

STAND. COM. REP. NO. **3475**

Honolulu, Hawaii

APR 03 2024

RE: H.B. No. 2657
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2657, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ABUSIVE LITIGATION,"

begs leave to report as follows:

The purpose and intent of this measure is to establish judicial procedures to prevent and remedy abusive litigation.

Your Committee received testimony in support of this measure from Parents and Children Together, YWCA Kaua'i, Hawai'i Children's Action Network Speaks!, Women's Caucus of the Democratic Party of Hawai'i, Hawai'i Women Lawyers, Hawai'i State Coalition Against Domestic Violence, Hawai'i Women's Coalition, and two individuals.

Your Committee received comments on this measure from the Judiciary.

Your Committee finds that abusive litigation in the intimate partner violence context is a unique issue that needs to be addressed. Individuals who abuse their intimate partners may also take advantage of court proceedings to control, harass, intimidate, coerce, and impoverish the abused partner, even after a relationship has ended. Your Committee further finds that abusive litigation arises in a variety of contexts, often in family law cases, and it is not uncommon for abusers to file civil



lawsuits against survivors. This measure will provide a critical new protective tool for survivor safety, empowerment, financial independence, economic justice, and peace after surviving domestic or sexual violence.

Your Committee has amended this measure by:

- (1) Amending the definition of "abusive litigation" to require the factual basis of a past temporary restraining order or order for protection in a case of domestic violence be included when determining whether litigation is abusive;
- (2) Deleting language that would have included a pending criminal charge of domestic violence as a basis for determining whether litigation is abusive;
- (3) Deleting language that would have included a signed affidavit from a domestic violence or sexual assault agency that assists victims of domestic violence and sexual assault as a basis for determining whether litigation is abusive;
- (4) Making it effective on January 1, 2025; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2657, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2657, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



