

MAR 10 2022

S.R. NO. 65

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
4

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
10

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
15

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,
21

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
29



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

6
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.

10
11
12 OFFERED BY:  _____

