

Honolulu, Hawaii

FEB 08 2016

RE: S.B. No. 2811

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B.  
No. 2811 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:

- (1) Allow the family court to terminate parental rights if the court determines by clear and convincing evidence that the child was conceived during an act of rape or sexual assault perpetrated by the parent whose rights are sought to be terminated; and
- (2) Create a presumption that termination of parental rights is in the best interest of the child if the child was conceived as a result of the rape or sexual assault.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawaii State Commission on the Status of Women, The Sex Abuse Treatment Center, Planned Parenthood Votes of Northwest and Hawaii, Hawaii State Coalition Against Domestic Violence, National Association of Social Workers Hawaii Chapter, Hawaii Women's Coalition, and one individual.

Your Committee finds that there are approximately 32,000 rape-related pregnancies each year in the United States. Rape is one of the most under-prosecuted serious crimes, and rapists may



use the threat of pursuing custody or parental rights to coerce the survivors into not prosecuting rape. The clear and convincing evidence standard is the most common for terminating parental rights among the fifty states. Your Committee finds that changing the standard for termination of parental rights from beyond a reasonable doubt to a clear and convincing evidence standard satisfies due process while also allowing victims of rape or sexual assault to petition for termination of the perpetrator's parental rights without requiring a criminal conviction.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2811, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2811, S.D. 1, and be referred to your Committee on Judiciary and Labor.

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

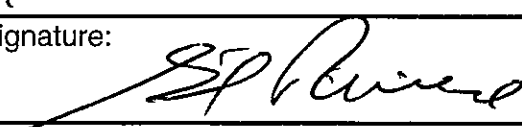


SUZANNE CHUN OAKLAND, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 2811</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">HMS, JDL</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">2/2/16</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	X			
RIVIERE, Gil (VC)	X			
GREEN, Josh	X			
HARIMOTO, Breene				X
RUDERMAN, Russell E.	X			
THIELEN, Laura H.	X			
SLOM, Sam				X
<b>TOTAL</b>	5			2
Recommendation: <div style="display: inline-block; margin-left: 20px;"> <input checked="" type="checkbox"/> Adopted         </div> <div style="display: inline-block; margin-left: 100px;"> <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 50px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

\*Only one measure per Record of Votes