

Honolulu, Hawaii

FEB 17 2021

RE: S.B. No. 577
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 577 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend provisions relating to criteria and procedures in family court determinations regarding custody and visitation rights;
- (2) Clarify that a parent's felony conviction for a violent or sexual offense in which the victim was a minor, or requirement to register as a sex offender, raises a rebuttable presumption that custody or visitation by that parent is not in the best interest of the child;
- (3) Require courts to consider registration as a sex offender a presumption of risk that affects the burden of producing evidence; and
- (4) Require courts to state the reasons for findings in writing or on the record, including specific findings that there is no risk to the child's health, safety, and welfare.



Your Committee received testimony in support of this measure from the Domestic Violence Action Center, Hawai'i Psychological Association, and one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that ninety-five percent of sexually abused children are abused by someone they know and trust. Your Committee also finds that seventy-three percent of child victims do not tell anyone about the abuse for at least one year, while forty-five percent do not tell anyone for five years. Some never disclose having been or being abused at all. Your Committee further finds that more restrictive standards must be established to help courts determine the best interests of children during these highly consequential custody proceedings. Accordingly, your Committee finds it is necessary, when granting custodial rights, to ensure that no child is placed in a home where that child would be exposed to a parent with a history of violent felonies, including those for sexual offenses, family violence, or homicides, or if the parent is required to register as a sex offender. To accomplish these goals, courts must adhere to the restrictive standards set forth in this measure.

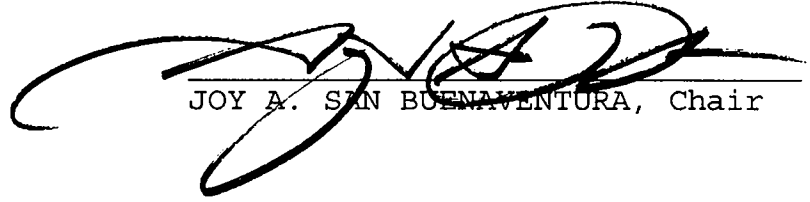
Your Committee received the testimony of the Judiciary, which pointed out that provisions regarding the nondisclosure of a certain information relating to a custodial parent and the child are overly-broad and might be construed to subject all cases to the restrictions, including cases in which neither abuse nor sexual abuse is involved.

Accordingly, your Committee has amended this measure to clarify that the nondisclosure procedures apply only when the court makes a finding of domestic abuse, violence, or sexual abuse against a parent.

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. 577, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 577, S.D. 1, and be referred to your Committee on Judiciary.



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



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB577	HMS , JDC	02/11/2021		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes