

STAND. COM. REP. NO.

1759

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 841
H.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 841, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to refine and narrow the current requirement that all domestic abuse temporary restraining order cases -- including cases that do not involve child abuse or neglect -- be automatically referred to the Department of Human Services' Child Welfare Services.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, Hawai'i State Coalition Against Domestic Violence, Parents and Children Together, and four individuals.

Your Committee finds that under existing law, when a parent seeks a temporary restraining order for allegations of domestic abuse against another parent, or a household member who is a minor, the case is automatically referred to Child Welfare Services for intervention or investigation. Your Committee finds that this requirement is overbroad and unnecessarily involves Child Welfare Services in matters where there are no concerns for a child's well-being yet, nevertheless, statutorily imposes mandatory timelines for Child Welfare Services to investigate,



report, and make a court appearance. Further, your Committee also finds that the automatic referral process can deter an abused parent from seeking a temporary restraining order, as a victim might fear that Child Welfare Services will remove their children from their custody during the investigation. Conversely, perpetrators of domestic abuse can also use the threat of Child Welfare Services against their victim for this reason, and thereby prolong the abuse of their victim. Your Committee finds that existing law must be amended to make it easier and safer for victims of domestic abuse to seek protection. Therefore, this measure will refine existing law to require that only cases involving allegations of child abuse or neglect shall be automatically referred to Child Welfare Services.

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 H.B. No. 841, H.D. 2, and recommends that it pass Third Reading.

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

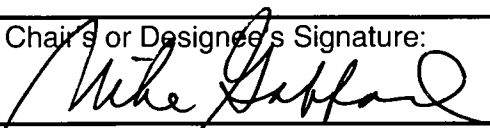


KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 841 HD2	Committee Referral: HHS, JDC	Date: 3/30/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes