

# **Unidentified Perpetrator: Overview of the Challenge and Panel Discussion**

2012 Annual Child Welfare Law Update



National Resource Center for Child Protective Services

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# Panel Member Introductions

- Honorable Paul Murakami, Judge, Family Court of the First Circuit
- Cynthia Goss, Child Welfare Services Assistant Branch Administrator, DHS
- Thomas Haia, Esq. Parent's Counsel, Buchli Group
- Malcolm Hong, Esq. Hong Group of Guardians Ad Litem
- Brenda Wong, Ph.D., Acting Director, Kapiolani Child Protection Center
- Mary Anne Magnier/Patrick Pascual, Deputy Attorney General, Family Law Division



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# Purpose of the Panel Discussion/Working Lunch

- Context of this discussion
- Desired outcome of the discussion and lunch and stakeholder input
- Ground rules



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# National Perspective

- Input from other jurisdictions
- Common comment- “we don’t have many unidentified perpetrator cases”
- No specific protocols
- Elements of the protocol we are working towards



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# Draft Protocol

- 3 steps
  - Examination and documentation of safety threats
  - Case planning which requires behavioral and measurable case plan goals to focus on increased protective capacity
  - If the plan is for reunification, a highly structured CWS managed in-home safety plan



# Draft Definitions

- Identified perpetrator: One that DHS can identify as responsible for the harm to a child based on the injuries and the circumstances surrounding the injuries (with or without an admission)
- Unidentified perpetrator: One who DHS cannot identify as responsible for the harm to a child based on the injuries and the circumstances surrounding the injuries and who was responsible for the care of the child.



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# Serious Harm (587A)

- **Serious Harm** includes damage or injury to a child's physical or psychological health or welfare, where:
  - (1) The child exhibits evidence of injury, including, but not limited to:
    - (A) Substantial or multiple skin bruising;
    - (B) Substantial external or internal bleeding;
    - (C) Burn or burns;
    - (D) Malnutrition;
    - (E) Failure to thrive;
    - (F) Soft tissue swelling;
    - (G) Extreme pain;
    - (H) Extreme mental distress;
    - (I) Gross degradation;
    - (J) Poisoning;
    - (K) Fracture of any bone;
    - (L) Subdural hematoma; or
    - (M) Death;
  - and the injury is not justifiably explained, or the history given concerning the condition or death is not consistent with the degree or type of the condition or death, or there is evidence that the condition or death may not be the result of an accident; (Harm 1 from HRS 587-A)



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# Child Safety Guide for Judges and Attorneys

- Fundamental step is clear articulation of the safety threats
- Depth of information collection-6 domains
- Case planning cannot be compliance oriented, must be based on behavioral change
- Conditions for return based on behavioral change
- Requires all stakeholders to be invested in protocol



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# Panel Discussion

- Hypothetical case
- Panel member questions
- Audience questions – please write your questions on cards
- Address as many as possible prior to lunch
- Invite input of other partners in audience:  
Law enforcement, Military, Honolulu  
Prosecutor



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# Working Lunch

- No specific table assignments
- Write down any ideas you have for contribution to this protocol and/or any suggestions you have that would contribute to the successful implementation of the protocol



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