

STAND. COM. REP. NO.

350

Honolulu, Hawaii

FEB 14 , 2023

RE: H.B. No. 841
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 841 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS,"

begs leave to report as follows:

The purpose of this measure is to clarify that an automatic referral of a case to the Department of Human Services when a parent seeks a domestic abuse restraining order shall only occur when there are allegations of alleged child abuse.

Your Committee received testimony in support of this measure from the Department of Human Services, Judiciary, Domestic Violence Action Center, Hawai'i State Coalition Against Domestic Violence, Lokahi Treatment Centers, and four individuals.

Your Committee finds that existing law requires that when a parent seeks a domestic abuse restraining order against another parent or household member, all allegations of domestic abuse must be automatically referred to the Child Welfare Services Branch of the Department of Human Services, which overburdens the resources of the Child Welfare Services Branch. Your Committee further finds that these automatic referrals may have a chilling effect on parents seeking a temporary restraining order, as petitioners may fear that their children will be removed from their care as they

2023-1520 HB841 HD1 HSCR HMSO



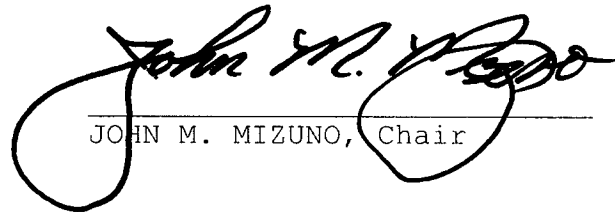
seek protection from abuse, even though no child abuse has occurred. This measure seeks to more appropriately direct the State's resources to only require automatic referral of a case to the Child Welfare Services Branch when the case involves abuse of a child.

Your Committee notes the supportive testimony received by the Department of Human Services and Judiciary which outlines the responsibilities of the Family Court and the Department of Human Services in cases of alleged child abuse.

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

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 H.B. No. 841, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 841, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



JOHN M. MIZUNO, Chair



Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 841	Committee Referral: HUS, JHA	Date: 02.09.2023		
<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)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. AMATO, Terez (VC)	✓			
3. BELATTI, Della Au	✓			
4. ILAGAN, Greggor	✓			
5. KOBAYASHI, Bertrand	✓			
6. TAKENOUCHI, Jenna	✓			
7. NISHIMOTO, Scott Y.	✓			
8. GARCIA, Diamond	✓			
TOTAL (8)	8			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Jerry Amato</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				