

Honolulu, Hawaii

MAR 22 , 2018

RE: S.B. No. 1062
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Health & Human Services, to which was referred S.B. No. 1062, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to require the Family Court to terminate parental rights if the court determines by clear and convincing evidence that the natural parent committed sexual assault of the other natural parent and the child was conceived as a result of the sexual assault by the parent, and termination of parental rights is in the best interest of the child.

The Sex Abuse Treatment Center, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and a few concerned individuals testified in support of this measure.

Your Committee has amended this measure by:

- (1) Adding a new section to Chapter 571, Hawaii Revised Statutes, to require the family courts to suspend custody and visitation in respect to any child for any parent or legal guardian who is charged in a criminal court proceeding for a sexual assault of the child's other parent or legal guardian with the presumption that



the suspension of custody and visitation is in the best interest of the child;

- (2) Requiring, upon request of the victim of sexual assault, that any prohibitions that restrict a defendant that is charged with sexual assault from approaching or communicating with the victim of sexual assault shall also apply with respect to the victim's minor children, regardless of the existence of a parental relationship between the defendant and the child of the victim;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) 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 Health & Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1062, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1062, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

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


JOHN M. MIZUNO, Chair



