

STAND. COM. REP. NO.

513

Honolulu, Hawaii

FEB 16

, 2023

RE: H.B. No. 448
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. 448 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to provide an additional means for a petition for a restraining order to be made on behalf of a minor in cases of domestic abuse.

Your Committee received testimony in support of this measure from the Hawai'i State Coalition Against Domestic Violence, Lokahi Treatment Centers, and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii Coalition for Child Protective Reform. Your Committee received comments on this measure from the Department of Education and one individual.

Your Committee finds that the Center for Disease Control and Prevention's 2019 Youth Risk Behavior Survey found that approximately one in twelve high school students experience physical dating violence, and one in twelve students experience sexual dating violence. Your Committee further finds that minors in an abusive relationship may be reluctant to approach their parents for assistance. This measure is intended to protect the State's youth by creating an additional pathway for a petition for

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a restraining order to be made on the behalf of a minor in cases of domestic abuse.

Your Committee notes the concern raised in testimony that requiring a school counselor to determine if a child's parent or guardian is unwilling or unable to file a petition on the child's behalf would be beyond the abilities of the school counselor. Your Committee notes that the Department of Education, Judiciary, and Hawai'i State Coalition Against Domestic Violence are willing to work with stakeholders to craft language to address this issue.

Your Committee additionally notes the concerns raised in testimony by the Hawai'i State Coalition Against Domestic Violence that authorizing a domestic violence victim advocate to file a petition on behalf of a minor without the consent of the minor's parent or legal guardian would create liability issues for the domestic violence victim advocate. Your Committee believes the Hawai'i State Coalition Against Domestic Violence's suggested amendment permitting minors sixteen years of age or older or who have been emancipated to file a petition for an order of protection on their behalf and without a parent or legal guardian's consent warrants further consideration.

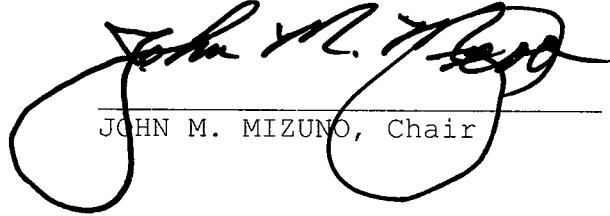
Your Committee has amended this measure by:

- (1) Deleting language authorizing a school counselor to file a petition for an order of protection on behalf of a minor whose parent or legal guardian is unwilling or unable to petition on the minor's behalf; and
- (2) 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. 448, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 448, 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



