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# 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 domestic violence victim advocate. This other person may be  
3 able to help in obtaining a restraining order when it is  
4 necessary for the adolescent's safety and protection. However,  
5 not all adolescents have access to such a person.

6 The purpose of this Act is to provide an additional means  
7 for a petition for a restraining order to be made on behalf of a  
8 minor in cases of domestic violence.

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

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

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



1 to go to the appropriate place to complete or file the  
2 petition on behalf of that person~~(-)~~; or

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

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

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

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

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

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 Statutory material to be repealed is bracketed  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



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



**Report Title:**

Domestic Abuse; Protective Orders; Petition; Minors

**Description:**

Provides that, subject to certain requirements, a 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.

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

