

JAN 21 2022

A BILL FOR AN ACT

RELATING TO FAMILY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 584, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§584- Domestic abuse; exemption from mediation in
5 paternity proceedings. (a) In paternity proceedings in which
6 there are allegations of domestic abuse, the court shall not
7 require a party alleging the domestic abuse to participate in
8 any component of any mediation program.

9 (b) A mediator who receives a referral or order from a
10 court to conduct mediation shall screen for the occurrence of
11 domestic abuse between the parties. A mediator shall not engage
12 in mediation when it appears to the mediator or when either
13 party asserts that domestic abuse has occurred.

14 (c) In a proceeding concerning the custody or visitation
15 of a child, the court shall not require a party alleging
16 domestic abuse to participate in any component of any mediation
17 program.



1 (d) As used in this section, "domestic abuse" shall have
2 the same meaning as in section 586-1."

3 SECTION 2. Section 580-41.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§580-41.5 Battered spouses; exemption from mediation in**
6 **divorce proceedings.** (a) In contested divorce proceedings
7 where there are allegations of [~~spousal~~] domestic abuse, the
8 court shall not require a party alleging the spousal abuse to
9 participate in any component of any mediation program [~~against~~
10 ~~the wishes of that party~~].

11 (b) A mediator who receives a referral or order from a
12 court to conduct mediation shall screen for the occurrence of
13 [~~family violence~~] domestic abuse between the parties. A
14 mediator shall not engage in mediation when it appears to the
15 mediator or when either party asserts that [~~family violence~~]
16 domestic abuse has occurred [~~unless:~~

17 ~~(1) Mediation is authorized by the victim of the alleged~~
18 ~~family violence;~~

19 ~~(2) Mediation is provided in a specialized manner that~~
20 ~~protects the safety of the victim by a mediator who is~~
21 ~~trained in family violence; and~~



1 ~~(3) The victim is permitted to have in attendance at~~
2 ~~mediation, a supporting person of the victim's choice~~
3 ~~including but not limited to an attorney or advocate.~~
4 ~~If the victim chooses to exercise such option, any~~
5 ~~other party to the mediation will be permitted to have~~
6 ~~in attendance at mediation, a supporting person of the~~
7 ~~party's choice including but not limited to an~~
8 ~~attorney or advocate].~~

9 (c) In a proceeding concerning the custody or visitation
10 of a child, ~~[if a protective order is in effect,]~~ the court
11 shall not require a party alleging ~~[family violence]~~ domestic
12 abuse to participate in any component of any mediation program
13 ~~[against the wishes of that party].~~

14 ~~[(d) In a proceeding concerning the custody or visitation~~
15 ~~of a child, if there is an allegation of family violence and a~~
16 ~~protective order is not in effect, the court may order mediation~~
17 ~~or refer either party to mediation only if:~~

18 ~~(1) Mediation is authorized by the victim of the alleged~~
19 ~~family violence;~~



S.B. NO. 2642

Report Title:

Paternity Proceedings; Divorce Proceedings; Domestic Abuse;
Exemption from Mediation

Description:

Establishes an exemption from mediation in paternity proceedings where there are allegations of domestic abuse. Amends the exemption from mediation in divorce proceedings by disallowing mediation when there are allegations of domestic violence.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

