
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 allegations of
9 child abuse. The legislature notes that the family court
10 currently has the authority, at its discretion, to refer a case
11 to the department of human services where investigation is
12 warranted to ensure the family's safety.

13 Accordingly, the purpose of this Act is to amend the
14 automatic referral requirements regarding domestic abuse
15 protective orders to apply only when there are allegations of
16 alleged child abuse.



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

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



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



Report Title:

Domestic Abuse Protective Orders; Child Abuse or Neglect;
Automatic Referral; Family Court Responsibilities; Department of
Human Services

Description:

Requires domestic abuse protective order cases to be reports to
the department of human services when the case involve
allegations of child abuse or neglect, rather than allegations
of domestic abuse. (HD2)

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not legislation or evidence of legislative intent.*

