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## A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS.

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

1           SECTION 1. The legislature finds that when a parent seeks  
2 a domestic abuse restraining order against another parent or  
3 household member for allegations of domestic abuse, the law  
4 requires a referral to the department of human services for  
5 intervention or investigation by the child welfare services  
6 branch. The legislature further finds that the law is  
7 unnecessarily broad and overburdens the child welfare services  
8 branch. Automatic referrals should be limited to allegation of  
9 child abuse. The legislature notes that the court already has  
10 the authority to refer, at their discretion, a case where  
11 investigation is warranted to ensure the family's safety.

12           Accordingly, the purpose of this Act is to amend the  
13 automatic referral requirements of section 586-10.5, Hawaii  
14 Revised Statutes, regarding domestic abuse protective orders.

15           SECTION 2. Section 586-10.5, Hawaii Revised Statutes, is  
16 amended to read as follows:



1           "§586-10.5 Reports by the department of human services;  
2 court responsibilities. In cases where there are allegations of  
3 [~~domestic~~] child abuse, as defined in chapter 350-1, involving a  
4 family or household member who is a minor or an incapacitated  
5 person as defined in section 560:5-102; the employee or  
6 appropriate nonjudicial agency designated by the family court to  
7 assist the petitioner shall report the matter to the department  
8 of human services, as required under chapters 350 and 587A; and  
9 shall further notify the department of the granting of the  
10 temporary restraining order and of the hearing date. The  
11 department of human services shall provide the family court with  
12 a written report on the disposition of the referral. The court  
13 shall file the report and mail it to the petitioner and  
14 respondent at least two working days before the hearing date, if  
15 possible. If circumstances prevent the mailing of the report as  
16 required in this section, the court shall provide copies of the  
17 report to the petitioner and respondent at the hearing. The  
18 report shall be noted in the order dismissing the petition or  
19 granting the restraining order."

20           SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2 INTRODUCED BY:           *Dan Carnes*          

JAN 23 2023



# H.B. NO. 840

**Report Title:**

Domestic Abuse Protective Orders; Department of Human Services;  
Child Welfare Services Branch; Automatic Referral; Court  
Responsibilities

**Description:**

Amends the automatic referral requirements to apply when there  
are allegations of child abuse and a domestic abuse restraining  
order is sought.

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

