H.B. NO. 3133

# A BILL FOR AN ACT

RELATING TO MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT.

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

SECTION 1. Currently, the law does not require family members to immediately report any known or suspected child abuse or neglect to the department or the police. In many instances, the family has first-hand knowledge of abuse or neglect situations within their family not available to other persons who have no interactions within the family. However, because of the family connections, the abuse or neglect is not reported, sometimes resulting in serious health and safety consequences for the child.

The inclusion of family members as mandated reporters of child abuse or neglect will help ensure that instances of known child abuse or neglect will be reported directly to child welfare services or the police by those who observe it and without delay.

This will also ensure that the best evidence of abuse or neglect is obtained because it is reported directly by those who observe which will provide child welfare services and the police

the opportunity to intervene to ensure the safety and well-being of children.

SECTION 2. Section 350-1.1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Notwithstanding any other state law concerning confidentiality to the contrary, the following persons who, in their professional or official capacity, have reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future, shall immediately report the matter orally to the department or to the police department:

(1) Any licensed or registered professional of the healing arts or any health-related occupation who examines, attends, treats, or provides other professional or specialized services, including but not limited to physicians, including physicians in training, psychologists, dentists, nurses, osteopathic physicians and surgeons, optometrists, chiropractors, podiatrists, pharmacists, and other health-related professionals;

(2) Employees or officers of any public or private school;

(3) Employees or officers of any public or private agency or institution, or other individuals, providing social,

medical, hospital, or mental health services, including financial assistance;

(4) Employees or officers of any law enforcement agency, including but not limited to the courts, police departments, department of public safety, correctional institutions, and parole or probation offices;

(5) Individual providers of child care, or employees or officers of any licensed or registered child care facility, foster home, or similar institution;

(6) Medical examiners or coroners; [~~and~~]

(7) Employees of any public or private agency providing recreational or sports activities[~~.~~]; and

(8) Any family member as defined in section 587-2 who has reached the age of majority and who has knowledge that child abuse or neglect is occurring or has knowledge that the child has been harmed due to abuse or neglect."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 22 2008

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**Report Title:**
Child Abuse and Neglect; Family Members; Mandated Reporting

**Description:**
Broadens the group of persons required to report child abuse and neglect to include family members.

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# JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO MANDATORY REPORTING OF CHILD ABUSE AND NEGLECT.

PURPOSE: The purpose of this bill (aka "Indigo Law") is to require any person who is defined as "family" in section 587-2, Hawaii Revised Statutes, and who has reached the age of majority, to be mandated reporters of child abuse if they have knowledge that abuse is occurring or the child has been harmed due to abuse or neglect.

MEANS: Amend section 350-1.1(a), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Currently, the law does not require family members to immediately report any known or suspected child abuse or neglect to the department or the police. In many instances, the family has first-hand knowledge of abuse or neglect situations within their family not available to other persons who have no interactions within the family. However, because of the family connections, the abuse or neglect is not reported, sometimes resulting in serious health and safety consequences for the child.

One recent example is the Indigo Wright case. In this case, a member of the child's extended family recently told the media that they knew of the child's situation and neglectful circumstances for many years after the child was returned to her parents and had tried unsuccessfully to intervene, but they made no report to Child Welfare Services (CWS) nor the police, and the extended family members were unable or unwilling to effectively intervene to protect the child.

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Until the situation deteriorated and the police were called by a neighbor, the child was not otherwise reported to CWS nor the police, since the child was isolated by the parents and had no contact with mandated reporters such as the police, schools, medical personnel, or others who could have suspected and reported the child's situation to CWS or the police.

This amendment will help ensure that instances of known child abuse or neglect will be reported directly to CWS or the police by those who observe it and without delay as required by law, including family members. This will also ensure that the best evidence of abuse or neglect is obtained because it is reported directly by those who observe which will provide CWS and the police the opportunity to intervene to ensure the safety and well-being of children.

Impact on the public: Safety of children will be ensured with instances of known child abuse or neglect being reported without delay directly by those who observe it.

Impact on the department or other agencies: Ability to provide the necessary protection and services to vulnerable children.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 301

OTHER AFFECTED AGENCIES: Department of the Attorney General, the Judiciary, the County Police Departments.

EFFECTIVE DATE: Upon approval.