

STAND. COM. REP. NO.

218

Honolulu, Hawaii

Feb 11, 2011

RE: H.B. No. 772
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 772, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to provide swift, certain, and consistent responses to domestic violence, as well as victim safety and improved access to court case information, social services, housing, and counseling by establishing a domestic violence court within the family court. This bill, among other things:

- (1) Gives the domestic violence court exclusive original jurisdiction over cases involving:
 - (A) Any offense committed against a child by the child's parent or guardian or by any other person having the child's legal or physical custody, pertaining to the abuse of family or household members;
 - (B) Any adult charged with an offense, other than a felony, against the person of the defendant's husband or wife; and



- (C) Any violation of a domestic abuse protective order issued under chapter 586, Hawaii Revised Statutes;
- (2) Provides that the new domestic violence court in each circuit shall include, among other things:
- (A) An existing family court judge in that circuit, to be selected by the Chief Justice, as the dedicated domestic violence court judge who presides over each case from arraignment through disposition;
 - (B) A resource coordinator and an on-site victim advocate who is a licensed social worker in the State; and
 - (C) The authority to require domestic violence offenders to attend rehabilitation, education, vocation, medical, mental-health, and substance abuse treatment programs, and monitor the execution of the offender's treatment plan and their compliance with the treatment plan;
- and
- (3) Authorizes and appropriates funds for the establishment of eight social worker positions to staff the domestic violence court.

The AngelGroup, Catholic Charities Hawaii, and several concerned individuals testified in support of this bill. A concerned individual opposed this measure. The Judiciary commented on this bill.

Your Committee has amended this bill by:

- (1) Establishing a three-year Domestic Violence Court Pilot Program to establish a domestic violence court in the Family Court of the First Circuit, with a dedicated judge to be selected by the Chief Justice and the Senior Family Court Judge from among the existing family court judges;
- (2) Requiring the Judiciary to submit an annual report on the Domestic Violence Court Pilot Program, including findings and recommendations, to the Legislature no



later than 20 days prior to the convening of the 2012, 2013, and 2014 Regular Sessions;

- (3) Removing language authorizing and appropriating funds for eight full-time social worker positions to staff the domestic violence court;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of 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. 772, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 772, H.D. 2, 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



Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 772, HD1 (HSCR 77)	Committee Referral: HUS, JUD, FIN	Date: 2/10/2011		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <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. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au				✓
4. HANOHANO, Faye P.	✓			
5. LEE, Chris				✓
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica				✓
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.	✓			
10. PINE, Kymberly Marcos	✓			
TOTAL (10)	7			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				