

ACT 219

S.B. NO. 1455

A Bill for an Act Relating to the Children’s Advocacy Program.

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

SECTION 1. Chapter 588, Hawaii Revised Statutes, is amended by amending the title to read as follows:

~~“[CHAPTER 588]~~
CHILDREN’S [ADVOCACY] JUSTICE PROGRAM”

SECTION 2. Chapter 588, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§588- Coordination function. (a) The program shall promote the sharing of information among agencies providing services to the child and family, for purposes of implementing this chapter.

(b) All agencies and their providers that have information regarding the mental, physical health, or other information relating to the best interest of the child shall share the information among the agencies working with the child unless otherwise prohibited by federal or state statute or rule. No agency shall further disclose any confidential information unless written consent expressly authorizing further disclosure is obtained from the person who is the subject thereof, or disclosure is permitted by law.”

SECTION 3. Section 588-1, Hawaii Revised Statutes, is amended to read as follows:

“[§588-1] Children’s [advocacy] justice program; establishment, purpose. (a) There is established a children’s [advocacy] justice program within the judiciary. The mission of the program is to provide for the special needs of children as witnesses by promoting coordination for appropriate investigation, treatment, and legal processes, thereby reducing and preventing unnecessary trauma to children and ensuring justice for children and their families.

- (b) The purpose of the program shall be to:
 - (1) Develop, achieve, and maintain interagency and interprofessional cooperation and coordination in the investigation of and case management of intrafamilial and extrafamilial child sex abuse and serious physical child abuse cases;
 - (2) ~~[Obtain evidence useful for both criminal prosecution as well as protective action in civil proceedings;]~~ Facilitate in an impartial manner the professional gathering of information by public and private agencies and their providers for court proceedings involving child victims and witnesses;
 - (3) Reduce to the absolute minimum the number of interviews of child sex abuse victims so as to minimize revictimization of the child;
 - (4) Coordinate the therapeutic and treatment program for child sex abuse victims and their families;

- (5) Provide for a multidisciplinary team and case management approach which is focused first, on the alleged or suspected child sex abuse victim's needs and conditions; second, on the family members who are supportive of the child and whose interests are consistent with the best interests of the child; and third, on law enforcement and prosecutorial needs;
- (6) Provide for the training and continuing education of skilled professional interviewers of child sex abuse victims; and
- (7) Serve as the focus of information and referral for child sex abuse programs."

SECTION 4. Section 588-2, Hawaii Revised Statutes, is amended to read as follows:

~~“[§588-2] [Definition] Definitions of child [sexual] abuse. For [the purpose] purposes of this chapter[, “child sexual abuse”]:~~

~~“Child sexual abuse” means any of the offenses described under chapter 707, part V, when committed on a person under the age of [sixteen] eighteen years or as [is] set forth in paragraph (2) of the definition of [harm] “harm” in section 587-2.~~

~~“Serious physical child abuse” means any of the offenses described in paragraph (1) of the definition of “harm” set forth in section 587-2 when the offense rises to the degree of a felony as defined in section 701-107.”~~

SECTION 5. Section 588-4, Hawaii Revised Statutes, is amended to read as follows:

~~“§588-4 Duties of the director. The director shall:~~

- (1) Enter into agreements with police departments, departments of the prosecuting attorneys and county corporation counsels, the departments of the attorney general, health, and human services, and other public and private agencies, including agreements for the temporary assignment of appropriate personnel from each agency to the program;
- (2) Enter into contracts for the provision of specialized training and continuing education for interviewers of child sex abuse victims and child witnesses from both public and private [agencies;] agencies and providers;
- (3) Arrange for ~~[the conduct of]~~ interviews of child sex abuse victims ~~[at the child's home or other]~~ and child witnesses in an appropriate setting~~[, to include the selection of the interviewer for each child sex abuse victim];~~
- (4) ~~[Coordinate the therapeutic and treatment services by public and private agencies for child sex abuse victims;]~~ Promote interagency cooperation and coordination, including information sharing and gathering, among the public and private agencies and their providers that deliver investigative, case management, and therapeutic services;
- (5) Coordinate the flow of information between the agencies responsible for criminal prosecution and ~~[those]~~ the agencies responsible for protective action in civil [proceedings;] proceedings, including those professionals providing services to children and their families;
- (6) Arrange for the exchange of information, to include statistical data from public and private agencies involved in child sex abuse programs and issues;

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- (7) Develop recommendations and plans for action to assist the public and private agencies involved in cases of child sex abuse [eases;] and serious physical child abuse; and
- (8) Prepare and maintain records and reports for the program.”

SECTION 6. Section 588-6, Hawaii Revised Statutes, is repealed.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 8. This Act shall take effect on July 1, 2001.

(Approved June 2, 2001.)

Note

- 1. Prior to amendment an end quote appeared here.
- 2. Edited pursuant to HRS §23G-16.5.