

STAND. COM. REP. NO. 2096

Honolulu, Hawaii

FEB 06 2014

RE: S.B. No. 2318
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred S.B. No. 2318 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 incest 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 incest and the child was conceived as a result of the incest.

Your Committee received testimony in support of this measure from the Sex Abuse Treatment Center and one individual.

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 incest. The father is afforded the same rights as any other father despite the incest committed against the victim-mother. 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 as the result of incest. These circumstances provide opportunities for the perpetrator to assert power and control again over the victim-mother by using the child.

Your Committee has amended this measure by making technical, nonsubstantive amendments, including inserting a savings clause, for the purposes of clarity and consistency.

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. 2318, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2318, S.D. 1, 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.:*	Committee Referral:	Date:
SB 2318	HMS, JDL	2/4/14
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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	0	2
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

*Only one measure per Record of Votes