

STAND. COM. REP. NO. 2837

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2395
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2395, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COERCIVE CONTROL,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add coercive control and litigation abuse by a parent of a child to the list of factors to be considered by the court in determining what constitutes the best interest of the child when awarding custody and visitation rights to individuals in actions for divorce, separation, annulment, separate maintenance, or any other proceeding where there is at issue a dispute as to the custody of a minor child; and
- (2) Define "coercive control" and "litigation abuse".

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii State Democratic Women's Caucus, Hawai'i State Coalition Against Domestic Violence, and one individual. Your Committee received comments on this measure from the Judiciary.



Your Committee finds that abuse between family or household members takes many forms, including coercive control which is often part of the cycle of domestic violence. Your Committee further finds that when child custody is under consideration, courts should be aware that coercive control is a tactic that has been used by persons to harm and exploit their partner and children's wellbeing. When courts are evaluating the best and safest way to issue custody orders, acts of coercive control should be included in the analysis. This measure will add coercive control as a factor for the court to consider in custody cases to ensure that children are placed in a safe and healthy environment.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2395, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



