

Honolulu, Hawaii
MAR 01, 2024

RE: H.B. No. 2428
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2428, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose of this measure is to amend the Child Protective Act by:

- (1) Adding a definition of "exigent circumstances" and amending the definitions of "harm" and "imminent harm";
- (2) Clarifying when the police may take a child into protective custody and when the Department of Human Services may assume temporary foster custody of a child when exigent circumstances are present; and
- (3) Authorizing the court to order a child to be placed into protective custody and temporary foster custody without notice or a hearing.

Your Committee received testimony in support of this measure from the Judiciary; Department of the Attorney General; Department of Human Services; and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Hawaii Coalition for Child Protective Reform and one individual.



Your Committee finds that this measure updates and clarifies the procedures for removing children from unsafe homes, with and without court orders, while taking into consideration concerns regarding maintaining family integrity, the due process rights of parents, and federal case law.

Your Committee has amended this measure by:

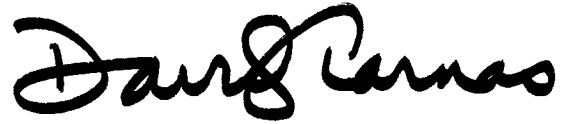
- (1) Amending the definition of "exigent circumstances" to include situations where there is reasonable cause to believe that immediately assuming temporary foster custody of a child is necessary to protect the child from serious harm that is likely to occur before a court order can be obtained;
- (2) Amending the requirements for the Department of Human Services to file a petition and seek an order for protective custody when there is reasonable cause to believe that a child is subject to imminent harm by:
 - (A) Deleting the requirement that the ex parte motion be for immediate protective custody; and
 - (B) Amending the type of documentation that must accompany an ex parte motion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests the Senate, should it deliberate on this measure, to consider inserting an effective date of July 1, 2025.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2428, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2428, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 2428 HD1	Committee Referral: HVS, JHA	Date: 2/15/24		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)				✓
3. EVSLIN, Luke A.	✓			
4. GANADEN, Sonny	✓			
5. HOLT, Daniel	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIYAKE, Tyson K.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	9	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="margin-left: 150px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Tyson K. Miyake</div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				