
A BILL FOR AN ACT

RELATING TO REPORTS OF CHILD ABUSE.

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

1 SECTION 1. The Child Abuse Prevention and Treatment Act
2 (CAPTA), as amended, provides federal funding to states for
3 prevention, assessment, investigation, prosecution, and
4 treatment activities for child abuse and neglect. On January 7,
5 2019, the Victims of Child Abuse Act Reauthorization Act of 2018
6 (P.L. 115-424), was enacted, further amending certain provisions
7 of CAPTA. The 2019 amendment provides immunity from civil and
8 criminal liability "for individuals making good faith reports of
9 suspected or known instances of child abuse or neglect, or who
10 otherwise provide information or assistance, including medical
11 evaluations or consultations, in connection with a report,
12 investigation, or legal intervention pursuant to a good faith
13 report of child abuse or neglect" (42 U.S.C.
14 5106a(b)(2)(B)(vii)).

15 The purpose of this Act is to bring state law into
16 compliance with the most recent amendments to CAPTA.



1 SECTION 2. Section 350-3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Anyone participating in good faith in the making of a
4 report pursuant to this chapter shall have immunity from any
5 liability, civil or criminal, that might be otherwise incurred
6 or imposed by or as a result of the making of [~~such~~] the report.
7 The immunity under this subsection shall also apply to persons
8 who otherwise provide information or assistance, including
9 medical evaluations or consultation, in connection with a
10 report, investigation, or legal intervention pursuant to a good
11 faith report of child abuse or neglect. Any [~~such~~] participant
12 under this section shall have the same immunity with respect to
13 participation in any judicial proceeding resulting from [~~such~~]
14 the report."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on December 31,
18 2059.



Report Title:

Reports of Child Abuse; Immunity

Description:

Adds immunity from civil and criminal liability for individuals who provide information or assistance in child abuse investigations. Effective 12/31/2059. (HD1)

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