
A BILL FOR AN ACT

RELATING TO FAMILY SAFETY.

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

1 PART I

2 SECTION 1. The purpose of this part is to designate the
3 calendar year 2027 as the "Year of Resilience, Safety, and
4 Survivor Justice".

5 SECTION 2. (a) The calendar year 2027 shall be known and
6 designated as the "Year of Resilience, Safety, and Survivor
7 Justice".

8 (b) During the calendar year 2027, the State commits to:

- 9 (1) Uplifting survivor voices;
- 10 (2) Strengthening family court practices;
- 11 (3) Improving community-based support systems;
- 12 (4) Investing in trauma-informed services;
- 13 (5) Expanding access to safety, legal protection, and
14 healing;
- 15 (6) Advancing culturally grounded approaches; and
- 16 (7) Implementing the comprehensive reforms contained in
17 this Act.



(c) The State shall support public education, community partnerships, and survivor-led initiatives aligned with the Year of Resilience, Safety, and Survivor Justice.

(d) State agencies may collaborate with domestic violence service providers, cultural practitioners, youth- and family-serving nonprofits organizations, and survivor-led organizations to advance awareness and prevention.

PART II

SECTION 3. The legislature finds that Hawaii's statutory definitions of "harm", "child abuse or neglect", and related terms are outdated and fail to reflect modern science on trauma, psychological violence, coercive control, and non-visible injuries. Abuse does not require visible injuries, and emotional harm can be more damaging than physical harm.

The purpose of this part is to modernize statutory definitions to protect children from all forms of harm.

SECTION 4. Chapter 587A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§587A- Disability and neurodivergence non-justification. (a) A condition or injury shall not be



1 considered justifiably explained nor shall maltreatment be
2 excused, minimized, or dismissed on the basis of:

3 (1) A child's disability;

4 (2) Neurodivergence, autism, attention-
5 deficit/hyperactivity disorder, or developmental
6 delay;

7 (3) A mental health diagnosis;

8 (4) Trauma-related or sensory-related behaviors;

9 (5) Behavioral challenges; or

10 (6) Communication differences.

11 (b) Disability or neurodivergence shall not justify:

12 (1) Physical force or restraint;

13 (2) Humiliation or degradation;

14 (3) Emotional maltreatment; or

15 (4) Isolation or coercion."

16 SECTION 5. Section 350-1, Hawaii Revised Statutes, is
17 amended by amending the definition of "child abuse or neglect"
18 to read as follows:

19 ""Child abuse or neglect" [~~means:~~

20 ~~(1) The acts or omissions of any person who, or legal~~
21 ~~entity which, is in any manner or degree related to~~



1 ~~the child, is residing with the child, or is otherwise~~
2 ~~responsible for the child's care, that have resulted~~
3 ~~in the physical or psychological health or welfare of~~
4 ~~the child, who is under the age of eighteen, to be~~
5 ~~harmed, or to be subject to any reasonably~~
6 ~~foreseeable, substantial risk of being harmed. The~~
7 ~~acts or omissions are indicated for the purposes of~~
8 ~~reports by circumstances that include but are not~~
9 ~~limited to:~~

10 ~~(A) When the child exhibits evidence of:~~

11 ~~(i) Substantial or multiple skin bruising or any~~
12 ~~other internal bleeding;~~

13 ~~(ii) Any injury to skin causing substantial~~
14 ~~bleeding;~~

15 ~~(iii) Malnutrition;~~

16 ~~(iv) Failure to thrive;~~

17 ~~(v) Burn or burns;~~

18 ~~(vi) Poisoning;~~

19 ~~(vii) Fracture of any bone;~~

20 ~~(viii) Subdural hematoma;~~

21 ~~(ix) Soft tissue swelling;~~



1 ~~(x) Extreme pain;~~

2 ~~(xi) Extreme mental distress;~~

3 ~~(xii) Gross degradation; or~~

4 ~~(xiii) Death; and~~

5 ~~such injury is not justifiably explained, or when~~

6 ~~the history given concerning such condition or~~

7 ~~death is at variance with the degree or type of~~

8 ~~such condition or death, or circumstances~~

9 ~~indicate that such condition or death may not be~~

10 ~~the product of an accidental occurrence;~~

11 ~~(B) When the child has been the victim of sexual~~

12 ~~contact or conduct, including but not limited to~~

13 ~~sexual assault as defined in the Penal Code,~~

14 ~~molestation, sexual fondling, incest, or~~

15 ~~prostitution; obscene or pornographic~~

16 ~~photographing, filming, or depiction; or other~~

17 ~~similar forms of sexual exploitation, including~~

18 ~~but not limited to acts that constitute an~~

19 ~~offense pursuant to section 712-1202(1)(b);~~

20 ~~(C) When there exists injury to the psychological~~

21 ~~capacity of a child as is evidenced by an~~



1 ~~observable and substantial impairment in the~~
2 ~~child's ability to function;~~

3 ~~(D) When the child is not provided in a timely manner~~
4 ~~with adequate food, clothing, shelter,~~
5 ~~psychological care, physical care, medical care,~~
6 ~~or supervision;~~

7 ~~(E) When the child is provided with dangerous,~~
8 ~~harmful, or detrimental drugs as defined by~~
9 ~~section 712-1240; provided that this subparagraph~~
10 ~~shall not apply when such drugs are provided to~~
11 ~~the child pursuant to the direction or~~
12 ~~prescription of a practitioner, as defined in~~
13 ~~section 712-1240; or~~

14 ~~(F) When the child has been the victim of labor~~
15 ~~trafficking under chapter 707; or~~

16 ~~(2) The acts or omissions of any person that have resulted~~
17 ~~in sex trafficking or severe forms of trafficking in~~
18 ~~persons; provided that no finding by the department~~
19 ~~pursuant to this chapter shall be used as conclusive~~
20 ~~evidence that a person has committed an offense under~~
21 ~~part VIII of chapter 707 or section 712-1202.]~~



1 has the same meaning as in section 587A-4."

2 SECTION 6. Section 587A-4, Hawaii Revised Statutes, is
3 amended as follows:

4 1. By adding a new definition to be appropriately inserted
5 and to read:

6 "Child abuse or neglect" means any act by a parent,
7 guardian, caregiver, custodian, household member, or any person
8 responsible for the care or supervision of a child that causes,
9 or is reasonably likely to cause, harm to the child's physical,
10 emotional, psychological, developmental, or dignity-based well-
11 being. "Child abuse or neglect" does not require:

- 12 (1) Visible injury;
13 (2) Extreme pain;
14 (3) Bruising, fractures, or physical marks;
15 (4) Objectively observable impairment;
16 (5) Medical confirmation of injury; or
17 (6) Physical evidence of harm.

18 "Child abuse or neglect" may consist of a pattern of behavior or
19 a single severe incident."

20 2. By amending the definition of "harm" to read:



"Harm" ~~[has the same meaning as "child abuse or neglect"~~
~~as defined in section 350-1.]~~ means any damage or injury to a
child's physical, emotional, psychological, developmental, or
dignity-based well-being, including but not limited to:

(1) Physical harm, whether or not visible;

(2) Emotional or psychological harm, including

intimidation, humiliation, manipulation, isolation, or
coercion;

(3) Exposure to domestic abuse or coercive control;

(4) Neglect or deprivation, excluding poverty alone;

(5) Sexual harm, including exploitation or grooming;

(6) Digital or online exploitation;

(7) Commercial exploitation; or

(8) Endangerment that creates a substantial risk of harm."

PART III

SECTION 7. The legislature finds that coercive control is a leading predictor of lethal violence and must be recognized under state law. Existing state law focuses on physical acts, leaving victims of non-physical abuse without protection.



1 The purpose of this part is to define coercive control and
2 integrate this definition into the domestic violence and child
3 protection statutes.

4 SECTION 8. Chapter 586, Hawaii Revised Statutes, is
5 amended by adding a new part to be appropriately designated and
6 to read as follows:

7 **"PART . COERCIVE CONTROL AND DOMESTIC VIOLENCE MODERNIZATION**

8 **§586- Coercive control as domestic abuse.** Coercive
9 control shall constitute domestic abuse for purposes of
10 petitions for temporary restraining orders, protective orders,
11 custody determinations, and all forms of family-court relief.
12 No physical injury shall be required.

13 **§586- Duties of the court.** In addition to any other
14 duties or responsibilities of the court, the court shall:

- 15 (1) Identify and make findings on coercive control
16 whenever raised;
- 17 (2) Prioritize child safety and adult victim safety;
- 18 (3) Consider coercive control as a factor against custody,
19 visitation, and shared decision-making;
- 20 (4) Not penalize parents for leaving an abuser or
21 protecting a child; and



(5) Consider litigation abuse as domestic abuse.

