

STAND. COM. REP. NO. 1592-22

Honolulu, Hawaii
, 2022

RE: MAR 31
H.C.R. No. 64
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.C.R. No. 64 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY CONDUCT A STUDY ON THE NECESSITY OF MANDATORY REFERRALS TO THE DEPARTMENT OF HUMAN SERVICES FOR INVESTIGATION OR INTERVENTION IN ALL CASES OF ALLEGED DOMESTIC ABUSE INVOLVING A FAMILY OR HOUSEHOLD MEMBER WHO IS A MINOR OR INCAPACITATED PERSON,"

begs leave to report as follows:

The purpose of this measure is to request the Judiciary to conduct a study on the necessity of mandatory referrals to the Department of Human Services for investigation or intervention in all cases of alleged domestic abuse involving a family or household member who is a minor or incapacitated person.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Hawaii Family Advocacy Team. Your Committee received comments on this measure from the Judiciary, Department of Human Services, and one individual.

Your Committee finds that when a parent seeks a restraining order against an abusive family or household member when domestic abuse occurs in a household in which a child resides, existing law

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requires the court-appointed entity assisting the parent with filing the petition to refer the matter to the Department of Human Services for intervention or investigation by the Child Welfare Services Branch. Your Committee further finds that this mandatory referral may not be necessary because judges have the discretionary authority to refer a case to the Department of Human Services where an investigation is warranted to ensure the family's safety and provide services to support their safety and well-being.

Your Committee notes the concerns raised by the Judiciary in their testimony that there is some confusion regarding the intent and scope of the proposed study, including whether the requested study is to be limited to a particular section or chapter of the Hawaii Revised Statutes and whether the Judiciary is the appropriate entity to conduct the study. Further discussion regarding these concerns may be warranted as this measure moves through the legislative process.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 64, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.C.R. No. 64, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Health, Human
Services, & Homelessness,



RYAN I. YAMANE, Chair



Record of Votes of the Committee on Health, Human Services, & Homelessness

Bill/Resolution No.: <i>HCR 64</i>	Committee Referral: <i>HHH, JHA</i>	Date: <i>03-29-2022</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HHH Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	<i>/</i>			
2. TAM, Adrian K. (VC)	<i>/</i>			
3. GATES, Cedric Asuega	<i>/</i>			
4. HAR, Sharon E.	<i>/</i>			
5. KAPELA, Jeanne	<i>/</i>			
6. NISHIMOTO, Scott Y.	<i>/</i>			
7. WARD, Gene	<i>/</i>			
TOTAL (7)	<i>7</i>			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <i>[Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				