

Mandatory Reporting Requirements: Children Hawaii

Last Updated: April 2023

Question	Answer
Who is required to report?	<p>Any of the following persons who, <i>in their professional or official capacity</i>, 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:</p> <ul style="list-style-type: none"> • 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 surgeon 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; • 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; provided that a member of the clergy shall not be required to report information gained solely during a penitential communication, except when the clergy member believes that a substantial risk that child abuse or neglect that is especially heinous, atrocious, cruel or manifesting exceptional depravity may occur in the reasonably foreseeable future. When a clergy member receives reportable information from any source other than a penitential communication, the clergy member shall comply with the reporting requirements, regardless of whether the clergy member received the same information during a penitential communication.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • Reason to believe that child abuse or neglect has occurred or there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future. <p>Where does it go?</p> <ul style="list-style-type: none"> • An initial oral report of suspected child abuse or neglect must be made to the Department of Human Services (“DHS”) or the police department. Telephone reports be made by calling 1-800-380-3088 (toll free - all islands) or 808-832-5300, and the initial oral report shall be followed as soon as possible by a report in writing to DHS. • A written report to DHS must follow the telephone report. The written report can be mailed to DHS Child Welfare Services Intake Unit, 420 Waiakamilo Road, Suite 300A, Honolulu, HI 96817 or faxed to 808-832-5292 (Oahu) or 1-88800-988-6688 (other islands). The form to be mailed or faxed can be found at: https://humanservices.hawaii.gov/ssd/files/2019/03/MANDATED-REPORTER-CHILD-ABUSE-NEGLECT-CHECKLIST_.doc <p>For suspected human trafficking, reports should be made to 1-(888) 398-1188 (all islands) or (808) 832-1999 (Oahu). The form for the written report can be found at: https://humanservices.hawaii.gov/wp-content/uploads/2018/07/MANDATED-REPORTER-CHECKLIST-FOR-SUSPECTED-HUMAN-TRAFFICKING-with-website-JUNE-2019.pdf</p> <p>Whenever the reporting individual is a member of the staff of any public or private school, agency, or institution, that staff member shall immediately report the known suspected child abuse or neglect directly to DHS or to the police department and shall immediately notify the person in charge or a designated delegate of the report.</p>
What definitions are important to know?	<ul style="list-style-type: none"> • “Child” means a person who is born alive and is less than 18 years of age. • “Child abuse or neglect” means 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 18, be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed. Specific examples of “child abuse or neglect” are provided at HRS § 350-1, including specified physical injuries, when the child has been the victim of sexual contact or conduct, when there exists injury to the psychological capacity of a child evidenced by an observable and substantial impairment in the child's ability to function, when the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision, when the child is provided with dangerous, harmful, or detrimental drugs (other than pursuant to the direction or prescription of a medical practitioner), or when the child has been the victim of labor trafficking. Child abuse or neglect also includes the acts or omissions of any person that have resulted in sex trafficking or severe forms of trafficking in persons. • “Sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act. • “Penitential communication” means 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 hearing those communications, and under the discipline, tenets, customs, or practices of the applicable religious organization, has a duty to keep those communications secret.

initial

is,

or
than

ture.

can
ing to

[8.doc](#)

or

to

al
ject

x act.
ie

	<ul style="list-style-type: none"> • The phrase “especially heinous, atrocious, or cruel, manifesting exceptional depravity” means a conscienceless or pitiless crime which is unnecessarily torturo to a victim.
<p>What timing and procedural requirements apply to reports?</p>	<p>Oral report is to be made immediately. The written report should follow oral report as soon as possible.</p>
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • All written reports contain the following: <ul style="list-style-type: none"> • Name and address of the child and the child’s parents or other persons responsible for child’s care, if known; • The military status of the child’s parents or other persons responsible for the child’s care, if known; • Child’s age; • The nature and extent of child’s injuries; and • Any other information that reporter believes might be helpful or relevant to the investigation of the abuse or neglect.
<p>Anything else I should know?</p>	<ul style="list-style-type: none"> • Any health professional or paraprofessional, physician licensed or authorized to practice medicine in the state, registered nurse or licensed practical nurse, hospit similar institution’s personnel engaged in the admission, examination, care, or treatment of patients, and any medical examiner, coroner, social worker, or police officer, who has before the person a child the person reasonably believes has been harmed, shall make every good faith effort to take or cause to be taken color photographs of the areas of visible trauma on the child, and, if medically indicated, and such person may take or cause to be taken x-rays of the child or cause a radiological or other diagnostic examination to be performed. Any color photographs, x-rays, radiological, or other diagnostic examination reports that show evidence of imminent harm, harm, or threatened harm to a child shall immediately be forwarded to DHS. • Upon demand by DHS or the police department, the persons required to report under the statute shall provide all information relating to the alleged incident of cf abuse or neglect, including, but not limited to, medical records and reports and any image, film, video, or other electronic medium, which were not originally incl in the written report. • Any person, not otherwise required to report, who becomes aware of facts or circumstances which cause that person to 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 may immediately report the matter orally to DHS or the police department. • Anyone participating in good faith in the making of a report of child abuse or neglect shall have immunity from any liability, civil or criminal, that might be otherw incurred or imposed by or as a result of the making of such report. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report. • All reports to the department concerning child abuse or neglect made pursuant to this chapter, as well as all records of such reports, are confidential. Every reasonable good faith effort shall be made by DHS to maintain the confidentiality of the name of a reporter who requests that the reporter’s name be confidential. • Any individual who assumes a duty or responsibility of a mandatory reporting shall have immunity from civil liability for acts or omissions performed within the sc of the individual’s duty or responsibility. • Any mandatory reporter who knowingly prevents another person from reporting, or who knowingly fails to provide the information required in the written report c fails to provide information requested by DHS or the police department related to the alleged incident of child abuse shall be guilty of a petty misdemeanor. • There is no privilege under the victim–counselor privilege rule to relieve victim counselors of any duty to refuse to report child abuse or neglect (under chapter 35 domestic abuse (under chapter 586), or abuse of a vulnerable adult (under part X of chapter 346), and to refuse to provide evidence in child abuse proceedings (u chapter 587A).
<p>Statutory citation(s):</p>	<p>HRS §§ 350-1, 350-1.1, 350-1.2, 350-1.3, 350-1.4, 350-1.5, 350-3, 626-1, Rule 505.5</p>

us

al or

ild
ided

ise

ope

or

0),
nder