§586- Training requirements. (a) The following individuals shall receive training pursuant to subsection (b):

(1) Judges;

(2) Guardians ad litem;

(3) Custody evaluators;

(4) Child welfare services workers;

(5) Law enforcement officers;

(6) Mediators; and

(7) Court-appointed professionals.

(b) The individuals listed in subsection (a) shall receive the following training:

(1) Trauma dynamics;

(2) Coercive control;

(3) Emotional and psychological abuse;

(4) Disability and neurodivergence issues;

(5) Litigation abuse;

(6) Financial abuse;

(7) Effects on children;

(8) System-based abuse; and

(9) Digital abuse."



1 SECTION 9. Chapter 587A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§587A- Coercive control. (a) A child's exposure to
5 coercive control shall constitute harm and child abuse or
6 neglect, regardless of whether the child is physically touched.

7 (b) For purposes of this section, "coercive control" has
8 the same meaning as in section 586-1.

9 SECTION 10. Section 586-1, Hawaii Revised Statutes, is
10 amended by amending the definition of "coercive control" to read
11 as follows:

12 "Coercive control" means a pattern of ~~[threatening,~~
13 ~~humiliating, or intimidating actions, which may include~~
14 ~~assaults, or other abuse that is used to harm, punish, or~~
15 ~~frighten an individual. "Coercive control" includes a pattern~~
16 ~~of behavior that seeks to take away the individual's liberty or~~
17 ~~freedom and strip away the individual's sense of self, including~~
18 ~~bodily integrity and human rights, whereby the "coercive~~
19 ~~control" is designed to make an individual dependent by~~
20 ~~isolating them from support, exploiting them, depriving them of~~
21 ~~independence, and regulating their everyday behavior including:~~



- ~~(1) Isolating the individual from friends and family;~~
- ~~(2) Controlling how much money is accessible to the individual and how it is spent;~~
- ~~(3) Monitoring the individual's activities, communications, and movements;~~
- ~~(4) Name-calling, degradation, and demeaning the individual frequently;~~
- ~~(5) Threatening to harm or kill the individual or a child or relative of the individual;~~
- ~~(6) Threatening to publish information or make reports to the police or the authorities;~~
- ~~(7) Damaging property or household goods; and~~
- ~~(8) Forcing the individual to take part in criminal activity or child abuse.]~~

behavior, or a single severe incident, that unreasonably interferes with a person's autonomy, physical or emotional safety, or ability to maintain connections with others.

"Coercive control" includes intimidation and threats; emotional and psychological abuse; isolation; monitoring, surveillance, and stalking; economic and financial abuse; reproductive and sexual coercion; litigation abuse, including legal,



1 administrative, and system abuse; child manipulation and
2 leverage; digital abuse; and disability or neurodivergence-
3 related abuse."

4 PART IV

5 SECTION 11. The legislature finds that family courts have
6 allowed litigation abuse and pseudoscientific theories like
7 parental alienation to harm children and protective parents.

8 The purpose of this part is to prioritize child safety,
9 prohibit parental alienation theories, and sanction parties who
10 participate in abusive litigation tactics.

11 SECTION 12. Chapter 571, Hawaii Revised Statutes, is
12 amended by adding ten new sections to be appropriately
13 designated and to read as follows:

14 "§571- **Diagnosis shopping.** (a) Diagnosis shopping
15 shall constitute coercive control, emotional abuse of the child,
16 and system-based abuse of the protective parent.

17 (b) No court shall admit or rely upon any evaluation
18 obtained through diagnosis shopping.

19 (c) Attorneys or evaluators who knowingly engage in or
20 facilitate diagnosis shopping shall be subject to sanctions.



1 **§571- Protective parent.** A protective parent shall not
2 be penalized for:

- 3 (1) Seeking safety;
4 (2) Reporting abuse;
5 (3) Securing treatment for the child; or
6 (4) Limiting contact when the child is distressed or
7 fearful.

8 **§571- Prohibition on parental alienation.** (a) The
9 concept of parental alienation, including its variants, shall
10 not be recognized in the State.

11 (b) No court shall admit testimony, reports, evaluations,
12 or evidence based on:

- 13 (1) Parental alienation;
14 (2) Parental alienation syndrome;
15 (3) Gatekeeping assumptions;
16 (4) Parental alignment theories;
17 (5) Family systems enmeshment used to discredit abuse; and
18 (6) Coaching allegations made without evidence.

19 (c) Any attempt by attorneys, evaluators, or parties to
20 introduce parental-alienation-based theories shall result in:

- 21 (1) Exclusion of testimony;



1 (2) Fee shifting;

2 (3) Sanctions;

3 (4) Disqualification; and

4 (5) Referral to the office of disciplinary counsel.

5 **§571- Child's right to refuse unsafe or distressing**

6 **visitation.** (a) A child's refusal to visit or spend time with
7 a parent shall not result in penalties to the protective parent
8 where:

9 (1) The child expresses fear, discomfort, trauma, or
10 distress;

11 (2) There is evidence or concern of coercive control;

12 (3) The child witnessed abuse;

13 (4) The child has been the subject of emotional harm;

14 (5) The child's boundaries have been violated; or

15 (6) The child's developmental or emotional needs indicate
16 distress.

17 (b) Forcing visitation over the child's objection shall be
18 prohibited.

19 (c) Courts shall make written findings before any
20 compelled visitation.



1 **§571- Protective parent standard.** (a) A child shall
2 not be removed from a protective parent except in extraordinary
3 circumstances supported by clear and convincing evidence of:

4 (1) Immediate danger to the child; and

5 (2) Lack of reasonable protective alternatives.

6 (b) A parent who acts to protect a child from abuse shall
7 not be deemed uncooperative, obstructive, or alienating.

8 **§571- Slanderous or abusive declarations; prohibited.**

9 (a) Courts shall strike any filing that contains:

10 (1) Humiliation, degradation, irrelevant personal or
11 sexual information;

12 (2) Reproductive history;

13 (3) Medical shaming;

14 (4) Derogatory character attacks;

15 (5) Speculative accusations without evidence; or

16 (6) Abusive rhetoric.

17 (b) Attorneys submitting such filings shall be subject to
18 sanctions.

19 **§571- Litigation abuse; remedies and sanctions.** (a)

20 The court shall identify and sanction litigation abuse,
21 including by:



- (1) Fee shifting;
- (2) Contempt;
- (3) Limiting filings;
- (4) Issuing protective orders;
- (5) Ordering therapy or education for the abusive parent;
- (6) Restricting custody or decision-making authority;
- (7) Subjecting attorneys to sanctions; or
- (8) Referring attorneys to the office of disciplinary
counsel.

§571- Temporary restraining order; use against a
parent; prohibited. Dismissal of a temporary restraining order,
whether voluntary, procedural, or evidentiary, shall not be used
to:

- (1) Penalize a parent;
- (2) Assume false reporting;
- (3) Assume malicious intent; or
- (4) Alter custody without further findings.

§571- Judicial duties. Judges shall:

- (1) Consider coercive control in all custody cases;
- (2) Make written findings where survivors allege abuse;
- (3) Prioritize child emotional safety;



(4) Ensure children are not forced into unsafe contact;

(5) Reject pseudoscientific evidence;

(6) Recognize trauma behaviors; and

(7) Treat litigation abuse as domestic abuse.

§571- Mandatory training. (a) The following shall receive training pursuant to subsection (b):

(1) Judges;

(2) Guardians ad litem;

(3) Custody evaluators;

(4) Child welfare services workers;

(5) Mediators; and

(6) Court-appointed therapists.

(b) The individuals listed in subsection (a) shall receive the following training:

(1) Coercive control;

(2) Trauma science;

(3) Litigation abuse;

(4) Child development;

(5) Disability and neurodivergence;

(6) Diagnosis shopping;

(7) Emotional and psychological harm;



1 (8) How abusers manipulate systems."

2 SECTION 13. Section 571-2, Hawaii Revised Statutes, is
3 amended by adding five new definitions to be appropriately
4 inserted and to read as follows:

5 "Court-facilitated abuse" means any situation in which
6 judicial processes, orders, procedures, delays, filings, or
7 failure to act allow, enable, assist, or amplify abuse, coercive
8 control, or harm to a child or protective parent.

