

ACT 27

H.B. NO. 841

A Bill for an Act Relating to Domestic Abuse Protective Orders.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that when a parent seeks a domestic abuse restraining order against another parent or household member for allegations of domestic abuse, the law requires a referral to the department of human services for intervention or investigation by the child welfare services branch. The legislature further finds that the law is unnecessarily broad and overburdens the child welfare services branch. Automatic referrals should be limited to allegations of child abuse. The legislature notes that the family court currently has the authority, at its discretion, to refer a case to the department of human services where investigation is warranted to ensure the family's safety.

Accordingly, the purpose of this Act is to amend the automatic referral requirements regarding domestic abuse protective orders to apply only when there are allegations of alleged child abuse.

SECTION 2. Section 586-10.5, Hawaii Revised Statutes, is amended to read as follows:

“§586-10.5 Reports by the department of human services; court responsibilities. In cases where there are allegations of [~~domestic~~] child abuse or neglect, as defined in section 350-1, involving a family or household member who is a minor or an incapacitated person as defined in section 560:5-102, the employee or appropriate nonjudicial agency designated by the family court to assist the petitioner shall report the matter to the department of human services, as required under chapters 350 and 587A, and [~~shall~~] further notify the department of the granting of the temporary restraining order and of the hearing date. The department of human services shall provide the family court with a written

ACT 27

report on the disposition of the referral. The court shall file the report and mail it to the petitioner and respondent at least two working days before the hearing date, if possible. If circumstances prevent the mailing of the report as required in this section, the court shall provide copies of the report to the petitioner and respondent at the hearing. The report shall be noted in the order dismissing the petition or granting the restraining order.”

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved April 19, 2023.)