

---

# A BILL FOR AN ACT

RELATING TO FAMILY.

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

1        SECTION 1. Chapter 584, Hawaii Revised Statutes, is  
2        amended by adding a new section to be appropriately designated  
3        and to read as follows:

4        "S584-        Domestic abuse; exemption from mediation in  
5        parentage proceedings.        (a)        In contested parentage proceedings  
6        where there are allegations of domestic abuse, the court shall  
7        not require a party alleging the domestic abuse to participate  
8        in any component of any mediation program against the wishes of  
9        that party. The court may order mediation or refer the parties  
10        to mediation only if:

11            (1)        Mediation is authorized by the alleged victim of the  
12            domestic abuse; and  
13            (2)        Mediation is provided, in a specialized manner that  
14            protects the safety of the alleged victim, by a  
15            mediator who is trained in the field of domestic  
16            abuse.



1                   (b) A mediator who receives a referral or an order from a  
2                   court to conduct mediation shall screen for the occurrence of  
3                   domestic abuse between the parties. A mediator shall not engage  
4                   in mediation when it appears to the mediator, or when either  
5                   party asserts, that domestic abuse has occurred, unless:

6                   (1) Mediation is authorized by the alleged victim of the  
7                   domestic abuse; and  
8                   (2) Mediation is provided, in a specialized manner that  
9                   protects the safety of the alleged victim, by a  
10                   mediator who is trained in the field of domestic  
11                   abuse.

12                   (c) An attorney or other individual designated by a party  
13                   may accompany the party to, and participate in, a mediation. A  
14                   waiver of participation given before the mediation may be  
15                   rescinded.

16                   (d) As used in this section, "domestic abuse" has the same  
17                   meaning as in section 586-1."

18                   SECTION 2. Section 580-41.5, Hawaii Revised Statutes, is  
19                   amended to read as follows:

20                   "**§580-41.5 [Battered spouses;] Domestic abuse; exemption**  
21                   **from mediation in divorce proceedings.** (a) In contested

1 divorce proceedings where there are allegations of [spousal]  
2 domestic abuse, the court shall not require a party alleging the  
3 [spousal] domestic abuse to participate in any component of any  
4 mediation program against the wishes of that party. The court  
5 may order mediation or refer the parties to mediation only if:

6       (1) Mediation is authorized by the alleged victim of the  
7       domestic abuse; and  
8       (2) Mediation is provided, in a specialized manner that  
9       protects the safety of the alleged victim, by a  
10       mediator who is trained in the field of domestic  
11       abuse.

12       (b) A mediator who receives a referral or order from a  
13 court to conduct mediation shall screen for the occurrence of  
14 [family violence] domestic abuse between the parties. A  
15 mediator shall not engage in mediation when it appears to the  
16 mediator, or when either party asserts, that [family violence]  
17 domestic abuse has occurred unless:

18       (1) Mediation is authorized by the alleged victim of the  
19       [u]alleged family violence;] domestic abuse; and



1 (2) Mediation is provided, in a specialized manner that

2 protects the safety of the alleged victim, by a

3 mediator who is trained in [family violence; and

4 (3) The victim is permitted to have in attendance at

5 mediation, a supporting person of the victim's choice

6 including but not limited to an attorney or advocate.

7 If the victim chooses to exercise such option, any

8 other party to the mediation will be permitted to have

9 in attendance at mediation, a supporting person of the

10 party's choice including but not limited to an

11 attorney or advocate.] the dynamics of domestic abuse.

17 (d) (c) In a proceeding concerning the custody or  
18 visitation of a child, if [there is an allegation of family  
19 violence and a protective order is not in effect,] a party has  
20 alleged domestic abuse the court may order mediation or refer  
21 either party to mediation only if:



1 (1) Mediation is authorized by the alleged victim of the  
2 [alleged family violence;] domestic abuse; and  
3 (2) Mediation is provided in a specialized manner that  
4 protects the safety of the alleged victim, by a  
5 mediator who is trained in [family violence; and  
6 (3) The victim is permitted to have in attendance at  
7 mediation, a supporting person of the victim's choice,  
8 including but not limited to an attorney or advocate.  
9 If the victim chooses to exercise such option, any  
10 other party to the mediation will be permitted to have  
11 in attendance at mediation, a supporting person of the  
12 party's choice including but not limited to an  
13 attorney or advocate.] the dynamics of domestic abuse.  
14 (d) An attorney or other individual designated by a party  
15 may accompany the party to, and participate in, a mediation. A  
16 waiver of participation given before the mediation may be  
17 rescinded.  
18 (e) As used in this section, "domestic abuse" has the same  
19 meaning as in section 586-1."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY: 

JAN 23 2026



# H.B. NO. 1962

**Report Title:**

Parentage Proceedings; Divorce Proceedings; Domestic Abuse; Mediation

**Description:**

Establishes an exemption from mediation in parentage proceedings where there are allegations of domestic abuse. Clarifies the exemption from mediation in divorce proceedings as it relates to domestic abuse.

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

