

MAR 10 2022

SENATE RESOLUTION

REQUESTING THE JUDICIARY CONDUCT A STUDY ON THE NECESSITY OF MANDATORY REFERRALS TO THE DEPARTMENT OF HUMAN SERVICES FOR INVESTIGATION OR INTERVENTION IN ALL CASES OF ALLEGED DOMESTIC ABUSE INVOLVING A FAMILY OR HOUSEHOLD MEMBER WHO IS A MINOR OR INCAPACITATED PERSON.

1 WHEREAS, when domestic abuse occurs in a household in which
2 a child resides, a parent may seek a restraining order against
3 the abusive parent or household member; and
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5 WHEREAS, in such cases, existing law requires the court-
6 appointed entity assisting the parent with filing the petition
7 to refer the matter to the Department of Human Services for
8 intervention or investigation by the Child Welfare Services
9 Branch; and
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11 WHEREAS, judges have the discretionary authority to refer a
12 case to the Department of Human Services where an investigation
13 is warranted to ensure the family's safety and provide services
14 to support their safety and well-being; and
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16 WHEREAS, given this authority, mandating a referral to the
17 Department of Human Services for investigation or intervention
18 in all cases of alleged domestic abuse involving a family or
19 household member who is a minor or incapacitated person may be
20 unnecessary; now, therefore,
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22 BE IT RESOLVED by the Senate of the Thirty-first
23 Legislature of the State of Hawaii, Regular Session of 2022,
24 that the Judiciary is requested to conduct a study on the
25 necessity of mandatory referrals to the Department of Human
26 Services for investigation or intervention in all cases of
27 alleged domestic abuse involving a family or household who is a
28 minor or incapacitated person; and
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1 BE IT FURTHER RESOLVED that the Judiciary is requested to
2 submit a report of its findings and recommendations, including
3 any proposed legislation, to the Legislature no later than
4 twenty days prior to the convening of the Regular Session of
5 2023; and

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7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted to the Chief Justice of the Hawaii
9 Supreme Court and Director of Human Services.

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OFFERED BY: _____

A handwritten signature in black ink, consisting of a large, stylized 'R' shape with a long horizontal stroke extending to the right, positioned above a solid horizontal line.