

STAND. COM. REP. NO. **2273**

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2311
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2311 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal section 586-10.5, Hawaii Revised Statutes, which requires, among other things:

- (1) Family courts to report to the Department of Human Services in each case where a temporary restraining order is sought for the alleged abuse of a family or household member who is a minor or incapacitated person; and
- (2) The Department of Human Services to investigate each allegation of domestic violence and submit a written report to the family courts in advance of the hearing on the temporary restraining order.

Your Committee received testimony in support of this measure from the Department of Human Services, Hawaii State Commission on the Status of Women, Hawaii State Coalition Against Domestic Violence, Domestic Violence Action Center, and two individuals. Your Committee received testimony in opposition to this measure from the Judiciary of the State of Hawaii.



Your Committee finds that under section 350-1.1 Hawaii Revised Statutes (HRS), employees or officers of any law enforcement agency, including the courts, must report immediately to the Department of Human Services all cases where they have reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future. Pursuant to section 346-224, HRS, they must also report to the Department of Human Services if they have reason to believe that a vulnerable adult has incurred abuse or is in danger. Your Committee finds that families experiencing domestic violence should have access to protective orders and other domestic services, and that referral from the family courts to the Department of Human Services is one expedient way to access those much needed services.

Your Committee also finds that amendments are necessary to align this measure with reporting requirements already in statute and to clarify that the reporting will not be automatic, but done after the employee or officer of the law enforcement agency has evaluated each case on an individual basis.

Your Committee has therefore amended this measure by:

- (1) Amending section 586-10.5, HRS, rather than repealing it entirely, to clarify circumstances in which the family courts report to the Department of Human Services and align the language in section 586-10.5, HRS, to conform to the reporting requirements in chapters 350 and 587A and section 346-224, HRS, which the family courts currently follow; and
- (2) Making technical, nonsubstantive amendments 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. 2311, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2311, S.D. 1, and be referred to your 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



