

STAND. COM. REP. NO. **621**

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 1062

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1062 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require, rather than authorize, 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, provided that certain conditions are met.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Hawaii State Coalition Against Domestic Violence, Women's Caucus of the Democratic Party of Hawai'i, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women of Hawaii, Hawaii Women's Coalition, The Sex Abuse Treatment Center, and four individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the impact of sexual violence is significant. Survivors face not only emotional trauma, but also significant physical consequences, including pregnancy. According to The Sex Abuse Treatment Center, a study found that approximately five percent of sexual assaults resulted in



pregnancy, which translates to approximately thirty-two thousand sexual assault-related pregnancies each year in the United States.

Your Committee further finds that existing law authorizes the court to terminate parental rights upon a finding 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. This measure requires, rather than authorizes, the Family Court to terminate parental rights if the court makes such a finding.

Your Committee has amended this measure by:

- (1) Adopting language suggested by the Department of the Attorney General that requires the court to make a finding that termination of parental rights is in the best interests of the child;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1062, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1062, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 1062	Committee Referral: JDL	Date: 2/23/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes