

STAND. COM. REP. NO. 1436

Honolulu, Hawaii

MAR 21 , 2025

RE: S.B. No. 1520
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred S.B. No. 1520, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FAMILY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish an exemption from mediation in paternity proceedings where there are allegations of domestic abuse;
- (2) Permit an alleged victim to have a supporting person of the alleged victim's choice in attendance at mediation, and, if the alleged victim exercises this option, permitting any other party to the mediation to also have a supporting person in attendance at mediation; and
- (3) Clarify the exemption from mediation in divorce proceedings as it relates to domestic abuse.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Hawai'i State Coalition Against Domestic Violence; Commission to Promote Uniform Laws; Hawai'i Children's Action Network Speaks!; and two



individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that requiring mediation in paternity and custody disputes involving allegations of domestic abuse can place survivors in unsafe and distressing situations. Mediation may instead become a means for abusers to exert control, creating an environment that compromises the survivor's emotional and psychological well-being. This measure addresses these concerns by exempting individuals alleging domestic abuse from mandatory mediation in paternity cases and reinforcing similar protections in divorce proceedings. By ensuring that mediation is only conducted in circumstances that prioritize victim safety, this measure strengthens legal protections for survivors and prevents the legal process from being used as a tool for further abuse.

However, your Committee has heard the concerns raised in testimony by the Department of the Attorney General, that certain provisions in this measure differ from the existing Uniform Mediation Act under state law. Specifically, the Department of the Attorney General noted that the provisions enabling the alleged victim to bring a supportive person to mediation, but not other parties unless the alleged victim chooses to exercise this option first, could lead to confusion or an unfair result.

Your Committee also finds that the companion to this measure, H.B. No. 1283, H.D. 2 (Regular Session of 2025), was previously passed by the House.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. 1283, H.D. 2, a measure that:
 - (A) Establishes an exemption from mediation in paternity proceedings where there are allegations of domestic abuse; and
 - (B) Clarifies the exemption from mediation in divorce proceedings as it relates to domestic abuse;
- (2) Removing provisions enabling an alleged victim to bring a supportive person to mediation, but not other parties,



unless the alleged victim chooses to exercise this option first, in divorce proceedings;

- (3) Changing the effective date to upon its approval; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1520, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1520, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



LISA MARTEN, Chair



