

STAND. COM. REP. NO. 138

Honolulu, Hawaii

Feb 10, 2009

RE: H.B. No. 873

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 873 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this bill is to add a new part to chapter 587, Hawaii Revised Statutes, the Child Protective Act, to:

- (1) Require a law enforcement office to notify the Department of Human Services (DHS) whenever substantial evidence exists that a child witnessed a domestic violence incident; and
- (2) Require DHS to collaborate with relevant agencies and organizations to develop protocols for this procedure.

Several concerned individuals testified in support of this bill. DHS and Hawaii State Coalition Against Domestic Violence testified in opposition to this measure.

Your Committee finds that as economic difficulties increase, so too do incidents of domestic violence. In such cases, it is often imperative that victims obtain a temporary restraining order, particularly in cases involving a child witness. It is with this in mind that your Committee has chosen to add an appropriation to assist victims of domestic violence in obtaining temporary restraining orders.

HB873 HD1 HSCR HUS HMS 2009-1837



Your Committee notes for reference purposes that Hawaii Family Law Clinic dba Ala Kuola, is an example of an agency DHS may collaborate with to assist victims of domestic violence to obtain temporary restraining orders.

Accordingly, your Committee has amended this bill by:

- (1) Adding an appropriation;
- (2) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 873, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 873, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

  
JOHN M. MIZUNO, Chair



State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

HSCR 138

**Record of Votes of the Committee on Human Services**

<b>Bill/Resolution No.:</b> <span style="font-size: 1.2em; font-family: cursive;">HB 873</span>	<b>Committee Referral:</b> <span style="font-size: 1.2em; font-family: cursive;">HUS, JUD, FIN</span>	<b>Date:</b> <span style="font-size: 1.2em; font-family: cursive;">02/05/09</span>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. BROWER, Tom (VC)	/			
3. BELATTI, Della Au				/
4. BERTRAM, Joe, III	/			
5. CARROLL, Mele				/
6. NISHIMOTO, Scott Y.	/			
7. SHIMABUKURO, Maile S.L.	/			
8. YAMANE, Ryan I.	/			
9. WARD, Gene				/
<b>TOTAL (9)</b>	6	0	0	3
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> <span style="font-size: 1.2em; font-family: cursive; margin-left: 50px;">Tom Brower</span>				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				