9 "Court-facilitated abuse" includes but is not limited to:

10 (1) Minimizing or dismissing coercive control;

11 (2) Ignoring patterns of psychological or emotional abuse;

12 (3) Compelling a child to have contact with an abusive
13 parent;

14 (4) Penalizing a protective parent for respecting a
15 child's trauma;

16 (5) Reliance on pseudoscientific theories, including
17 parental alienation;

18 (6) Failure to sanction litigation abuse;

19 (7) Ordering reunification with an abusive parent;

20 (8) Ignoring financial abuse;



1 (9) Accepting abusive declarations or degrading
2 submissions;

3 (10) Treating abuse as high conflict; and

4 (11) Failing to consider emotional safety.

5 "Diagnosis shopping" means seeking, pressuring, coercing,
6 influencing, or manipulating any medical, psychological,
7 psychiatric, developmental, educational, or behavioral
8 professional to obtain a diagnosis, label, assessment, or
9 characterization of a child or parent that:

10 (1) Is intended to justify physical force, humiliation,
11 coercive control, or harmful treatment;

12 (2) Misattributes trauma responses or fear-based behaviors
13 to purported disability;

14 (3) Is sought to manipulate custody, visitation, or child
15 welfare services involvement;

16 (4) Is used to discredit, undermine, or punish a
17 protective parent;

18 (5) Is inconsistent with legitimate clinical standards;

19 (6) Is used to pathologize normal trauma reactions; or

20 (7) Is used to override the child's expressed fear,
21 trauma, or distress.



1 "Litigation abuse" means misuse of court procedures to
2 harass, intimidate, exhaust, manipulate, dominate, financially
3 harm, or discredit another party, including but not limited to:

4 (1) Repeated or frivolous motions;

5 (2) Excessive discovery;

6 (3) Refusal to comply with orders;

7 (4) Abusive declarations;

8 (5) Evidence manipulation;

9 (6) Subpoenas used to intimidate;

10 (7) Delay tactics;

11 (8) Filing complaints or reports in bad faith;

12 (9) Cross-filing temporary restraining orders or petitions
13 to intimidate; and

14 (10) Threats of litigation to force concessions.

15 "Litigation abuse" constitutes domestic abuse and coercive
16 control.

17 "Protective parent" means a legal parent who acts in good
18 faith to protect a child from harm, including by respecting the
19 child's expression of fear, trauma, or refusal of visitation.

20 "Slanderous or abusive court submissions" includes:



- 1 (1) Filings containing humiliation, degradation,
2 irrelevant sexual or reproductive information, private
3 medical history, or character attacks;
4 (2) Filings intended to shame, intimidate, punish, or
5 publicly humiliate;
6 (3) Defamatory statements offered without evidence; and
7 (4) Abusive declarations used to manipulate court
8 perception."

9 SECTION 14. Section 571-46, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) In actions for divorce, separation, annulment,
12 separate maintenance, or any other proceeding where there is at
13 issue a dispute as to the custody of a minor child, the court,
14 during the pendency of the action, at the final hearing, or any
15 time during the minority of the child, may make an order for the
16 custody of the minor child as may seem necessary or proper. In
17 awarding the custody, the court shall be guided by the following
18 standards, considerations, and procedures:

- 19 (1) Custody should be awarded to either parent or to both
20 parents according to the best interests of the child,
21 ~~[and the court also may consider frequent, continuing,~~



1 ~~and meaningful contact of each parent with the child]~~
2 unless the court finds that a parent is unable to act
3 in the best interest of the child;

4 (2) Custody may be awarded to persons other than the
5 father or mother whenever the award serves the best
6 interest of the child. Any person who has had de
7 facto custody of the child in a stable and wholesome
8 home and is a fit and proper person shall be entitled
9 prima facie to an award of custody;

10 (3) If a child is of sufficient age and capacity to
11 reason, so as to form an intelligent preference, the
12 child's wishes as to custody shall be considered and
13 be given due weight by the court;

14 (4) Whenever good cause appears therefor, the court may
15 require an investigation and report concerning the
16 care, welfare, and custody of any minor child of the
17 parties. When so directed by the court, investigators
18 or professional personnel attached to or assisting the
19 court, hereinafter referred to as child custody
20 evaluators, shall make investigations and reports that
21 shall be made available to all interested parties and



1 counsel before hearing, and the reports may be
2 received in evidence if no objection is made and, if
3 objection is made, may be received in evidence;
4 provided the person or persons responsible for the
5 report are available for cross-examination as to any
6 matter that has been investigated; and provided
7 further that the court shall define, in accordance
8 with section 571-46.4, the requirements to be a court-
9 appointed child custody evaluator, the standards of
10 practice, ethics, policies, and procedures required of
11 court-appointed child custody evaluators in the
12 performance of their duties for all courts, and the
13 powers of the courts over child custody evaluators to
14 effectuate the best interests of a child in a
15 contested custody dispute pursuant to this section.
16 Where there is no child custody evaluator available
17 that meets the requirements and standards, or any
18 child custody evaluator to serve indigent parties, the
19 court may appoint a person otherwise willing and
20 available in accordance with section 571-46.4;



1 (5) The court may hear the testimony of any person or
2 expert, produced by any party or upon the court's own
3 motion, whose skill, insight, knowledge, or experience
4 is such that the person's or expert's testimony is
5 relevant to a just and reasonable determination of
6 what is for the best physical, mental, moral, and
7 spiritual well-being of the child whose custody is at
8 issue;

9 (6) Any custody award shall be subject to modification or
10 change whenever the best interests of the child
11 require or justify the modification or change and,
12 wherever practicable, the same person who made the
13 original order shall hear the motion or petition for
14 modification of the prior award;

15 (7) Reasonable visitation rights shall be awarded to
16 parents, grandparents, siblings, and any person
17 interested in the welfare of the child in the
18 discretion of the court, unless it is shown that
19 rights of visitation are detrimental to the best
20 interests of the child;



1 (8) The court may appoint a guardian ad litem to represent
2 the interests of the child and may assess the
3 reasonable fees and expenses of the guardian ad litem
4 as costs of the action, payable in whole or in part by
5 either or both parties as the circumstances may
6 justify;

7 (9) In every proceeding where there is at issue a dispute
8 as to the custody of a child, a determination by the
9 court that family violence has been committed by a
10 parent raises a rebuttable presumption that it is
11 detrimental to the child and not in the best interest
12 of the child to be placed in sole custody, joint legal
13 custody, or joint physical custody with the
14 perpetrator of family violence. In addition to other
15 factors that a court shall consider in a proceeding in
16 which the custody of a child or visitation by a parent
17 is at issue, and in which the court has made a finding
18 of family violence by a parent:

19 (A) The court shall consider as the primary factor
20 the safety and well-being of the child and of the
21 parent who is the victim of family violence;



(B) The court shall consider the perpetrator's history of causing physical harm, bodily injury, or assault or causing reasonable fear of physical harm, bodily injury, or assault to another person; and

(C) If a parent is absent or relocates because of an act of family violence by the other parent, the absence or relocation shall not be a factor that weighs against the parent in determining custody or visitation;

(10) A court may award visitation to a parent who has committed family violence only if the court finds that adequate provision can be made for the physical safety and psychological well-being of the child and for the safety of the parent who is a victim of family violence;

(11) In a visitation order, a court may:

(A) Order an exchange of a child to occur in a protected setting;

(B) Order visitation supervised by another person or agency;



- 1 (C) Order the perpetrator of family violence to
2 attend and complete, to the satisfaction of the
3 court, a program of intervention for perpetrators
4 or other designated counseling as a condition of
5 the visitation;
- 6 (D) Order the perpetrator of family violence to
7 abstain from possession or consumption of alcohol
8 or controlled substances during the visitation
9 and for twenty-four hours preceding the
10 visitation;
- 11 (E) Order the perpetrator of family violence to pay a
12 fee to defray the costs of supervised visitation;
- 13 (F) Prohibit overnight visitation;
- 14 (G) Require a bond from the perpetrator of family
15 violence for the return and safety of the child.
16 In determining the amount of the bond, the court
17 shall consider the financial circumstances of the
18 perpetrator of family violence;
- 19 (H) Impose any other condition that is deemed
20 necessary to provide for the safety of the child,



1 the victim of family violence, or other family or
2 household member; and

3 (I) Order the address of the child and the victim to
4 be kept confidential;

5 (12) The court may refer but shall not order an adult who
6 is a victim of family violence to attend, either
7 individually or with the perpetrator of the family
8 violence, counseling relating to the victim's status
9 or behavior as a victim as a condition of receiving
10 custody of a child or as a condition of visitation;

11 (13) If a court allows a family or household member to
12 supervise visitation, the court shall establish
13 conditions to be followed during visitation;

