

ACT 123

H.B. NO. 22

A Bill for an Act Relating to Child Abuse.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

“(c) The department shall maintain a central registry of reported child abuse or neglect cases and [may] shall promptly expunge [such] the reports [as it deems appropriate and may] in cases where:

- (1) The department has found the reports to be unsubstantiated; or
- (2) The petition arising from the report has been dismissed by order of the family court after an adjudicatory hearing on the merits pursuant to chapter 587.

For purposes of expungement under (c)(1) above, a report is unsubstantiated only when the department has found the allegations contained therein to be frivolous or to have been made in bad faith.

However, the department may retain records and information of alleged child abuse and neglect with respect to the child that is the subject of the alleged abuse.

The department shall adopt such rules as may be necessary in carrying out this section.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1991.)