
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.

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. (a) There is
17 established a domestic violence court within the family court,
18 which shall have exclusive original jurisdiction:



- 1 (1) To try any offense committed against a child by the
2 child's parent or guardian or by any other person
3 having the child's legal or physical custody, and any
4 violation of section 709-906;
- 5 (2) To try any adult charged with:
- 6 (A) An offense, other than a felony, against the
7 person of the defendant's husband or wife; or
- 8 (B) Any violation of an order issued pursuant to
9 chapter 586; and
- 10 (3) In all proceedings under chapter 586.
- 11 (b) The domestic violence court in each circuit shall
12 consist of one of the existing family court judges in that
13 circuit, to be selected by the chief justice. The activities of
14 the domestic violence court shall be supported by related case-
15 management and auxiliary and support services, treatment, and
16 intensive supervision mechanisms.
- 17 (c) The judge in each circuit selected as the domestic
18 violence court judge shall:
- 19 (1) Be a dedicated judge for the domestic violence court;
20 (2) Preside over each case from arraignment through
21 disposition; and



1 (3) Monitor offenders and their compliance with orders of
2 protection granted under chapter 586.

3 (d) The domestic violence court in each circuit shall be
4 supported by:

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

7 (A) Preparing offender and victim information for the
8 judge;

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

14 (C) Screen and refer offenders to court-mandated
15 programs; and

16 (2) An on-site victim advocate who is a licensed social
17 worker in the State and whose duties shall include:

18 (A) Serving as a primary contact to victims
19 throughout the court proceedings;

20 (B) Coordinating social services for the victim with
21 established service organizations that will



1 assist with housing, counseling, and the creation
2 of safety plans for the victim; and

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

6 (e) The domestic violence court shall have broad authority
7 to:

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

11 (2) Monitor for at least one year:

12 (A) The execution of the treatment plan of the
13 domestic violence offender; and

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

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

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



1 (1) To try any [~~offense committed against a child by the~~
2 ~~child's parent or guardian or by any other person~~
3 ~~having the child's legal or physical custody, and any]~~
4 violation of section 707-726, 707-727, 709-902, 709-
5 903, 709-903.5, 709-904, 709-905, [~~709-906,~~] or 302A-
6 1135, whether or not included in other provisions of
7 this paragraph or paragraph (2);

8 (2) To try any adult charged with:

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

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

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

15 ~~(D)]~~ (B) Any violation of an order issued by a family
16 court judge.

17 In any case within paragraph (1) or (2), the court, in its
18 discretion, may waive its jurisdiction over the offense
19 charged;

20 (3) In all proceedings under chapter 580, and in all
21 proceedings under chapter 584;



- 1 (4) In proceedings under chapter 575, the Uniform
2 Desertion and Nonsupport Act, and under chapter 576B,
3 the Uniform Interstate Family Support Act;
- 4 (5) For commitment of an adult alleged to be mentally
5 defective or mentally ill;
- 6 (6) In all proceedings for support between parent and
7 child or between husband and wife;
- 8 (7) In all proceedings for pre-trial detention or waiver
9 of jurisdiction over an adult who was a child at the
10 time of an alleged criminal act as provided in section
11 571-13 or 571-22; and
- 12 [~~(8) In all proceedings under chapter 586, Domestic Abuse~~
13 ~~Protective Orders, and~~
- 14 ~~(9)] (8) For the protection of vulnerable adults under
15 chapter 346, part X.~~

16 In any case within paragraph (3), (4), or (6), the attorney
17 general, through the child support enforcement agency, may
18 exercise concurrent jurisdiction as provided in chapter
19 576E."

20 SECTION 4. Chapter 586, Hawaii Revised Statutes, is
21 amended by replacing all references to "family court" or like



1 reference with "domestic violence court" or like reference, as
2 the context requires.

3 SECTION 5. (a) The judiciary is authorized to establish
4 the following positions for the purpose of implementing section
5 2 of this Act:

6 (1) Four full-time equivalent (4.0 FTE) social worker IV
7 positions (\$ each); and

8 (2) Four full-time equivalent (4.0 FTE) social worker III
9 positions (\$ each).

10 (b) The judiciary may seek federal grants and awards and
11 other moneys to fund the domestic violence court.

12 SECTION 6. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2011.



Report Title:

Domestic Violence Court

Description:

Establishes a Domestic Violence Court with exclusive original jurisdiction over cases involving domestic violence. Effective July 1, 2011. (HB772 HD1)

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

