

STAND. COM. REP. NO. 2483

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2396

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2396 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to specify that any minor who resides in the same household as the victim of domestic abuse may file a petition for an order of protection or temporary restraining order.

Your Committee received testimony in support of this measure from the American Association of University Women of Hawaii, Hawai'i State Coalition Against Domestic Violence, and three individuals. Your Committee received comments on this measure from the Domestic Violence Action Center and Parents And Children Together.

Your Committee finds that in households where abuse occurs between parents, children who witness the abuse are also victims despite not being physically harmed. Often, the abusive parent will use the child or children as a bargaining chip--agreeing to the victim's protective order in exchange for having their children removed from the order. While this exchange expedites the protective order, it also keeps the children in a potentially abusive, intimidating, and terrorizing situation. This measure specifies that a minor who resides in the same household as a



victim of domestic abuse may file a petition for an order for protection or temporary restraining order.

Your Committee acknowledges the testimony of the Domestic Violence Action Center, which testified that it is more important that children who are not physically abused, yet live in a household with abuse between parents, remain on orders of protection when their parent files a petition, rather than being permitted to file their own petition.

Accordingly, your Committee has amended this measure by:

- (1) Removing language authorizing children to have standing to file a petition for an order of protection or temporary restraining order;
- (2) Clarifying that a child who resides in the same household as a victim of domestic abuse, need not demonstrate that they were physically abused in order to be included in the victim's petition for an order of protection or temporary restraining order;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) 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. 2396, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2396, S.D. 1, and be referred to your Committee on Judiciary.

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



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JOY A. SAN BUENAVENTURA, Chair



