
A BILL FOR AN ACT

RELATING TO CHILDREN.

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

1 SECTION 1. Section 587A-4, Hawaii Revised Statutes, is
2 amended by amending the definition of "adjudication" to read as
3 follows:

4 "Adjudication" means a finding by a court that is
5 supported by [~~a preponderance of the~~] clear and convincing
6 evidence that the child has been harmed or is subjected to
7 threatened harm by the acts or omissions of the child's family."

8 SECTION 2. Section 587A-4, Hawaii Revised Statutes, is
9 amended by amending the definition of "clear and convincing
10 evidence" to read as follows:

11 "Clear and convincing evidence" means the degree of proof
12 that will produce in the mind of the trier of fact a firm belief
13 or conviction that the fact sought to be proved is true. This
14 measure falls between the preponderance standard of typical
15 civil cases and the beyond-a-reasonable-doubt standard of
16 criminal cases. "Clear and convincing evidence" shall be the
17 standard of proof required in any proceeding under this chapter,
18 unless otherwise specified."



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1 SECTION 3. Section 587A-4, Hawaii Revised Statutes, is
 2 amended by repealing the definition of "preponderance of the
 3 evidence".

4 [~~"Preponderance of the evidence" means the degree of~~
 5 ~~proof, which as a whole, convinces the trier of fact that the~~
 6 ~~fact sought to be proved is more probable than not.~~

7 ~~"Preponderance of the evidence" shall be the standard of proof~~
 8 ~~required in any proceeding, unless otherwise specified."]~~

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

12 SECTION 5. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Melo Carne*

JAN 22 2014



H.B. NO. 2488

Report Title:

Family Court Jurisdiction; Child Protective Act; Standard of Evidence

Description:

Changes the standard of evidence from preponderance to clear and convincing for certain family court hearings pertaining to child welfare and child protection.

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