14 (14) A supervised visitation center shall provide a secure
15 setting and specialized procedures for supervised
16 visitation and the transfer of children for visitation
17 and supervision by a person trained in security and
18 the avoidance of family violence;

19 (15) The court may include in visitation awarded pursuant
20 to this section visitation by electronic communication
21 provided that the court shall additionally consider



1 the potential for abuse or misuse of the electronic
2 communication, including the equipment used for the
3 communication, by the person seeking visitation or by
4 persons who may be present during the visitation or
5 have access to the communication or equipment; whether
6 the person seeking visitation has previously violated
7 a temporary restraining order or protective order; and
8 whether adequate provision can be made for the
9 physical safety and psychological well-being of the
10 child and for the safety of the custodial parent;

11 (16) The court may set conditions for visitation by
12 electronic communication under paragraph (15),
13 including visitation supervised by another person or
14 occurring in a protected setting. Visitation by
15 electronic communication shall not be used to:

16 (A) Replace or substitute an award of custody or
17 physical visitation except where:

18 (i) Circumstances exist that make a parent
19 seeking visitation unable to participate in
20 physical visitation, including military
21 deployment; or



1 (ii) Physical visitation may subject the child to
2 physical or extreme psychological harm; or
3 (B) Justify or support the relocation of a custodial
4 parent; and
5 (17) Notwithstanding any provision to the contrary, no
6 natural parent shall be granted custody of or
7 visitation with a child if the natural parent has been
8 convicted in a court of competent jurisdiction in any
9 state of rape or sexual assault and the child was
10 conceived as a result of that offense; provided that:
11 (A) A denial of custody or visitation under this
12 paragraph shall not affect the obligation of the
13 convicted natural parent to support the child;
14 (B) The court may order the convicted natural parent
15 to pay child support;
16 (C) This paragraph shall not apply if subsequent to
17 the date of conviction, the convicted natural
18 parent and custodial natural parent cohabitate
19 and establish a mutual custodial environment for
20 the child; and



(D) A custodial natural parent may petition the court to grant the convicted natural parent custody and visitation denied pursuant to this paragraph, and upon such petition the court may grant custody and visitation to the convicted natural parent where it is in the best interest of the child."

PART V

SECTION 15. The legislature finds that economic abuse is pervasive and destabilizes survivors and children. Existing law lacks adequate safeguards against financial coercion during separation and custody disputes.

The purpose of this part is to define economic abuse, strengthen automatic restraining orders, impose liability on financial institutions that enable abuse, and treat economic abuse as a factor in custody determinations.

SECTION 16. Chapter 412, Hawaii Revised Statutes, is amended by adding a new section to article 1 to be appropriately designated and to read as follows:

"§412:1- Protection against financial institution participation in economic abuse. (a) It shall be unlawful for any financial institution to:



- 1 (1) Close, freeze, restrict, or alter an account based on
2 unilateral requests from a spouse or partner;
- 3 (2) Remove a customer's name from a joint account without
4 consent;
- 5 (3) Modify online access, passwords, or security settings
6 without verification;
- 7 (4) Rely on information provided by an abusing party;
- 8 (5) Shut down accounts as retaliation for disclosures of
9 domestic abuse; or
- 10 (6) Refuse service or deny reinstatement when coercive
11 control is alleged.
- 12 (b) If an account is improperly altered, closed, or
13 restricted, the institution shall:
- 14 (1) Restore the account to active status within five
15 business days;
- 16 (2) Restore all prior features;
- 17 (3) Remove adverse credit reporting;
- 18 (4) Waive penalties or fees; and
- 19 (5) Provide written confirmation of reinstatement.
- 20 (c) Victims may sue a financial institution alleged to
21 have committed a violation under this section for:



1 (1) Actual damages;

2 (2) Statutory damages (\$2,500 per violation);

3 (3) Attorney's fees;

4 (4) Punitive damages in cases of wilful misconduct; and

5 (5) Injunctive relief.

6 (d) The department of commerce and consumer affairs may
7 impose administrative fines of up to \$10,000 per violation of
8 this section.

9 SECTION 17. Chapter 580, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 **"§580- Automatic restraining order.** (a) Upon filing
13 of a divorce, separation, or custody action, both parties shall
14 be immediately restrained from:

15 (1) Closing, restricting, or modifying access to accounts;

16 (2) Withdrawing funds other than for ordinary living
17 expenses;

18 (3) Creating new debt secured by marital assets;

19 (4) Changing passwords or online banking access;

20 (5) Interfering with direct deposit;

21 (6) Altering insurance or beneficiary designations;



1 (7) Removing names from accounts;

2 (8) Unilaterally capturing or withholding rental income or
3 other recurring income historically used for household
4 or child support, except for ordinary living expenses
5 or by court order; and

6 (9) Taking any action that destabilizes the victim or
7 child.

8 (b) Any violation of this section shall result in:

9 (1) Immediate restitution;

10 (2) Fee shifting;

11 (3) Potential adverse property division;

12 (4) Contempt findings; or

13 (5) Sanctions."

14 SECTION 18. Chapter 586, Hawaii Revised Statutes, is
15 amended by adding five new sections to be appropriately
16 designated and to read as follows:

17 **"§586- Economic abuse.** (a) Upon sworn allegations of
18 economic abuse, the court shall schedule a hearing within seven
19 to fourteen days.

20 (b) The court may issue ex parte financial freeze orders
21 to:



- (1) Prevent asset dissipation;
- (2) Prevent unauthorized withdrawals;
- (3) Ensure access to essentials; or
- (4) Maintain the status quo.

§586- Forensic accounting authority. Courts may:

- (1) Appoint forensic accountants;
- (2) Order expedited financial disclosures;
- (3) Subpoena records; and
- (4) Charge forensic costs to the abusing party.

§586- Emergency economic abuse hearings. Upon sworn allegations of economic abuse, the court shall schedule a hearing within fourteen days and may issue ex parte financial freeze orders to prevent asset dissipation and ensure access to essentials.

§586- Economic abuse as a factor in custody determinations. Economic abuse shall constitute domestic abuse under section 571-46 and shall be a negative factor that weighs against awarding custody, unsupervised visitation, and joint decision-making.

§586- Penalties for assisting in economic abuse; mandatory training. (a) Attorneys who knowingly assist in



1 economic abuse, including through concealed asset transfers or
2 abusive financial tactics, shall be subject to fee shifting,
3 contempt, sanctions, disqualification, and referral to the
4 office of disciplinary counsel.

5 (b) Mandatory training for judges, guardians ad litem,
6 custody evaluators, and court-appointed professionals shall
7 include identification of economic abuse, financial trauma, and
8 forensic indicators."

9 SECTION 19. Section 586-1, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "Economic abuse" means a pattern of behavior, or a single
13 severe incident, that controls, obstructs, restricts, or
14 sabotages a person's access to financial resources, economic
15 stability, property, employment, credit, or ability to meet
16 basic needs. "Economic abuse" includes:

17 (1) Financial control and deprivation;

18 (2) Financial sabotage;

19 (3) Misuse of financial institutions;

20 (4) Economic threats;

21 (5) Coerced financial dependence;



(6) Economic abuse affecting children; and

(7) Litigation-related economic abuse."

PART VI

SECTION 20. The legislature finds that neurodivergent children and those falsely labeled as such face heightened risk of harm and discrimination. Disability or diagnosis must never justify abuse or be weaponized in custody disputes.

The purpose of this part is to prohibit misuse of disability, ban diagnosis shopping, require trauma-informed evaluations, and protect protective parents from retaliation.

SECTION 21. Chapter 587A, Hawaii Revised Statutes, is amended by adding eight new sections to be appropriately designated and to read as follows:

"§587A- Protective advocacy. A parent's actions to seek accommodations, therapy, support, trauma-informed services, or evaluations that serve the best interest of the child shall not be treated as obstruction, alienation, or instability.

§587A- Disability or neurodivergence non-justification.

(a) No child's disability, neurodivergence, developmental differences, mental health diagnosis, or trauma-related



behavior, actual or alleged, shall be used as justification or
excuse for:

- (1) Physical force or restraint;
- (2) Seclusion, isolation, or confinement;
- (3) Humiliating or degrading treatment;
- (4) Emotional or psychological abuse;
- (5) Threats or intimidation;
- (6) Coercive control;
- (7) Excessive or punitive discipline; or
- (8) Withholding comfort, support, therapy, or safety.
- (b) No adult's disability or neurodivergence, actual or

alleged, shall be used to:

- (1) Discredit abuse reports;
- (2) Assume lack of parental fitness without evidence;
- (3) Remove custody; or
- (4) Restrict decision-making without individualized
evaluation.

