

STAND. COM. REP. NO. **2038**

Honolulu, Hawaii

FEB 03 2022

RE: S.B. No. 2415
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2415 entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Human Services to expunge a report or reports in the Hawaii Child Abuse and Neglect Registry when the department finds that a miscarriage of justice would persist if the report or reports were not expunged;
- (2) Require the Department of Human Services to provide notice to all parties who are placed on the Hawaii Child Abuse and Neglect Registry; and
- (3) Provide an avenue for persons on the Hawaii child abuse and neglect registry to petition for removal from the registry.

Your Committee received written testimony in support of this measure from three individuals. Your Committee received written testimony in opposition to this measure from the Hawaii Family Advocacy Team and one individual. Your Committee received written comments on this measure from the Department of Human Services,



Department of Human Services Social Services Division Child Welfare Services Branch, and one individual.

Your Committee finds that prior to 2015, the Department of Human Services did not consistently notify individuals who were confirmed as a perpetrator of child abuse or neglect that their records have been placed on Hawaii's central registry of reports of child abuse and neglect. As such, there have been incidences in which individuals were not made aware that their names were on the registry for years, until an event occurs requiring a background check, such as applying for the adoption of a child or employment in a position that involves children or vulnerable adults. Your Committee also finds that existing rules of the Department of Human Services make it extremely difficult, if not impossible, for an individual who had been erroneously placed in the registry to have their records expunged. This measure seeks to provide a statutory remedy for individuals who have been placed on Hawaii's Central Registry of Reports of Child Abuse and Neglect without being given proper notice or who have been denied due process in expunging their records.

Your Committee has reviewed the written testimony of the Department of Human Services expressing concern about the measure's lack of clarity regarding the circumstances that would permit confirmed reports of child abuse or neglect to be expunged from the registry and circumstances that falls under the definition of "miscarriage of justice". Your Committee finds that these issues raise concerns that merit further consideration and respectfully requests that your Committee on Judiciary further examine those issues and concerns raised by the written testimonies on this measure.

Your Committee has amended this measure by:

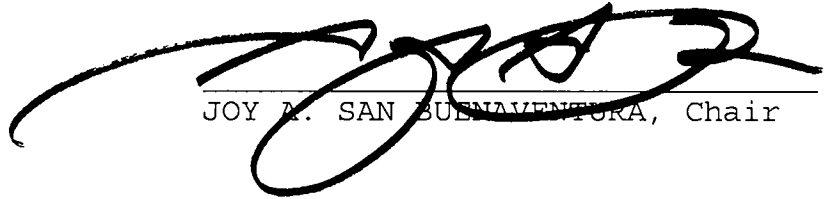
- (1) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B.



No. 2415, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2415, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,




JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB2419	Committee Referral: HMS, JDC	Date: 1/27/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)		✓		
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			✓
FEVELLA, Kurt	✓			
TOTAL	3	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes