

JAN 21 2022

A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE.

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

1 SECTION 1. The legislature finds that when domestic abuse
2 occurs in a household in which children reside, a parent may
3 seek a restraining order against the abusive parent or household
4 member. The legislature further finds that the parent seeking
5 the restraining order is undeniably motivated by a desire to
6 protect their children's well-being and shield them from further
7 harm. However, the legislature also finds that the current law
8 requiring referral by the court to the department of human
9 services for intervention or investigation by the child welfare
10 services branch is unnecessary. This is because judges already
11 have the authority to refer, at their discretion, a case where
12 investigation is warranted to ensure the family's safety and
13 provide services to support their safety and well-being.

14 Accordingly, the purpose of this Act is to repeal the
15 requirements of section 586-10.5, Hawaii Revised Statutes.

16 SECTION 2. Section 586-10.5, Hawaii Revised Statutes, is
17 repealed.



1 ~~["§586-10.5 Reports by the department of human services,~~
2 ~~court responsibilities. In cases where there are allegations of~~
3 ~~domestic abuse involving a family or household member who is a~~
4 ~~minor or an incapacitated person as defined in section 560:5-~~
5 ~~102, the employee or appropriate nonjudicial agency designated~~
6 ~~by the family court to assist the petitioner shall report the~~
7 ~~matter to the department of human services, as required under~~
8 ~~chapters 350 and 587A, and shall further notify the department~~
9 ~~of the granting of the temporary restraining order and of the~~
10 ~~hearing date. The department of human services shall provide~~
11 ~~the family court with a written report on the disposition of the~~
12 ~~referral. The court shall file the report and mail it to the~~
13 ~~petitioner and respondent at least two working days before the~~
14 ~~hearing date, if possible. If circumstances prevent the mailing~~
15 ~~of the report as required in this section, the court shall~~
16 ~~provide copies of the report to the petitioner and respondent at~~
17 ~~the hearing. The report shall be noted in the order dismissing~~
18 ~~the petition or granting the restraining order."]~~

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY: Rosalyn R. But



S.B. NO. 2643

Report Title:

Domestic Abuse; DHS; Family Court; Mandatory Referral; Report

Description:

Repeals referral and reporting requirements for the Family Courts and the Department of Human Services that apply to cases in which a temporary restraining order is sought for alleged domestic abuse involving an incapacitated or minor family or household member.

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

