

MAR 12 2012

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## SENATE RESOLUTION

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REQUESTING THE DEPARTMENTS OF HUMAN SERVICES AND HEALTH TO CONVENE A TASK FORCE TO DETERMINE WHEN AND UNDER WHAT CONDITIONS REPORTS OF ALLEGED VULNERABLE ADULT ABUSE, ALLEGED CHILD ABUSE, AND CONFIRMED CHILD ABUSE OR NEGLECT SHOULD BE EXPUNGED FROM THE DEPARTMENT OF HUMAN SERVICES' CENTRAL REGISTRY.

1           WHEREAS, this body finds that it has become problematic for  
2 people to care for their children and grandchildren and to  
3 obtain employment due to suspected allegations or confirmed  
4 cases of abuse; and

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6           WHEREAS, section 350-2, Hawaii Revised Statutes, currently  
7 only requires the Department of Human Services to expunge its  
8 reports in the central registry of reported child abuse or  
9 neglected cases if:

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11           (1) The Department has found the allegations to be  
12 frivolous or to have been made in bad faith; or

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14           (2) The petition arising from the report has been  
15 dismissed by order of the family court after an  
16 adjudicatory hearing on the merits pursuant to chapter  
17 587A, Hawaii Revised Statutes; and

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19           WHEREAS, it remains unclear whether or not maintaining  
20 these unsubstantiated reports of abuse and neglect are warranted  
21 when they affect people's ability to secure employment, earn a  
22 livelihood, or care for family members; and

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24           WHEREAS, a task force with representation from executive  
25 agencies, the Judiciary, children and adult advocacy groups,  
26 parent and guardian advocacy groups, and other stakeholders will  
27 be in the best position to determine when and under what  
28 conditions records of unsubstantiated abuse and neglect should  
29 be expunged; now, therefore,

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31           BE IT RESOLVED by the Senate of the Twenty-sixth  
32 Legislature of the State of Hawaii, Regular Session of 2012,



1 that the Departments of Human Services and Health are requested  
 2 to establish a task force to review the concerns arising from  
 3 unsubstantiated and unconfirmed cases of child abuse and  
 4 neglect, and adult abuse and neglect, as they relate to people  
 5 seeking employment, and assess the times at which and conditions  
 6 under which reports of alleged vulnerable adult abuse, alleged  
 7 child abuse, and confirmed child abuse or neglect should be  
 8 expunged from the Department of Human Services' central  
 9 registry; and

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 11 BE IT FURTHER RESOLVED that the task force shall include  
 12 representation from the Departments of Health and Human  
 13 Services, the Judiciary, members from children and adult  
 14 advocacy groups, members of parent and guardian advocacy groups,  
 15 and members of other stakeholder groups; and

16  
 17 BE IT FURTHER RESOLVED that the task force is requested to  
 18 submit findings and recommendations, including any proposed  
 19 legislation, to the Legislature no later than twenty days prior  
 20 to the convening of the Regular Session of 2013; and

21  
 22 BE IT FURTHER RESOLVED that certified copies of this  
 23 Resolution be transmitted to the Director of Human Services,  
 24 Director of Health, the Chief Justice of the Supreme Court, and  
 25 the Public Defender.

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