

JAN 23 2026

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 "§584- 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15 rescinded.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 [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.

12 [e) In a proceeding concerning the custody or visitation
13 of a child, if a protective order is in effect [,] the court shall
14 not require a party alleging family violence to participate in
15 any component of any mediation program against the wishes of
16 that party.

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.

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INTRODUCED BY:

Michelle A. Tolani



S.B. NO. 2842

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.

