

Honolulu, Hawaii

FEB 04 2013

RE: S.B. No. 529

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred S.B. No. 529 entitled:

"A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit family courts from awarding a person custody of or visitation with a child if the person has been convicted of rape or sexual assault and the child was conceived as a result of that violation; and
- (2) Authorize the family courts to terminate parental rights, with respect to a child, of a natural father who has been convicted of rape or sexual assault and the child was conceived as a result of the rape or sexual assault.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women and the Sex Abuse Treatment Center.

Your Committee finds that state law does not prevent a natural father from claiming paternity rights and obtaining custody of or visitation with a child conceived as a result of sexual assault or rape. The father is afforded the same rights as any other father despite the sexual assault or rape against the victim-mother because Hawaii does not have a law restricting or terminating those rights. Consequently, any natural father may



assert paternity rights, including custody and visitation, forcing a victim-mother to confront the natural father on a recurring basis while raising a child conceived from a sexual assault or rape.

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 S.B. No. 529 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

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

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 529	Committee Referral: HMS, JDL	Date: 1/29/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	/			
GREEN, Josh (VC)	/			
KIDANI, Michelle N.				/
TANIGUCHI, Brian T.				/
SLOM, Sam	/			
TOTAL	3	0	0	5
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes