
A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that section 350-
2 1.1(a)(4) and (b), Hawaii Revised Statutes (HRS), already
3 requires employees or officers of any law enforcement agency,
4 including the courts, to immediately report to the department of
5 human services all cases where they have reason to believe that
6 child abuse or neglect has occurred or that there exists a
7 substantial risk that child abuse or neglect may occur in the
8 reasonably foreseeable future.

9 The legislature further finds that section 346-224(a)(3),
10 HRS, requires employees or officers of any law enforcement
11 agency, including the courts, to promptly report to the
12 department of human services all cases where they have reason to
13 believe that a vulnerable adult has incurred abuse or is in
14 danger of abuse if immediate action is not taken.

15 Best practices suggest that families experiencing domestic
16 violence should have access to protective orders and other
17 domestic services without fear that they will automatically be



1 referred for investigation by child welfare or adult protective
2 services.

3 Allowing the courts to exercise discretion as provided by
4 section 350-1.1(a)(4) and (b) and section 346-224(a)(3), Hawaii
5 Revised Statutes, permits the courts to direct families to
6 appropriate services to meet their individual needs, does not
7 discourage parents or family members from seeking a protective
8 order, and does not unnecessarily overburden an already
9 overworked child welfare or adult protective services system.

10 The legislature finds that the reporting requirements under
11 section 586-10.5, HRS, may appear redundant or unnecessary in
12 cases where there are allegations of domestic abuse involving a
13 family or household member who is a minor or incapacitated
14 person; however, it is necessary to ensure the safety and well-
15 being of children are not compromised.

16 The purpose of this Act is to reduce redundancies in the
17 reporting requirements of the department of human services and
18 the family courts, while ensuring the safety and well-being of
19 children by requiring the department of human services, upon
20 request by the court, to provide the family court with an oral
21 or written report regarding the safety of a minor child of the



1 parties, and to make other changes to streamline the reporting
2 process.

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

5 "§586-10.5 Reports by the department of human services;
6 court responsibilities. [~~In cases where there are allegations~~
7 ~~of domestic abuse involving a family or household member who is~~
8 ~~a minor or an incapacitated person as defined in section 560:5-~~
9 ~~102, the employee or appropriate nonjudicial agency designated~~
10 ~~by the family court to assist the petitioner shall report the~~
11 ~~matter to the department of human services, as required under~~
12 ~~chapters 350 and 587A, and shall further notify the department~~
13 ~~of the granting of the temporary restraining order and of the~~
14 ~~hearing date. The department of human services shall provide~~
15 ~~the family court with a written report on the disposition of the~~
16 ~~referral. The court shall file the report and mail it to the~~
17 ~~petitioner and respondent at least two working days before the~~
18 ~~hearing date, if possible. If circumstances prevent the mailing~~
19 ~~of the report as required in this section, the court shall~~
20 ~~provide copies of the report to the petitioner and respondent at~~
21 ~~the hearing. The report shall be noted in the order dismissing~~



1 ~~the petition or granting the restraining order.]~~ If directed by
2 the court, the department of human services shall provide the
3 family court with an oral or written report regarding the safety
4 of a minor child of the parties on or prior to the next
5 regularly scheduled court hearing. If the department of human
6 services provides a written report, the department need not
7 appear at the hearing unless ordered by the court. The court
8 shall provide copies of all written reports to the parties."

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

11 SECTION 4. This Act shall take effect on July 1, 2075.



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)

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