(c) Trauma-related behaviors shall not be used as evidence
of parental alienation, manipulation, or coaching.



1 **§587A- Removal and custody protections.** (a) A child
2 shall not be removed from a protective parent, nor shall
3 visitation be restricted, based solely or primarily on:

4 (1) Disability, neurodivergence, trauma symptoms, or
5 developmental differences;

6 (2) Sensory overload, shutdowns, meltdowns, or
7 communication challenges;

8 (3) Normal trauma reactions to unsafe environments;

9 (4) A parent's advocacy for diagnoses, supports,
10 accommodations, or therapies;

11 (5) Delays in diagnosis due to system obstacles;

12 (6) A child's refusal to visit an abusive parent;

13 (7) A child's discomfort with a particular evaluator or
14 procedure.

15 **§587A- Prohibited court practices.** (a) Courts shall
16 not:

17 (1) Rely on compliance models requiring neurodivergent
18 children to behave neurotypically;

19 (2) Penalize parents for seeking appropriate evaluations
20 or support;



- 1 (3) Admit or rely on pseudoscientific theories linking
- 2 disability to parental unfitness;
- 3 (4) Order reunification therapy against a neurodivergent
- 4 child's will;
- 5 (5) Order therapies prioritizing compliance over emotional
- 6 safety;
- 7 (6) Dismiss or minimize the child's reports of abuse due
- 8 to communication differences; or
- 9 (7) Misinterpret avoidance, shutdowns, or flat affect as
- 10 lack of credibility.

11 **§587A- Training requirements.** (a) The following
12 individuals shall receive training pursuant to subsection (b):

- 13 (1) Family court judges;
- 14 (2) Guardians ad litem;
- 15 (3) Custody evaluators;
- 16 (4) Child welfare services workers;
- 17 (5) Law enforcement officers; and
- 18 (6) Court-affiliated therapists.

19 (b) The individuals listed in subsection (a) shall receive
20 the following training:

- 21 (1) Neurodivergence and disability;



- 1 (2) Trauma-informed practice;
- 2 (3) Sensory processing differences;
- 3 (4) Communication differences;
- 4 (5) Emotional and developmental needs;
- 5 (6) Diagnosis shopping;
- 6 (7) Disability-based discrimination;
- 7 (8) How abusers weaponize diagnoses; and
- 8 (9) How to evaluate neurodivergent children safely and
- 9 ethically.

10 **§587A-** **Evaluation standards.** (a) Any court-ordered
11 evaluation shall be:

- 12 (1) Developmentally appropriate;
- 13 (2) Disability-informed;
- 14 (3) Trauma-informed; and
- 15 (4) Sensory-informed.
- 16 (b) Evaluators shall:
- 17 (1) Allow breaks, sensory regulation, and communication
- 18 supports;
- 19 (2) Avoid coercing or intimidating the child;
- 20 (3) Avoid rapid or speculative diagnosis;
- 21 (4) Recognize trauma-related behaviors;



1 (5) Not interpret fear-based reactions as deception; and
2 (6) Understand masking, shutdowns, or selective mutism.
3 (c) Evaluations obtained through diagnosis shopping shall
4 be inadmissible.

5 **§587A- Protective parent provision.** (a) A parent
6 shall not be penalized for:

- 7 (1) Securing evaluations;
8 (2) Requesting school or medical accommodations;
9 (3) Advocating for individualized education programs or
10 504 plans;
11 (4) Disagreeing with assessments based on diagnosis
12 shopping;
13 (5) Respecting a child's communication, sensory, or
14 emotional needs; and
15 (6) Refusing to force visitation when the child is
16 distressed.

17 **§587A- Remedies and sanctions.** Courts may:

- 18 (1) Strike reports created as the result of diagnosis
19 shopping;
20 (2) Sanction attorneys;
21 (3) Disqualify evaluators;



1 (4) Order costs and fees to the protective parent;

2 (5) Bar abusive parents from controlling medical

3 decisions; and

4 (6) Restrict access to the child if disability-based abuse

5 occurs.

6 SECTION 22. Section 587A-4, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Diagnosis shopping" has the same meaning as in section
10 571-2.

11 "Disability-based abuse" or "neurodivergence-based abuse"
12 means any conduct that uses disability, real or alleged, as a
13 basis to harm, restrain, control, humiliate, punish, or
14 discredit a child or protective parent, including but not
15 limited to:

16 (1) Physical force or restraint justified as necessary due
17 to disability;

18 (2) Humiliation, punishment, or emotional abuse targeted
19 at disability-related behaviors;

20 (3) Dismissal of abuse allegations because the child is or
21 is alleged to be neurodivergent;



(4) Treating sensory overwhelm, shutdowns, or meltdowns as
misbehavior warranting force;

(5) Denying or withholding accommodations;

(6) Coercing therapies to enforce compliance over
wellbeing; or

(7) Pathologizing normal trauma responses.

"Neurodivergence" includes autism, attention-
deficit/hyperactivity disorder, learning disabilities, sensory
processing differences, trauma-based developmental impacts,
communication differences, intellectual disabilities, and any
other neurological or developmental variation."

PART VII

SECTION 23. The legislature finds that reproductive autonomy is a fundamental right under the Hawaii State Constitution. Abusers weaponize reproductive history, including abortion, miscarriage, infertility treatment, contraception, and pregnancy outcomes, during family court proceedings to shame, intimidate, and discredit parents. Such practices constitute coercive control and litigation abuse and have no legitimate relevance to parental fitness.



1 The purpose of this part is to prohibit the introduction of
2 reproductive history in custody disputes, impose sanctions for
3 violations, and provide remedies for affected parties.

4 SECTION 24. Chapter 571, Hawaii Revised Statutes, is
5 amended by adding a new part to be appropriately designated and
6 to read as follows:

7 **"PART . REPRODUCTIVE HISTORY**

8 **§571- Definition.** As used in this part, "reproductive
9 history" includes:

- 10 (1) Abortion or abortion care;
- 11 (2) Miscarriage or stillbirth;
- 12 (3) Infertility or fertility treatment;
- 13 (4) Contraception use or nonuse;
- 14 (5) Pregnancy outcomes;
- 15 (6) Prenatal care decisions;
- 16 (7) Reproductive health diagnoses; and
- 17 (8) Sexual or reproductive health care.

18 **§571- Reproductive history; inadmissible in family**
19 **court.** (a) In any proceeding under this chapter, chapter 580
20 or 586, or related family court jurisdiction, a party's



reproductive history shall be inadmissible, irrelevant, and prohibited from consideration in determining:

(1) Custody;

(2) Visitation;

(3) Parental fitness;

(4) Credibility;

(5) Moral character; and

(6) Best interests of the child.

(b) This section shall apply regardless of:

(1) The timing of the reproductive event;

(2) The number of events;

(3) Religious or moral objections raised by another party;

or

(4) Whether the reproductive decision occurred before or after the child's birth.

§571- Reproductive history as litigation abuse. (a)

Introducing, threatening to introduce, or referencing reproductive history shall constitute litigation abuse and coercive control for the purpose of shaming, discrediting, intimidating, coercing, or influencing custody or other court outcomes.



(b) Such conduct shall be treated as domestic abuse for purposes of:

- (1) Protective orders;
- (2) Custody determinations; and
- (3) Attorney sanctions.

§571- Attorney prohibitions and sanctions. (a) No attorney shall:

- (1) Introduce evidence of reproductive history;
- (2) Reference abortion, miscarriage, or reproductive healthcare in pleadings;
- (3) Suggest reproductive decisions indicate unfitness;
- (4) Threaten disclosure of reproductive history.

(b) Violation shall result in:

- (1) Immediate exclusion of evidence;
- (2) Fee shifting;
- (3) Monetary sanctions;
- (4) Referral to the office of disciplinary counsel;
- (5) Potential disqualification.

§571- Judicial duties. (a) Judges shall:

- (1) Strike any filing referencing reproductive history;



(2) Issue curative instructions where such references are made;

(3) Make written findings when sanctions are imposed; and

(4) Ensure that custody determinations are based on safety, caregiving capacity, and child well-being only.

(b) Failure to comply with this section shall constitute reversible error.

§571- Private right of action; application; continuing violations; revival of claims. (a) A person harmed by a violation of this part may bring a civil action for one or more of the following remedies:

(1) Statutory damages of \$10,000 per violation;

(2) Actual damages;

(3) Declaratory relief;

(4) Injunctive relief;

(5) Record sealing, record expungement, vacatur, or modification of custody or visitation orders; and

(6) Reasonable attorney's fees and costs.

(b) This part applies to all family court proceedings pending on or after the effective date of this Act, regardless



1 of when the underlying reproductive event or challenged conduct
2 occurred.

