
A BILL FOR AN ACT

RELATING TO FAMILY.

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

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

4 **"§584A- Domestic abuse; exemption from mediation in**
5 **paternity proceedings.** (a) In contested paternity proceedings
6 where there are allegations of domestic abuse, or a temporary
7 restraining order or a protective order is in effect with
8 respect to the parties, the court shall not require a party
9 alleging the domestic abuse to participate in any component of
10 any mediation program against the wishes of that party.

11 (b) If a party has alleged domestic abuse or if a
12 temporary restraining order or a protective order is in effect
13 with respect to the parties, the court may order mediation or
14 refer either party to mediation only if:

15 (1) Mediation is authorized by the alleged victim of the
16 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 the field of domestic
4 abuse.

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

10 (1) Mediation is authorized by the alleged victim of the
11 domestic abuse; and

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

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.

5 (b) A mediator who receives a referral or order from a
6 court to conduct mediation shall screen for the occurrence of
7 [family violence] domestic abuse between the parties. A
8 mediator shall not engage in mediation when it appears to the
9 mediator or when either party asserts that [family violence]
10 domestic abuse has occurred unless:

11 (1) Mediation is authorized by the alleged victim of the
12 [alleged family violence;] 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 [family violence; and
16 (3) ~~The victim is permitted to have in attendance at~~
17 ~~mediation, a supporting person of the victim's choice~~
18 ~~including but not limited to an attorney or advocate.~~
19 ~~If the victim chooses to exercise such option, any~~
20 ~~other party to the mediation will be permitted to have~~
21 ~~in attendance at mediation, a supporting person of the~~

1 ~~party's choice including but not limited to an~~
2 ~~attorney or advocate.] the field of domestic abuse.~~

3 (c) In a proceeding concerning the custody or visitation
4 of a child, if a temporary restraining order or a protective
5 order is in effect[~~–~~] with regard to the parties, the court
6 shall not require a party alleging ~~[family violence]~~ domestic
7 abuse to participate in any component of any mediation program
8 against the wishes of that party.

9 (d) In a proceeding concerning the custody or visitation
10 of a child, if ~~[there is an allegation of family violence]~~ a
11 party has alleged domestic abuse and a temporary restraining
12 order or a protective order is not in effect[~~–~~] with regard to
13 the parties, the court may order mediation or refer either party
14 to mediation only if:

15 (1) Mediation is authorized by the alleged victim of the
16 ~~[alleged family violence,]~~ domestic abuse; and

17 (2) Mediation is provided, in a specialized manner that
18 protects the safety of the alleged victim, by a
19 mediator who is trained in ~~[family violence;~~ and

20 (3) The victim is permitted to have in attendance at
21 mediation, a supporting person of the victim's choice



including but not limited to an attorney or advocate. If the victim chooses to exercise such option, any other party to the mediation will be permitted to have in attendance at mediation, a supporting person of the party's choice including but not limited to an attorney or advocate.] the field of domestic abuse.

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

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

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

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

INTRODUCED BY:

Neelam K. Nahar

By Request

JAN 23 2026



H.B. NO. 2071

Report Title:

Hawaii State Association of Counties Package; Domestic Abuse; Paternity Proceedings; Divorce; Exemption from Mediation

Description:

Exempts, under certain circumstances, parties alleging domestic abuse from participating in mediation during paternity or divorce proceedings.

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