

JAN 18 2023

A BILL FOR AN ACT

RELATING TO MINORS.

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

1 SECTION 1. The legislature finds that adolescence can be a
2 challenging time for young people. During this stage of life,
3 adolescents are navigating new experiences while encountering
4 potential changes in their social spheres, including their
5 relationships with peers and family members. Adolescents'
6 romantic relationships can cause tension between family members,
7 such as when parents do not want their child to date, advise
8 their child against entering into a relationship with a
9 particular person, or express disapproval of their child's
10 dating relationship. It is not uncommon for some adolescents to
11 keep private the details, in particular any problems or
12 challenges, of their romantic relationships.

13 The legislature also finds that adolescents in abusive
14 relationships that were entered into without parental approval
15 may be reluctant to approach their parents for assistance. Some
16 adolescents have the option of seeking the help of another
17 trusted adult who is not their parent, such as a school



1 counselor or domestic violence victim advocate. This other
2 person may be able to help obtain a restraining order when it is
3 necessary for the adolescent's safety and protection.

4 The purpose of this Act is to provide an additional means
5 for minors to petition for a restraining order.

6 SECTION 2. Section 586-3, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) A petition for relief under this chapter may be made
9 by:

10 (1) Any family or household member on the member's own
11 behalf or on behalf of a family or household member
12 who is a minor or who is an incapacitated person as
13 defined in section 560:5-102 or who is physically
14 unable to go to the appropriate place to complete or
15 file the petition; [~~or~~]

16 (2) Any state agency on behalf of a person who is a minor
17 or who is an incapacitated person as defined in
18 section 560:5-102 or a person who is physically unable
19 to go to the appropriate place to complete or file the
20 petition on behalf of that person[-]; or



S.B. NO. 45

1 (3) A school counselor, domestic violence victim advocate,
2 or other mental health professional licensed by the
3 State, in the case of a minor, as defined in section
4 560:5-102, whose parent or legal guardian is unwilling
5 or unable to petition on the minor's behalf; provided
6 that the petition is accompanied by a declaration
7 stating that:

8 (A) The petition is necessary for the minor's safety
9 and is in the minor's best interest;

10 (B) The minor's parent or legal guardian is unwilling
11 or unable to petition on the minor's behalf; and

12 (C) The minor is otherwise able to meet the
13 requirements of chapter 586 for issuance of a
14 protective order;

15 provided further that the person may include in the
16 declaration or petition any additional information in
17 support of the foregoing statements."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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S.B. NO. 45

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Kal Roush



S.B. NO. 45

Report Title:

Domestic Abuse; Protective Orders; Petition; Minors

Description:

Provides that a school counselor, domestic violence victim advocate, or other mental health professional licensed by the State may petition for a protective order on a minor's behalf when the minor's parent or guardian is unwilling or unable to submit a petition.

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

