

# **HB669 HD1**

Measure Title: RELATING TO DOMESTIC VIOLENCE.

Report Title: Domestic Abuse; Department of Human Services; Family Court; Report

Description: Streamlines the reporting requirements of the Department of Human Services (DHS) and the family courts to require DHS, upon direction of the court, to provide the family court with an oral or written report regarding the safety of a minor child of the parties on or prior to the next regularly scheduled court hearing. Provides that if DHS provides a written report, the DHS need not appear at the hearing unless ordered to do so. Requires the court to provide copies of all written reports to the parties. (HB669 HD1)

Current Referral: HMS, JDL

Introducer(s): MORIKAWA, BELATTI, DECOITE, EVANS, FUKUMOTO, ICHIYAMA, LUKE, MATSUMOTO, MIZUNO, NAKAMURA, NISHIMOTO, OSHIRO, THIELEN, LoPresti, San Buenaventura, Todd

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

BRIDGET HOLTHUS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96808

March 17, 2017

TO: The Honorable Josh Green, Chair  
Senate Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 669 HD1 - Relating to Domestic Violence**

Hearing: March 17, 2017, 2:50 p.m.  
Conference Room 016, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this bill and provides comments.

**PURPOSE:** The purpose of this bill is to streamline the reporting requirements of the Department of Human Services (DHS) and the family courts to require DHS, upon direction of the court, to provide the family court with an oral or written report regarding the safety of a minor child of the parties on or prior to the next regularly scheduled court hearing; provide that if DHS provides a written report, the DHS social worker need not appear at the hearing unless ordered to do so; require the court to provide copies of all written reports to the parties.

Child Welfare Services (CWS) works closely with the Family Court to ensure the safety, permanency (stability), and well-being of children. Under the current statute, the Family Courts report all temporary restraining orders to the CWS branch where there are minors present in the home, regardless of the minors' exposure to the alleged domestic abuse. Many reports do not indicate any safety concerns for the children, consequently, the current statute has created additional burden on CWS as CWS staff must screen the referrals, investigate the cases, and submit written reports to the court in advance of the hearings.

Additionally, the automatic referral for investigation to CWS is a potential deterrent to survivors seeking safety through the restraining order process, as petitioners fear being

referred for investigation and having their children removed from their care. To prevent survivors from reporting domestic partner abuse, batterers often threaten that survivors will lose custody of their children.

Section 350-1.1, HRS, identifies those persons in their professional or official capacity who are "mandated reporters" of child abuse and neglect. Section 350-1.1(a)(3) and (4), and (b), HRS, requires, amongst others, law enforcement, court staff, the department of public safety, parole and probation officers report all situations of suspected abuse and neglect to Child Welfare Services. An automatic referral in every case through the restraining order process is not necessary. The Judiciary should have the discretion to refer cases to CWS for investigation on a case by case given the circumstances.

Thank you for the opportunity to testify.



*The Judiciary, State of Hawai'i*

**Testimony to the Senate Committee on Human Services**

Senator Josh Green, Chair  
Senator Stanley Chang, Vice Chair

Friday, March 17, 2017 2:50 PM  
State Capitol, Conference Room 016

by  
Judge R. Mark Browning  
Senior Family Judge and Deputy Chief Judge  
Family Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** House Bill No. 669, House Draft 1, Relating to Domestic Violence.

**Purpose:** Relating to reports from the Department of Human Services to the Family Court, per HRS Section 586-10.5

**Judiciary's Position:**

The Judiciary supports this bill that is now amended by the critical changes made in House Draft 1 (HD 1).

We had opposed the original House Bill No. 669 because it was a complete repeal of HRS § 586-10.5. Repealing that section would have severed an important channel of communication between the Family Court and the Department of Human Services (DHS) in cases filed under HRS Chapter 586. H.D. 1 addresses the original intent of the bill, that is, it relieves the Department of Human Services (DHS) from receiving duplicate referrals *and* H.D. 1 successfully balances the need of providing safety to children, the court's need for information independent of the parties, and avoiding unnecessary work by the DHS.

Victims, their children, and perpetrators need case management and access to a panoply of services to address the multi-faceted problem of family violence and to provide safety. The



House Bill No. 669, House Draft 1, Relating to Domestic Violence  
Senate Committee on Human Services  
Friday, March 17, 2017 2:50 PM  
Page 2

Family Court is not a service provider; our role is to hear cases and apply the law. Unlike child and adult abuse cases, there is no state agency that is a party to the HRS Chapter 586 proceedings that will investigate the allegations or refer the parties to appropriate resources. Lacking such an agency in HRS Chapter 586 cases, the court must be able to access help from DHS through oral and written reports.

It is not enough to simply rely on the mandatory reporting procedures of HRS Chapter 350. That chapter has no mechanism for timely communication of information necessary for cases under HRS Chapter 586. H.D. 1 successfully addresses this critical issue without increasing DHS's responsibilities in non-HRS Chapter 586 cases.

These cases are among the toughest faced by Family Court. Alone, we can provide the required protective order but such an order may not address the needs and safety of the children. For all these reasons, the Family Court respectfully supports H.D. 1 of House Bill No. 669.

Thank you for the opportunity to provide testimony on this bill.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 16, 2017 10:20 PM  
**To:** HMS Testimony  
**Cc:** begoniabarry@gmail.com  
**Subject:** \*Submitted testimony for HB669 on Mar 17, 2017 14:50PM\*

**HB669**

Submitted on: 3/16/2017

Testimony for HMS on Mar 17, 2017 14:50PM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Barry	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)