

Hawaii

Child Abuse Reporting

Who do I contact to report an incident in Hawaii?

An oral report should be made to the Department of Human Services or to the police department immediately. The initial oral report should be followed as soon as possible by a report in writing to the Department of Human Services.

Additionally, if the mandated reporter is a member of the staff of any public or private school, agency, or institution, that staff member shall also immediately notify the person in charge or a designated delegate of the report made in accordance with this chapter. **Hawaii Revised Statutes § 350-1.1(a)-(c).**

To report child abuse or neglect 808-832-5300 or (toll free) 1-888-380-6688

To report child trafficking 808-832-1999 or (toll free) 1-888-398-1188

If you believe a child is in immediate danger, call 911.

How much time do I have to report an incident?

Reports shall be made immediately. **HRS § 350-1.1(a).**

What is “child abuse or neglect” in Hawaii?

The acts or omissions of any person who, or legal entity which, is in any manner or degree related to the child, is residing with the child, or is otherwise responsible for the child's care, that have resulted in the physical or psychological health or welfare of the child, who is under the age of eighteen, to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed.ⁱ

The acts or omissions of any person that have resulted in sex trafficking or severe forms of trafficking in persons.ⁱⁱ **HRS §350-1(1).**

Who is a mandatory reporter in Hawaii?

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 make a report.

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; Employees or officers of any public or private school; 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; 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; Individual providers of child care, or employees or officers of any licensed or registered child care facility, foster home, or similar institution; Medical examiners or coroners; and; Employees of any public or private agency providing recreational or sports activities;

Commercial film and photographic print or image processors; Commercial computer technicians; and Members of the clergy or custodians of records therefor. **HRS § 350-1.1 (a)**.

Are Clergy mandatory reporters in Hawaii?

Yes, unless the reported information was gained solely during a penitential communication. When a clergy member receives reportable information from any other source, the clergy member shall comply with the reporting requirements regardless of whether the clergy member received the same information during a penitential communication. **HRS § 350-1.1 (a)(10)**.

What is considered a penitential communication?

Penitential communication is defined as a communication, including a sacramental confession, that is intended to be kept confidential and is made to a member of the clergy who, in the course of the discipline or practice of the applicable religious organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the applicable religious organization, has a duty to keep those communications secret. **HRS § 350-1.1 (a)(10)**.

Where can I find Hawaii law on child abuse?

<https://www.capitol.hawaii.gov/hrscurrent>

ⁱ The acts or omissions are indicated for the purposes of reports by circumstances that include but are not limited to:

(A) When the child exhibits evidence of:

- (i) Substantial or multiple skin bruising or any other internal bleeding;
- (ii) Any injury to skin causing substantial bleeding;
- (iii) Malnutrition;
- (iv) Failure to thrive;
- (v) Burn or burns;
- (vi) Poisoning;
- (vii) Fracture of any bone;
- (viii) Subdural hematoma;
- (ix) Soft tissue swelling;
- (x) Extreme pain;
- (xi) Extreme mental distress;
- (xii) Gross degradation;
- or (xiii) Death;

and such injury is not justifiably explained, or when the history given concerning such condition or death is at variance with the degree or type of such condition or death, or circumstances indicate that such condition or death may not be the product of an accidental occurrence;

(B) When the child has been the victim of sexual contact or conduct, including but not limited to sexual assault as defined in the Penal Code, molestation, sexual fondling, incest, or prostitution; obscene or pornographic photographing, filming, or depiction; or other similar forms of sexual exploitation, including but not limited to acts that constitute an offense pursuant to section 712-1202(1)(b);

(C) When there exists impairment in the child's ability to function;

(D) When the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision;

(E) When the child is provided with dangerous, harmful, or detrimental drugs as defined by section 712-1240; provided that this subparagraph shall not apply when such drugs are provided to the child pursuant to

the direction or prescription of a practitioner, as defined in section 712-1240; or (F) When the child has been the victim of labor trafficking under chapter 707.

ii “Severe forms of trafficking in persons” has the same meaning as provided in title 22 United States Code Annotated section 7102 (9). “Sex Trafficking” has the same meaning as provided in title 22 United States Code Annotated section 7102 (10).