3 (c) Any filing, testimony, pleading, evaluation, order, or
4 court record that references or relies upon reproductive history
5 in violation of this part shall constitute a continuing
6 violation for as long as such material remains in the court
7 record, is relied upon, or produces legal, custodial,
8 reputational, or psychological effect.

9 (d) A person may seek declaratory or injunctive relief
10 under this section regardless of when the violation occurred.

11 (e) Notwithstanding any other law to the contrary, a civil
12 action seeking damages under subsection (a)(1) or (2) based on
13 the introduction, use, or threatened use of reproductive history
14 may be commenced within two years of the effective date of this
15 Act, regardless of when the conduct occurred; provided that:

16 (1) The conduct resulted in loss or restriction of
17 custody, visitation, parental decision-making
18 authority, or parental credibility;

19 (2) The conduct constituted coercive control, litigation
20 abuse, or a violation of constitutional privacy
21 interests; or



(3) The harm resulting from such conduct was not fully remedied before the effective date of this Act.

(f) Nothing in this section shall be construed to limit damages, sanctions, or other relief for violations or continuing violations occurring on or after the effective date of this Act."

PART VIII

SECTION 25. The legislature finds that the department of human services' child welfare services branch has repeatedly failed to protect children from harm and has retraumatized protective parents through coercive practices and inadequate assessments. Independent oversight and trauma-informed reforms are urgently needed.

The purpose of this part is to mandate audits of the child welfare services branch's decisions, prohibit coerced protective action, and establish a child welfare ombudsman within the office of the ombudsman to investigate complaints and recommend systemic improvements.

SECTION 26. Chapter 96, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:



1 "§96- Child welfare ombudsman. (a) There is
2 established within the office of the ombudsman a designated
3 child welfare ombudsman, appointed by the ombudsman, to
4 specialize in complaints, investigations, and systemic review
5 relating to child welfare services.

6 (b) The child welfare ombudsman shall operate
7 independently of the department of human services' child welfare
8 services branch.

9 (c) The child welfare ombudsman shall:

10 (1) Receive and investigate complaints from parents,
11 caregivers, advocates, attorneys, mandated reporters,
12 and service providers;

13 (2) Investigate allegations of coerced protective action,
14 survivor-blaming practices, or improper closure
15 correspondence;

16 (3) Independently review adverse outcomes and make
17 systemic recommendations;

18 (4) Review individual cases and systemic practices for
19 compliance with law and policy;

20 (5) Access child welfare services records and data as
21 authorized under this chapter, notwithstanding



1 confidentiality provisions, subject to the safeguards
2 of this chapter;

3 (6) Issue findings and recommendations;

4 (7) Recommend corrective action, policy changes, training
5 changes, or disciplinary review;

6 (8) Refer matters for audit review or legislative
7 oversight when appropriate; and

8 (9) Protect complainants from retaliation.

9 (d) The child welfare ombudsman may issue findings and
10 recommendations but shall not direct individual case outcomes."

11 SECTION 27. Chapter 346, Hawaii Revised Statutes, is
12 amended by adding a new section to part II to be appropriately
13 designated and to read as follows:

14 **"§346- Definitions. (a) As used in this part:**

15 **"Adverse outcome" means a circumstance in which:**

16 (1) Child welfare services closes a case, issues a "no
17 abuse", "not substantiated", or similar finding, or
18 takes no protective action; and

19 (2) The child subsequently experiences:

20 (A) Substantiated abuse or neglect;

21 (B) Serious physical injury;



1 (C) Severe emotional or psychological harm;

2 (D) Sexual abuse;

3 (E) Near-fatal injury; or

4 (F) Death.

5 "Adverse outcome" includes harm perpetrated by the
6 originally alleged abusive actor or another household or
7 caregiving individual.

8 "Pattern of concern" means three or more cases within a
9 twenty-four-month period in which a child welfare services
10 worker:

11 (1) Minimizes or fails to assess coercive control or
12 emotional abuse;

13 (2) Engages in coerced protective action;

14 (3) Issues improper closure correspondence;

15 (4) Reaches "no abuse" findings followed by later harm or
16 substantiation; or

17 (5) Has one or more cases involving an adverse outcome.

18 "Trauma-informed closure communication" means a written or
19 verbal communication that:

20 (1) Does not imply parental wrongdoing absent
21 substantiated evidence;



1 (2) Clearly distinguishes the alleged abusive actor from
2 the protective parent;

3 (3) Affirms that help-seeking does not constitute neglect;
4 and

5 (4) Avoids stigmatizing, punitive, or ambiguous language.

6 **§346- Mandatory independent audits.** (a) The
7 department shall conduct annual independent audits of child
8 welfare services investigations and determinations.

9 (b) Audits shall review, at minimum:

10 (1) Substantiation and non-substantiation patterns,
11 including patterns by unit or worker where
12 permissible;

13 (2) Adverse outcomes following case closure;

14 (3) The adequacy of assessment of coercive control,
15 emotional abuse, and post-separation risk;

16 (3) Supervisory oversight and approval practices;

17 (4) Use of coerced protective action or survivor-blaming
18 practices;

19 (5) Closure correspondence and documentation practices;

20 and



1 (6) Compliance with trauma-informed standards and agency
2 policy.

3 (c) Any adverse outcome shall trigger a mandatory enhanced
4 audit review, including:

5 (1) Review of the original report, safety assessment, and
6 investigatory steps;

7 (2) Evaluation of whether coercive control, non-physical
8 abuse, and post-separation escalation risk were
9 assessed;

10 (3) Review of supervisory oversight and rationale for
11 closure;

12 (4) Identification of any policy, training, or supervision
13 failures contributing to the adverse outcome; and

14 (5) Recommendations for corrective action.

15 (d) Audit results shall be published in anonymized form
16 and transmitted to the legislature and the office of the
17 ombudsman.

18 §346- Pattern of concern; mandatory probation. (a) A
19 child welfare services worker identified as exhibiting a pattern
20 of concern shall be placed on mandatory probation.

21 (b) Probation shall include, as appropriate:



- 1 (1) Enhanced supervision;
- 2 (2) Mandatory retraining in coercive control, trauma, and
- 3 child safety assessment;
- 4 (3) Secondary review of determinations prior to closure;
- 5 (4) Restrictions on unilateral determinations or case
- 6 closures; and
- 7 (5) Documented performance improvement plans.
- 8 (c) Continued violations or continued unsafe
- 9 decision-making during probation shall result in reassignment or
- 10 termination, and referral for professional discipline when
- 11 applicable.
- 12 (d) A finding of a pattern of concern shall be considered
- 13 in workforce planning, assignment, and supervision decisions to
- 14 ensure child safety.
- 15 **§346- Prohibition on coerced protective action and**
- 16 **survivor-blaming practices.** (a) A parent shall not be deemed
- 17 to have failed to protect a child solely or primarily because
- 18 the parent:
- 19 (1) Has not left or separated from an abusive partner;
- 20 (2) Has not filed for or obtained a temporary restraining
- 21 order or protective order;



1 (3) Has not initiated criminal proceedings;

2 (4) Maintains contact due to economic, housing, safety,
3 cultural, disability, immigration, childcare, or
4 familial constraints; or

5 (5) Reasonably determines, based on lived experience or
6 credible fear, that separation or legal action would
7 escalate danger.

8 (b) No child welfare services branch employee, contractor,
9 or state-funded service provider shall threaten, imply, or state
10 that a child may be removed or placed in foster care solely
11 because a parent has not taken one or more actions listed in
12 subsection (a).

13 (c) Mandatory separation plans, mandatory protective order
14 filing, or mandatory criminal reporting shall be prohibited as
15 conditions of being deemed a protective parent.

16 (d) The child welfare services branch shall engage in:

17 (1) Individualized, trauma-informed safety planning;

18 (2) Assessment of coercive control and post-separation
19 escalation risk;

20 (3) Evaluation of the parent's reasonable efforts within
21 their circumstances; and



1 (4) Voluntary, non-coercive supportive services.

2 (e) A violation of this section shall constitute improper
3 practice and is grounds for:

4 (1) Audit findings;

5 (2) Corrective action, probation, or discipline; and

6 (3) Ombudsman investigation and recommendations.

7 §346- Trauma-informed closure communications;
8 prohibition on correspondence; implying neglect by protective

9 parents. (a) When a report or assessment concerns alleged
10 abuse or harm by someone other than the reporting or protective
11 parent, the child welfare services branch shall not send formal
12 correspondence to the protective parent that implies suspicion
13 of neglect, failure to protect, or parental wrongdoing based
14 solely on the parent's role as the protective parent.

