

JAN 17 2020

A BILL FOR AN ACT

RELATING TO CHILD SAFETY.

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

1 SECTION 1. Chapter 587A, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§587A- Entry of child abuse perpetrator into central
5 registry. (a) At any hearing conducted pursuant to chapter
6 587A, at which the court orders that a child be taken into or
7 retained in custody, or finds that the child was abused or
8 neglected, the court:

9 (1) Shall order, without possibility of waiver by the
10 department, that the person's name be entered into the
11 central registry if the court finds that there is a
12 preponderance of the evidence that the person:

13 (A) Physically abused the child; provided that, if
14 the only form of physical abuse that is found by
15 the court is excessive corporal punishment, the
16 court may order that the person's name be entered



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1 into the central registry only if paragraph (2)
2 applies;
3 (B) Sexually abused the child;
4 (C) Wilfully or recklessly neglected the child; or
5 (D) Gave birth to the infant and the infant:
6 (i) Tested positive for the presence of any
7 amount of controlled substance, prescription
8 drugs not prescribed to the mother, or
9 metabolite of a controlled substance, unless
10 the presence of the substance or metabolite
11 is the result of a medical treatment
12 administered to the infant or mother of the
13 infant during birth; or
14 (ii) Was diagnosed with neonatal abstinence
15 syndrome;
16 (2) May order, except as provided in paragraph (1), that
17 the person's name be entered into the central registry
18 if the court finds by a preponderance of the evidence
19 that:



1 (A) The person abused or neglected the child in any
2 manner, including the use of excessive corporal
3 punishment; and

4 (B) The nature and circumstances of the abuse
5 indicate that the person would present a
6 significant risk of committing physical or sexual
7 abuse or wilfull or reckless neglect if the
8 person were in a position or setting outside of
9 the person's home that involves care of or
10 substantial contact with children.

11 (b) For purposes of this section, "central registry" means
12 the central registry of reported child abuse or neglect cases
13 maintained by the department pursuant to section 350-2."

14 SECTION 2. Section 350-2, Hawaii Revised Statutes, is
15 amended by amending subsection (d) to read as follows:

16 "(d) The department shall maintain a central registry of
17 reported child abuse or neglect cases and shall promptly expunge
18 the reports in cases if:

19 (1) The report is determined not confirmed by the
20 department, an administrative hearing officer, or a
21 Hawaii state court on appeal; [e~~x~~]



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1 (2) The petition arising from the report has been
2 dismissed by order of the family court after an
3 adjudicatory hearing on the merits pursuant to chapter
4 587A[-]; or

5 (3) An investigation results in a service plan entered
6 into pursuant to section 587A-11.

7 Records and information contained in a report that is
8 expunged may be retained by the department solely for future
9 risk and safety assessment purposes."

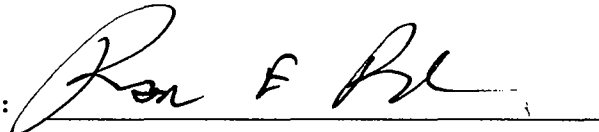
10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:


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Report Title:

Child Protective Act; Family Courts; Central Registry of Reported Child Abuse and Neglect; Registration; Department of Human Services; Preponderance of the Evidence; Court Orders; Expungement; Service Plans

Description:

Requires a family court to order a person's name be entered in the central registry of reported child abuse and neglect cases under certain circumstances. Allows the court to order a person's name be entered in the central registry of reported child abuse and neglect cases upon certain circumstances. Requires the department of human services to expunge reports in the central registry of reported child abuse and neglect cases if an investigation results in a service plan.

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

