
A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1 SECTION 1. The State continues to be plagued by incidents
2 of domestic violence. Because of the unique nature of this
3 crime and the far-reaching effects on domestic violence victims,
4 it would be helpful to establish a dedicated court meant to
5 address domestic violence cases.

6 The legislature finds that other states have experienced
7 success with domestic violence courts, which have been shown to
8 result in swift, certain, and consistent responses to domestic
9 violence, as well as victim safety and improved access to court
10 case information, social services, housing, and counseling.

11 The purpose of this Act is to establish a domestic violence
12 court pilot program for three years.

13 SECTION 2. Chapter 571, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§571- Domestic violence court pilot program. (a)

17 There is established a three-year domestic violence court pilot



1 program within the family court, under which a domestic violence
2 court shall be established with exclusive original jurisdiction:

3 (1) To try any offense committed against a child by the
4 child's parent or guardian or by any other person
5 having the child's legal or physical custody, and any
6 violation of section 709-906;

7 (2) To try any adult charged with:

8 (A) An offense, other than a felony, against the
9 person of the defendant's husband or wife; or

10 (B) Any violation of an order issued pursuant to
11 chapter 586; and

12 (3) In all proceedings under chapter 586.

13 (b) The judge of the domestic violence court shall be one
14 of the existing family court judges in the first circuit court,
15 to be selected by the chief justice and the senior judge of the
16 family court. The activities of the domestic violence court
17 shall be supported by related case-management and auxiliary and
18 support services, treatment, and intensive supervision
19 mechanisms.

20 (c) The judge of the domestic violence court shall:

21 (1) Be a dedicated judge for the domestic violence court;



- 1 (2) Preside over each case from arraignment through
2 disposition; and
- 3 (3) Monitor offenders and their compliance with orders of
4 protection granted under chapter 586.
- 5 (d) The domestic violence court shall be supported by:
- 6 (1) A resource coordinator who is a licensed social worker
7 in the State and whose duties shall include:
- 8 (A) Preparing offender and victim information for the
9 judge of the domestic violence court;
- 10 (B) Working with relevant agencies and persons,
11 including the department of human services, law
12 enforcement, defense counsel, and prosecutors, to
13 coordinate information and ensure prompt
14 reporting; and
- 15 (C) Screening and referring offenders to court-
16 mandated programs; and
- 17 (2) An on-site victim advocate who shall be a licensed
18 social worker in the State and whose duties shall
19 include:
- 20 (A) Serving as a primary contact to victims
21 throughout the court proceedings;



1 (B) Coordinating social services for victims with
2 established service organizations that will
3 assist with housing, counseling, and the creation
4 of safety plans for victims; and

5 (C) Providing victims with information about criminal
6 proceedings and special conditions within their
7 orders of protection.

8 (e) The domestic violence court shall have broad authority
9 to:

10 (1) Require domestic violence offenders to attend
11 rehabilitation, education, vocation, medical, mental-
12 health, and substance abuse treatment programs; and

13 (2) Monitor for at least one year:

14 (A) The execution of the treatment plan of the
15 domestic violence offender; and

16 (B) The domestic violence offender's compliance with
17 the requirements of the treatment plan, including
18 regular appearances before the domestic violence
19 court to report on the domestic violence
20 offender's progress.

21 (f) The judiciary shall submit an annual report on the
22 domestic violence court pilot program with findings and



1 recommendations to the legislature no later than twenty days
2 prior to the convening of the 2012, 2013, and 2014 regular
3 sessions."

4 SECTION 3. Section 571-14, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Except as provided in sections 603-21.5 and 604-8,
7 the court shall have exclusive original jurisdiction:

8 (1) To try any [~~offense committed against a child by the~~
9 ~~child's parent or guardian or by any other person~~
10 ~~having the child's legal or physical custody, and any]~~
11 violation of section 707-726, 707-727, 709-902, 709-
12 903, 709-903.5, 709-904, 709-905, [~~709-906,~~] or 302A-
13 1135, whether or not included in other provisions of
14 this paragraph or paragraph (2);

15 (2) To try any adult charged with:

16 (A) Deserting, abandoning, or failing to provide
17 support for any person in violation of law; or

18 [~~(B) An offense, other than a felony, against the~~
19 ~~person of the defendant's husband or wife;~~

20 ~~(C) Any violation of an order issued pursuant to~~
21 ~~chapter 586; or~~



1 In any case within paragraph (3), (4), or (6), the attorney
2 general, through the child support enforcement agency, may
3 exercise concurrent jurisdiction as provided in chapter
4 576E."

5 SECTION 4. Chapter 586, Hawaii Revised Statutes, is
6 amended by replacing all references to "family court" or like
7 reference with "domestic violence court" or like reference, as
8 the context requires.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2050;
12 provided that this Act shall be repealed on July 1, 2014, and
13 upon such repeal:

14 (1) Section 571-14(a), Hawaii Revised Statutes, shall be
15 reenacted in the form in which it read on the day
16 before the effective date of this Act; and

17 (2) All references to "family court", or like reference,
18 that were replaced with "domestic violence court", or
19 like reference, under section 4 of this Act, shall
20 revert to "family court", or like reference, as the
21 context requires.



Report Title:

Domestic Violence Court Pilot Program

Description:

Establishes a three year Domestic Violence Court Pilot Program with exclusive original jurisdiction over cases involving domestic violence. Effective July 1, 2050. (HB772 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

