved in cases of
12 child [~~sex~~] abuse or neglect and [~~serious physical~~]
13 child [~~abuse,~~] witnesses; and
- 14 (8) Prepare and maintain records and reports for the
15 program."

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect on January 28, 2081.



Report Title:

Children's Justice Program; Purpose; Confidentiality

Description:

Clarifies the purpose and scope of the Children's Justice Program. Limits disclosure of confidential documents and materials. (HB512 HD1)

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