15 (b) Prohibited correspondence includes but is not limited
16 to letters, notices, or written communications that:

17 (1) State or imply that the protective parent was under
18 investigation for neglect absent substantiated
19 evidence;

20 (2) Use standardized "case closing", "not confirmed", "not
21 substantiated", or similar language without clearly



1 distinguishing the alleged abusive actor from the
2 protective parent;

3 (3) Suggest that seeking help, reporting abuse, remaining
4 in the relationship, or declining to take specific
5 legal action constitutes neglect or lack of
6 protectiveness; and

7 (4) Reasonably create fear, stigma, or confusion for the
8 protective parent regarding parental status or risk of
9 child removal.

10 (c) Administrative rules, internal policy, or standardized
11 templates shall not be used to justify correspondence that
12 violates this section.

13 (d) Closure communications to protective parents shall:

14 (1) Clearly identify that the concerns related to another
15 individual;

16 (2) Affirm that seeking assistance or reporting concerns
17 does not constitute neglect;

18 (3) Avoid punitive or ambiguous language; and

19 (4) Be written in trauma-informed, plain language.

20 (e) Sending correspondence that violates this section
21 shall constitute improper practice shall be grounds for:



1 (1) Audit findings;

2 (2) Corrective action, probation, or discipline; and

3 (3) Ombudsman investigation and recommendations.

4 **§346- Parent and caregiver rights; non-retaliation.**

5 (a) Parents and caregivers shall have the right to:

6 (1) Trauma-informed communication;

7 (2) Clarity regarding the scope of any assessment or
8 investigation;

9 (3) Assurance that seeking help will not be treated as
10 neglect;

11 (4) Submit relevant evidence and information during an
12 assessment; and

13 (5) Raise concerns to the child welfare ombudsman pursuant
14 to section 96- .

15 (b) No person shall be retaliated against for contacting
16 the child welfare ombudsman or participating in a child welfare
17 ombudsman investigation.

18 **§346- Training and standards.** (a) Child welfare
19 services branch workers, supervisors, and contractors shall
20 receive mandatory training, which shall be updated regularly and
21 include:



- 1 (1) Coercive control and post-separation risk;
- 2 (2) Emotional and psychological abuse;
- 3 (3) Survivor-blaming prevention and protective parent
- 4 engagement;
- 5 (4) Trauma-informed practice and communication;
- 6 (5) Culturally responsive practice, including Native
- 7 Hawaiian and Pacific Islander families; and
- 8 (6) Appropriate documentation and closure practices.
- 9 (b) Training completion shall be tracked and considered in
- 10 performance evaluation and supervision.

11 **§346- Data transparency and reporting.** (a) The

12 department shall publish anonymized annual data, including:

- 13 (1) Number of investigations and closures;
- 14 (2) Substantiation and non-substantiation rates;
- 15 (3) Number of adverse outcomes, in aggregate and
- 16 anonymized;
- 17 (4) Number and category of complaints received by the
- 18 child welfare ombudsman;
- 19 (5) Aggregate corrective actions, probation placements,
- 20 and terminations related to patterns of concern; and
- 21 (6) Aggregate findings from independent audits.



1 (b) Nothing in this section shall be construed to require
2 publication of personally identifying information."

3 SECTION 28. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2026-2027 for:

6 (1) Annual independent audits;

7 (2) Training, supervision enhancements, and implementation
8 of trauma-informed standards;

9 (3) Revision of policies and correspondence templates to
10 comply with this part; and

11 (4) Data tracking and reporting systems.

12 The sum appropriated shall be expended by the department of
13 human services for the purposes of this Act.

14 SECTION 29. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2026-2027 for
17 the child welfare ombudsman position.

18 The sum appropriated shall be expended by the office of the
19 ombudsman for the purposes of this Act.

20 PART IX



SECTION 30. The legislature finds that severe violence, including attempted homicide, felony assault, strangulation, kidnapping, and sexual assault, is the strongest predictor of future lethal harm to intimate partners and children. Survivors should not be required to repeatedly relitigate obvious danger.

The purpose of this part is to require automatic permanent protective orders and custody restrictions when severe violence occurs, ensuring child safety without unnecessary delay.

SECTION 31. Chapter 586, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . SEVERE VIOLENT OFFENSES AND AUTOMATIC FAMILY COURT PROTECTION

§586- Definition. For the purposes of this part, "severe violent offense" means:

- (1) Attempted murder in any degree;
- (2) Assault in the first degree;
- (3) Assault in the second degree involving substantial bodily injury;
- (4) Felony strangulation;



(5) Kidnapping or unlawful imprisonment in the first degree;

(6) Sexual assault in any degree;

(7) Domestic violence felonies;

(8) Any offense resulting in substantial bodily injury or bodily injury caused by a deadly weapon;

(9) Any conduct that constitutes attempted homicide, regardless of charging outcomes; and

(10) Any comparable offense committed in another jurisdiction.

§586- Automatic permanent protective orders. (a) When a court finds by a preponderance of the evidence that a respondent has committed a severe violent offense against:

(1) The petitioner;

(2) A child of either party;

(3) A sibling, parent, grandparent, or other close relative of the petitioner;

(4) A romantic partner or ex-partner of the petitioner; or

(5) A household member,



1 the court shall issue a permanent protective order protecting
2 the petitioner and any minor children without the need for
3 further evidence of ongoing danger.

4 (b) The court shall not require:

5 (1) Proof of a continuing threat;

6 (2) Evidence of repeated incidents;

7 (3) A criminal conviction;

8 (4) Police reports; testimony alone shall be sufficient;

9 or

10 (5) Participation in criminal prosecution.

11 (c) The protective order shall be permanent, unless the
12 protected party petitions for dissolution.

13 **§586- Automatic restrictions on custody, visitation,**
14 **and contact.** (a) If a respondent has committed a severe
15 violent offense, the court shall:

16 (1) Presume that any contact with minor children would
17 endanger their safety;

18 (2) Deny custody, joint custody, legal decision-making
19 authority, and unsupervised visitation;

20 (3) Allow only supervised visitation, unless the
21 protective parent objects;



(4) Prohibit overnight visitation entirely; and

(5) Permit no contact with the child if the violence suggests homicidal intent or includes strangulation.

(b) This presumption shall only be rebuttable by clear and convincing evidence of:

(1) Comprehensive rehabilitation;

(2) Absence of ongoing risk;

(3) Support of the protective parent; and

(4) Expert testimony from trained domestic violence specialists.

§586- Violent acts against family members; domestic violence toward the parent. (a) A severe violent offense committed against any close family member or intimate partner of the protective parent shall be considered an act of domestic violence against the protected parent themselves.

(b) This section shall apply even if the parent was not:

(1) Present during the violent act;

(2) Targeted; or

(3) Physically harmed.

§586- Violent acts against family; harm to the child.

(a) Severe violent offenses committed against a family member



1 shall constitute harm and substantial risk of harm to any child
2 associated with the protected party for purposes of section
3 571-46 and chapters 350 and 587A.

4 (b) A severe violent offense committed pursuant to this
5 section shall require:

- 6 (1) Mandatory safety planning;
- 7 (2) Custody restrictions;
- 8 (3) Risk assessments; and
- 9 (4) Child welfare services protective duties.

10 **§586- Forced mediation, co-parenting classes, or joint**
11 **counseling; prohibited.** A survivor protected under this part
12 shall not be ordered to:

- 13 (1) Participate in mediation;
- 14 (2) Attend co-parenting classes with the respondent;
- 15 (3) Engage in joint therapy with the respondent; or
- 16 (4) Engage in reunification services.

17 **§586- Evidence standards.** (a) Evidence may include:

- 18 (1) Sworn testimony;
- 19 (2) Medical records;
- 20 (3) Photographs;
- 21 (4) Witness statements;



1 (5) Child welfare services branch reports;

2 (6) Police reports;

3 (7) Restraining orders;

4 (8) Digital evidence; or

5 (9) Historical accounts of violence.

6 (b) Lack of criminal conviction shall not be a basis for
7 denying a permanent protective order.

8 **§586- Mandatory judicial explanation.** (a) If a court
9 fails to grant a permanent protective order or fails to restrict
10 custody under this part, the court shall issue written findings
11 explaining the clear and convincing evidence that justified
12 deviation.

13 (b) A court's failure to issue findings pursuant to this
14 part shall be reversible error.

