
A BILL FOR AN ACT

RELATING TO MINORS.

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

1 SECTION 1. The legislature finds that adolescence can be a
2 challenging time for young people. During this stage of life,
3 adolescents are navigating new experiences while encountering
4 potential changes in their academic and social spheres,
5 including their relationships with peers and family members.
6 Many people begin dating during their teenage years. It is not
7 uncommon for some adolescents to keep private the details of
8 their romantic relationships, much less any problems or
9 challenges they may be experiencing in those relationships.
10 Parents may not want their child to date, and may advise against
11 their child entering into a relationship with a particular
12 person. A parent may also express disapproval of their minor
13 child's dating relationship.

14 The legislature also finds that adolescents in abusive
15 relationships, where the relationship was entered into without
16 parental approval, may be reluctant to approach their parents
17 for assistance. Some adolescents have the option of seeking the



1 help of another trusted adult who is not their parent, such as a
2 school counselor or domestic violence victim advocate. This
3 other person may be able to help in obtaining a restraining
4 order when it is necessary for the adolescent's safety and
5 protection. However, not all adolescents have access to such a
6 person.

7 The purpose of this Act is to provide an additional means
8 for minors to petition for a restraining order under chapter
9 586, Hawaii Revised Statutes.

10 SECTION 2. Section 586-3, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) A petition for relief under this chapter may be made
13 by:

14 (1) Any family or household member on the member's own
15 behalf or on behalf of a family or household member
16 who is a minor or who is an incapacitated person as
17 defined in section 560:5-102 or who is physically
18 unable to go to the appropriate place to complete or
19 file the petition; [e~~x~~]

20 (2) Any state agency on behalf of a person who is a minor
21 or who is an incapacitated person as defined in



1 section 560:5-102 or a person who is physically unable
2 to go to the appropriate place to complete or file the
3 petition on behalf of that person[-]; or

4 (3) A school counselor, domestic violence victim advocate,
5 or other mental health professional licensed by the
6 State, in the case of a minor, as defined in section
7 560:5-102, whose parent or legal guardian is unwilling
8 or unable to petition on the minor's behalf; provided
9 that the petition is accompanied by a declaration
10 stating that:

11 (A) The petition is necessary for the minor's safety
12 and is in the minor's best interest;

13 (B) The minor's parent or legal guardian is unwilling
14 or unable to petition on the minor's behalf; and

15 (C) The minor is otherwise able to meet the
16 requirements of chapter 586 for issuance of a
17 protective order;

18 provided further that the person may include in the
19 declaration or petition any additional information in
20 support of the foregoing statements."



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.

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INTRODUCED BY:

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JAN 20 2023



H.B. NO. 448

Report Title:

Domestic Abuse; Protective Orders; Petition; Minors

Description:

Provides that a school counselor, domestic violence victim advocate, or other mental health professional licensed by the State may petition for a protective order on a minor's behalf when the minor's parent or guardian is unwilling or unable to submit a petition; provided that certain specified information is provided in support of the petition.

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