

Honolulu, Hawaii

**FEB 15 2023**

RE: S.B. No. 45  
S.D. 1

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

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 45 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to provide an additional means for minors to petition for a protective order in cases of domestic abuse by allowing a school counselor, domestic violence victim advocate, or other mental health professional licensed by the State to file the petition with the court on behalf of a minor when the minor's parent or guardian is unwilling or unable to do so.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Education, Hawai'i State Coalition Against Domestic Violence, and Domestic Violence Action Center.

Your Committee finds that existing law gives a minor two ways of petitioning the court for an order for protection in cases of domestic abuse -- through the minor's family or household member or through a state agency. Your Committee finds, however, that some minors in abusive romantic relationships may be reluctant to ask their parents, families, or a state agency for assistance but



may be willing to accept help from other trusted adults, such as school counselors, domestic violence victim advocates, and mental health professionals. This measure will allow these adults to file a petition for a protective order on the minor's behalf when the minor's parent or guardian is unwilling or unable to submit a petition.

Your Committee notes testimony raising concerns over the difficulty of establishing a parent or guardian's "unwillingness" to file a petition for a protective order on behalf of a minor. Amendments to this measure are therefore necessary to address this concern.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that school counselors, domestic violence victim advocates, or other mental health professionals licensed by the State may petition for a protective order on a minor's behalf only when the minor's parent or legal guardian is unable to petition on the minor's behalf;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 45, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 45, S.D. 1, and be referred to your Committee on Judiciary.

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

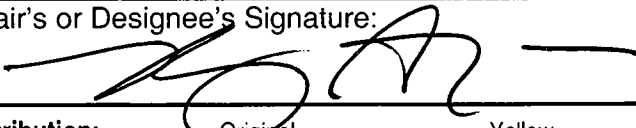


JOY A. SAN BUENAVENTURA, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 45	HHS, JDC	1/30/23		
<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 type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	4		1	
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes