

Time did not permit us to address the following questions during the Child Welfare Law Update on August 8, 2025.

How many parents counsels are available on Oahu?

About 7. If you know of attorneys who are interested, they can email their resume to srfcjudge.1cc@courts.hawaii.gov.

What is DOH CAMHD's procurement process to allow for such an overhaul of services over the past year and to include such things as incentives for providers?

Request for proposals (RFPs). Every 6 years we do a top to bottom refresh. A few years before, we meet to review utilization data, update all our services standards, meet with providers, and then we issue RFPs.

Beyond providing a youth a bus pass, what other options can youth expect if the RCG cannot transport youth to school of origin?

Best interest determination meeting should address transportation needs and resources. We are aware of challenges and DHS is engaged in conversations with DOE about options. Perhaps another friend or family member could assist.

According to the torture statute, what is the definition of "torture" and what does it encompass?

The torture statute defines "torture" as "[a]ny person who knowingly:

- (a) Causes serious bodily injury to another person within the actor's custody or physical control;
- (b) Causes serious bodily injury or substantial bodily injury to another person, and the actor has previously engaged in a pattern or practice of physically abusing the other person; or
- (c) Subjects a minor or vulnerable person to any of the following acts, or to any substantially similar act, on three or more occasions within a period of two years: [e.g., strangulation, burning, electrocution, withholding food or water, restricting hygiene, exposure to extreme temperatures, etc.]"

For a more complete read, Act 147 is available here:

https://www.capitol.hawaii.gov/sessions/session2025/bills/GM1247_.PDF.

Does the Act 147 torture statute include emotional abuse? Or is it strictly just physical?

The torture statute is limited to physical harm; emotional or psychological abuse is not included in its definition.

Act 147, how will this process ensure the justice interests of the victim?

I am unclear if this question refers to Act 147 (2025), which pertains to the torture statute, or to Act 147 (2024), which pertains to the central registry law.

If Act 147 (2025), the torture statute, the law ensures justice for victims by allowing prosecutors to pursue maximum penalties for torture, which underscores the gravity of such crimes and serves as a deterrent.

If Act 147 (2024), the central registry law, the law ensures justice for victims by making sure that CWS's investigations properly identify victims of child abuse and neglect and provide them the services they need to remain safe while at the same time maintaining children who are not victims of child abuse and neglect with their families. In cases where CWS is considering expungement years later, the law provides that individuals who are the subjects of confirmation in particularly serious cases (*i.e.*, aggravated circumstances and sexual abuse) are not eligible to request expungement and therefore remain on the registry. At the same time, for less severe cases, the law balances rehabilitation with public safety by offering a principled path to expungement, but only if appropriate and only if the specific statutory criteria have been met.

How does DHS utilize records that have been expunged from the CAN registry in making a risk and safety assessment?

It's important to clarify that the central registry law permits a person to have their **name** expunged from the central registry, not the actual records. If the DHS grants a person's request for expungement and the person's **name** is removed from the registry, pursuant to [HRS § 350-2.5\(g\)](#), "[r]ecords and information contained in a report for which a person's name is expunged from the central registry shall be retained by the department solely for future risk and safety assessment purposes."

Every time a report of child abuse and neglect is received by the DHS, through its centralized intake, the intake worker receiving the report does a search for related cases and investigations. The existence of a prior report of

child abuse and neglect is part of the intake worker's assessment of the potential safety risks to the child. The information in the retained reports can inform decisions about which cases can be referred to a diversion program, which cases can be referred to a general assessment worker for an investigation, and which cases need an immediate response from a crisis response worker. A prior report, and the details of that report, can also inform the assigned investigative worker's assessment of the family and the safety risks to the child. The retained records are meant to provide as comprehensive a picture of the family as possible to inform the DHS's response to any new reports of child abuse and neglect.

Relating to the registry and confirmations, does this include TRO and custody cases where a referral to CWS comes from court?

Yes. Pursuant to [HRS § 350-2.5\(a\)](#), when the DHS confirms a report of child abuse or neglect—regardless of whether the report originates from a family court referral, such as a Temporary Restraining Order (TRO) or custody case—the individual's name “shall” be included in the central registry. The statute does not differentiate based on the source of the report. Furthermore, the expungement process is consistent for all confirmed reports, irrespective of their origin.

What does in the interest of justice really mean?

I am unclear what this question is referring to. I am going to surmise the question is referring to the central registry law and the language that says the department may grant expungement “based on a finding of good cause shown that the expungement would serve the interests of justice.” [HRS § 350-2.5\(e\)](#). Although that phrase is not explicitly defined, it is a common legal standard used to guide discretionary decisions, such as granting an expungement request. “In the interest of justice” is commonly understood to mean actions or decisions that promote fairness and righteousness.

The DHS has proposed rules which detail the criteria to be considered in reviewing requests for expungement. Specifically, the DHS plans to consider the following:

- (1) Length of time since the report was confirmed;
- (2) Severity of the abuse or neglect, harm, or threatened harm;
- (3) Age of the child at the time of the report;
- (4) Age of the confirmed perpetrator at the time of the report;
- (5) Evidence of the confirmed perpetrator's rehabilitation; and

(6) Any other relevant information received and deemed credible by the department, including but not limited to results of a criminal history record check.

The DHS also provided testimony in support of the bill as it was debated and passed by the Legislature in 2024. The DHS stated in its testimony that the expungement provision “recognizes that an individual can make positive changes in their circumstances and supports an individual to be successful by allowing them to pursue employment, educational opportunities, licensures, or other personal matters.” Those stated goals informed the Legislature as it adopted the phrase in “the interests of justice.”