15 **§586- Attorney sanctions.** (a) Attorneys who attempt
16 the following shall be subject to penalties under subsection

17 (b) :

18 (1) Minimize severe violence;

19 (2) Introduce parental-alienation theories to discredit
20 the survivor;

21 (3) Blame the survivor;



- 1 (4) Argue that violence against a relative is not
- 2 relevant; or
- 3 (5) Obscure evidence of homicide-risk factors.
- 4 (b) Penalties for violations under subsection (a) shall
- 5 include:
- 6 (1) Fee shifting;
- 7 (2) Contempt;
- 8 (3) Disqualification; and
- 9 (4) Referral to the office of disciplinary counsel."

PART X

SECTION 32. Chapter 571, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . FAMILY VIOLENCE DOCKET AND JUDICIAL TRAINING

§571-A Definitions. As used in this part, unless the context otherwise requires:

"Family violence case" means any case involving allegations or evidence of domestic violence, coercive control, child abuse or neglect, emotional or psychological harm, stalking, harassment, economic abuse, litigation abuse, or any conduct posing a risk of harm to a child or adult family member.



1 "Family violence docket" means a specialized docket of the
2 family court dedicated to family violence cases.

3 "Trained family violence judicial officer" means a judge
4 who has completed all training required under this part and has
5 documented expertise in family violence, trauma, and coercive
6 control.

7 **§571-B Family violence docket.** (a) The family court
8 shall establish a family violence docket to hear all family
9 violence cases.

10 (b) The family violence docket shall be staffed
11 exclusively by trained family violence judicial officers.

12 (c) The chief justice shall ensure that at all times, at
13 least one judge in each judicial circuit is designated to
14 primarily handle family violence cases and possesses advanced
15 training in abuse, trauma, and coercive control.

16 (d) The family violence docket shall employ trauma-
17 informed and culturally responsive practices, including
18 prioritized scheduling for abuse cases.

19 **§571-C Judicial assignment and continuity.** (a) All
20 family violence cases shall be automatically assigned to the



1 family violence docket upon the appearance of allegations in
2 pleadings, testimony, or evidence.

3 (b) No judge lacking the required certification under
4 section 571-D may preside over any portion of a family violence
5 case.

6 (c) Reassignments shall occur only to another trained
7 family-violence judicial officer.

8 (d) Assignment shall occur without the need for motion by
9 either party.

10 (e) Each family violence case shall remain with one
11 assigned judge from initial filing to final resolution, except
12 under extraordinary circumstances.

13 (f) If reassignment is required, the transferring judge
14 shall:

15 (1) Provide a written summary of the case history;

16 (2) Document all prior findings; and

17 (3) Transfer the case only to another trained family
18 violence judicial officer.

19 (g) Arbitrary judicial rotation in family violence cases
20 shall constitute reversible error.



1 **§571-D Judicial training and certification.** (a) Judges
2 assigned to the family violence docket shall complete forty
3 hours of initial training and twenty hours of annual continuing
4 education.

5 (b) Training shall include instruction on:

- 6 (1) Coercive control;
7 (2) Domestic violence dynamics;
8 (3) Child trauma and development;
9 (4) Strangulation and lethality risk;
10 (5) Litigation abuse;
11 (6) Economic abuse;
12 (7) Culturally informed trauma practices;
13 (8) Trauma-informed interviewing of children;
14 (9) Disability and trauma misinterpretation;
15 (10) Parental-alienation pseudoscience;
16 (11) Diagnosis shopping; and
17 (12) Digital and post-separation abuse.

18 (c) Judicial certification shall require demonstrated
19 competency through assessment or observation.



1 **§571-E Trauma-informed court processes.** (a) The family
2 violence docket shall implement trauma-informed practices
3 including:

- 4 (1) Private and secure waiting areas;
5 (2) Remote testimony options;
6 (3) Minimized continuances;
7 (4) Reduced proximity between survivor and abuser;
8 (5) Child-sensitive scheduling; and
9 (6) Flexible courtroom procedures to reduce re-
10 traumatization.

11 (b) All court staff interacting with survivors and
12 children shall receive trauma-informed training.

13 **§571-F Limits on mediation and joint processes.** (a) No
14 case involving allegations of abuse shall be referred to
15 mediation, joint therapy, reunification services, or co-
16 parenting programs unless:

- 17 (1) Both parties give voluntary, informed consent; and
18 (2) The trained judge explicitly finds no coercion or
19 safety risk.

20 (b) A protective parent's refusal to participate in joint
21 processes shall not be penalized.



1 **§571-G Family violence advisory panel.** (a) There is
2 established within the family court a family violence advisory
3 panel to provide expert, trauma-informed, culturally grounded,
4 and survivor-centered oversight and guidance for family violence
5 cases.

6 (b) All members of the family violence advisory panel
7 shall be appointed by the governor pursuant to section 26-34.
8 The family violence advisory panel shall consist of the
9 following five members:

- 10 (1) One representative from a Hawaii-based nonprofit
11 domestic violence advocacy organization;
12 (2) One representative from a Hawaii-based nonprofit
13 specializing in child and youth trauma;
14 (3) One licensed mental health professional with expertise
15 in trauma and family violence;
16 (4) One indigenous or cultural practitioner with expertise
17 in culturally grounded trauma-informed practice; and
18 (5) One survivor of domestic violence or protective parent
19 with lived experience.

20 (c) The family violence advisory panel shall:



- 1 (1) Assist in designing and updating required judicial
2 training;
- 3 (2) Review statewide data to identify systemic safety
4 issues;
- 5 (3) Recommend improvements to trauma-informed court
6 procedures;
- 7 (4) Identify harmful evaluator practices;
- 8 (5) Provide culturally grounded insight; and
- 9 (6) Publish an annual report to the governor, legislature,
10 and judiciary.
- 11 (d) The family violence advisory panel may request
12 anonymized data, recommend corrective training, and propose
13 best-practice reforms.
- 14 (e) The survivor-member shall receive confidentiality
15 protections, remote participation options, trauma-informed
16 accommodations.
- 17 (f) The family violence advisory panel shall serve without
18 compensation but shall be reimbursed for expenses, including
19 travel expenses, necessary for the performance of their duties.
- 20 (g) The judiciary shall allocate funds for panel
21 operations and compensation.



1 **§571-H Prohibition on untrained judges hearing family**
2 **violence cases.** (a) No judge shall preside over any family
3 violence case without completing required training.

4 (b) Orders issued in violation of this section shall be
5 voidable and constitute grounds for appeal.

6 **§571-I Data collection and oversight.** (a) The judiciary
7 shall compile and publish annual data including:

- 8 (1) Number of family violence cases;
9 (2) Assignment compliance;
10 (3) Judicial training status;
11 (4) Child safety outcomes;
12 (5) Use of mediation or reunification orders; and
13 (6) Evaluator and guardian ad litem usage patterns.

14 (b) An annual report of the information in subsection (a)
15 shall be submitted to the legislature no later than twenty days
16 prior to the convening of each regular session."

17 PART XI

18 SECTION 33. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 34. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.

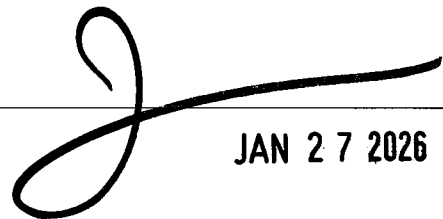
6 SECTION 35. In codifying the new sections added by section
7 32 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 36. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 37. This Act shall take effect on July 1, 2026.

13

INTRODUCED BY:


JAN 27 2026



H.B. NO. 2408

Report Title:

Family Safety; Year of Resilience, Safety, and Survivor Justice; Coercive Control; Economic Abuse; Protective Parents Rights; Neurodivergent Child Protections; Reproductive Privacy; Automatic Protective Orders; Child Welfare Ombudsman; Family Violence Docket

Description:

Establishes comprehensive reforms to protect children and families from abuse and improve systemic responses. Part I: Establishes the calendar year 2027 as the Year of Resilience, Safety, and Survivor Justice. Part II: Modernizes statutory definitions of harm and child abuse. Part III: Recognizes coercive control as domestic abuse. Part IV: Reforms Family Court procedures to prioritize child safety and prohibit parental alienation theories. Part V: Defines economic abuse and strengthens financial protections, including automatic restraining orders, emergency hearings, forensic accounting authority, and liability for financial institutions. Part VI: Safeguards neurodivergent children and prohibits diagnosis shopping. Part VII: Protects reproductive privacy in custody proceedings. Part VIII: Enhances Child Welfare Services Branch accountability through audits and creation of a Child Welfare Ombudsman. Part IX: Requires automatic protective orders and custody restrictions in cases of severe violence. Part X: Creates a Family Violence Docket with mandatory judicial training and an advisory panel.

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

