
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 enhanced victim safety and improved access
10 to court case information, social services, housing, and
11 counseling.

12 The purpose of this Act is to establish a domestic violence
13 court pilot program in the family court of the first circuit for
14 three years.

15 SECTION 2. (a) There is established a three-year domestic
16 violence court pilot program within the family court of the
17 first circuit to which shall be referred:



1 (1) Any offense committed against a child by the child's
2 parent or guardian, or by any other person having the
3 child's legal or physical custody;

4 (2) Any violation of section 709-906, Hawaii Revised
5 Statutes;

6 (3) Any adult charged with:

7 (A) An offense, other than a felony, against the
8 person of the defendant's spouse, civil union
9 partner, or reciprocal beneficiary; or

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

12 (4) All proceedings under chapter 586, Hawaii Revised
13 Statutes.

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

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

22 (1) Preside only in the domestic violence court;



1 (2) Preside over each case from initial appearance through
2 disposition; and

3 (3) Monitor all respondents and their compliance with
4 orders of protection granted under chapter 586, Hawaii
5 Revised Statutes.

6 (d) The domestic violence court shall be supported by:

7 (1) A resource coordinator who is a licensed social worker
8 in the State and whose duties shall include:

9 (A) Preparing respondent and victim information for
10 the judge of the domestic violence court;

11 (B) Working with relevant agencies and persons,
12 including the department of human services, law
13 enforcement, prosecutors, and defense counsel, to
14 coordinate information and ensure prompt
15 reporting; and

16 (C) Screening and referring respondents for court-
17 mandated programs; and

18 (2) An on-site victim advocate who shall be a licensed
19 social worker in the State and whose duties shall
20 include:

21 (A) Serving as a primary contact to victims
22 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 respondents 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 respondent; and

16 (B) The domestic violence respondent's compliance
17 with the requirements of the treatment plan,
18 including regular appearances before the domestic
19 violence court to report on the domestic violence
20 respondent'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 2013, 2014, and 2015 regular
3 sessions.

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so much
6 thereof as may be necessary for fiscal year 2012-2013 for the
7 domestic violence court pilot program.

8 The sum appropriated shall be expended by the judiciary for
9 the purposes of this Act.

10 SECTION 4. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 5. This Act shall take effect on July 1, 2050, and
14 shall be repealed on July 1, 2015.



Report Title:

Domestic Violence; Family Court; Appropriation

Description:

Establishes a domestic violence court pilot program.
Appropriates funds for the domestic violence court pilot program
to be expended by the Judiciary. Effective July 1, 2050.
(HB1919 HD1)

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