

JAN 18 2024

A BILL FOR AN ACT

RELATING TO CHILD PROTECTION.

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

1 SECTION 1. Section 587A-4, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Immediate harm" means an active, present danger to a
6 child that is observable and documentable, and that, without
7 instant intervention, there is probable cause to believe that
8 continued contact with the child's family will result in serious
9 harm to the child in the time it would take to obtain a court
10 order."

11 2. By amending the definition of "imminent harm" to read:

12 "Imminent harm" means [that without intervention within
13 the next ninety days, there is reasonable cause to believe that
14 harm to the child will occur or reoccur.] observed circumstances
15 or behaviors that can be documented demonstrating that there is
16 a substantial risk that harm to the child will occur or reoccur,
17 but that immediate harm is not occurring to the child."



1 SECTION 2. Section 587A-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]§587A-8[+]~~ **Protective custody by police officer**
4 **without court order.** (a) A police officer shall assume
5 protective custody of a child without a court order and without
6 the consent of the child's family ~~[, if in the discretion of the~~
7 ~~police officer, the officer determines that:]~~ if there is no
8 time to obtain a court order and the officer observes and can
9 articulate on the initial police report that:

- 10 (1) The child is subject to ~~[imminent]~~ immediate harm
11 while in the custody of the child's family;
- 12 (2) The child has no parent, as defined in this chapter,
13 who is willing and able to provide a safe family home
14 for the child;
- 15 (3) The child has no caregiver, as defined in this
16 chapter, who is willing and able to provide a safe and
17 appropriate placement for the child; or
- 18 (4) The child's parent has subjected the child to harm or
19 threatened harm and the parent is likely to flee with
20 the child.



1 (b) The department shall assume temporary foster custody
2 of the child when a police officer has completed the transfer of
3 protective custody of the child to the department as follows:

4 (1) A police officer who assumes protective custody of a
5 child shall complete transfer of protective custody to
6 the department by presenting physical custody of the
7 child to the department; or

8 (2) If the child is or will be admitted to a hospital or
9 similar institution, the police officer shall
10 immediately complete the transfer of protective
11 custody to the department by notifying the department
12 and receiving an acknowledgment from the hospital or
13 similar institution that it has been informed that the
14 child is under the temporary foster custody of the
15 department.

16 (c) The officer shall provide an initial written report
17 containing documented observations of the behaviors and
18 circumstances that formed the basis for the child's immediate
19 removal to the department within twenty-four hours or the next
20 business day of assuming protective custody of the child."



1 SECTION 3. Section 587A-9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) When the department receives protective custody of a
4 child from the police, the department shall:

5 (1) Assume temporary foster custody of the child if, in
6 the discretion of the department, the department
7 determines that the child is subject to imminent harm
8 while in the custody of the child's family;

9 (2) Receive a copy of the initial police report within
10 twenty-four hours or the next business day;

11 [~~2~~] (3) Make every reasonable effort to inform the
12 child's parents of the actions taken~~[7]~~ and provide a
13 copy of the initial police report, unless doing so
14 would put another person at risk of harm;

15 [~~3~~] (4) Unless the child is admitted to a hospital or
16 similar institution, place the child in emergency
17 foster care while the department conducts an
18 appropriate investigation, with placement preference
19 being given to an approved relative;

20 [~~4~~] (5) With authorized agencies, make reasonable efforts
21 to identify and notify all relatives within thirty



1 days of assuming temporary foster custody of the
2 child; and

3 ~~[-5-]~~ (6) Within three days, excluding Saturdays, Sundays,
4 and holidays:

5 (A) Relinquish temporary foster custody, return the
6 child to the child's parents, and proceed
7 pursuant to section 587A-11(4), (5), or (6);

8 (B) Secure a voluntary placement agreement from the
9 child's parents to place the child in foster
10 care, and proceed pursuant to section 587A-11(6)
11 or (8); or

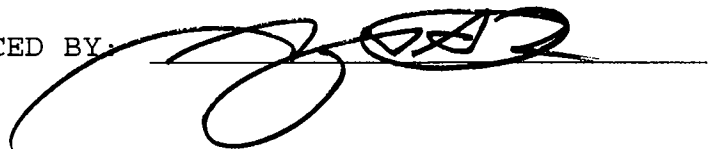
12 (C) File a petition with the court ~~[-]~~ that shall
13 include a copy of the initial police report."

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

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

17

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line.

S.B. NO. 2247

Report Title:

Department of Human Services; Child Protective Act; Dependent Children; Immediate Harm; Police Report; Temporary Custody

Description:

Establishes a definition for "immediate harm" and amends the definition of "imminent harm" for the purpose of the Child Protective Act. Requires a police officer who assumes protective custody of a child who is subject to immediate harm while in the custody of the child's family to provide a written report detailing the observations justifying the immediate removal to the Department of Human Services within twenty-four hours of assuming custody of the child.

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

