
A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 587, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . CHILD WITNESS TO DOMESTIC ABUSE

5 §587- Definitions. As used in this part:

6 "Domestic abuse" shall have the same meaning as defined in
7 section 586-1.

8 "Law enforcement officer" shall have the same meaning as
9 defined in section 701-118(10).

10 §587- Child witness to domestic abuse; reporting. (a)

11 A law enforcement officer shall notify the department whenever
12 substantial evidence exists to support a finding by the law
13 enforcement officer that a child has witnessed an incident of
14 domestic abuse inflicted upon the child's parent or legal
15 guardian.

16 (b) In determining whether substantial evidence exists for
17 purposes of subsection (a), the law enforcement officer shall
18 consider the following:



- 1 (1) Whether there is evidence that the child observed the
2 domestic abuse;
- 3 (2) Whether there is evidence that the child was exposed
4 to physical harm during the domestic abuse;
- 5 (3) Whether there is evidence that the child heard the
6 incident of domestic abuse occur; and
- 7 (4) Whether there is evidence that the child heard or
8 observed threats related to reporting the domestic
9 abuse."

10 SECTION 2. (a) The department of human services shall
11 collaborate with law enforcement, prosecuting attorneys, child
12 abuse and domestic violence experts and organizations,
13 community-based organizations serving abused children and
14 victims of domestic violence, and other relevant agencies and
15 organizations to develop protocols and procedures related to the
16 provisions established in section 1 of this Act.

17 (b) The department of human services shall submit a report
18 of its findings and recommendations, including any suggested
19 legislation, to the legislature no later than twenty days prior
20 to the convening of the regular session of 2010.

21 SECTION 3. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2009-2010 to allow
2 the department of human services or other authorized agencies
3 with which the department chooses to contract, to assist victims
4 of domestic violence to obtain temporary restraining orders.

5 The sum appropriated shall be expended by the department of
6 human services for the purposes of this Act.

7 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Domestic Abuse; Child Witness; Reporting; Appropriation

Description:

Requires law enforcement officers to report to the Department of Human Services (DHS) when a child witnesses an incident of domestic abuse and to collaborate on the development of protocols for the process. Appropriates funds to assist domestic violence victims with temporary restraining orders.
(HB873 HD1)

