



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

---

**ON THE FOLLOWING MEASURE:**

H.B. NO. 2096, H.D. 1, RELATING TO AGGRAVATED CIRCUMSTANCES IN CHILD PROTECTIVE PROCEEDINGS.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 25, 2026      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Derek D. Peterson, Deputy Attorney General

---

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This bill would authorize the family court to make a finding of aggravated circumstances at any stage of a Child Protective Act proceeding prior to termination of parental rights, rather than limiting such findings to the return hearing, which typically occurs at the beginning of a case. The bill also incorporates the definition of torture in section 707-718, Hawaii Revised Statutes (HRS), for purposes of defining aggravated circumstances involving child torture.

The Department recommends two technical amendments for clarity and consistency.

First, the Department notes that the new section 587A- (b), HRS, in section 1, page 2, lines 13-14, provides that the family court may make a determination of aggravated circumstances "at any other time during the case[" The Department further notes that the new section 587A- (c), HRS, in section 1, page 3, line 3, uses the wording "at any time." To promote clarity and consistency, the Department recommends deleting the phrase "during the case" from section 587A- (b), HRS.

Second, the Department recommends replacing section 587A-28(e)(4), HRS, which has been deleted in the bill in section 3, at page 5, line 15, through page 6, line

18, by amending it to read: "(4) Shall make a determination of aggravated circumstances pursuant to section 587A- ;" with the subsequent paragraphs renumbered appropriately. Retaining this cross-reference ensures that the family court must make an aggravated circumstances finding at the return hearing, along with the other required return hearing findings, regardless of the bill's separate authorization to make such a determination at any other time prior to the termination of parental rights. Such clarity would avoid any inference that an aggravated circumstances finding may be deferred or overlooked at the return hearing.

Thank you for the opportunity to present our comments.



*The Judiciary, State of Hawai‘i*  
*Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i*

**Testimony to the Thirty-Third State Legislature, 2026 Regular Session**

**House Committee on Judiciary & Hawaiian Affairs**

Rep. David A. Tarnas, Chair  
Rep. Mahina Poepoe, Vice Chair

Rep. Della Au Belatti	Rep. Jackson D. Sayama
Rep. Elle Cochran	Rep. Gregg Takayama
Rep. Mark J. Hashem	Rep. Diamond Garcia
Rep. Kirstin Kahaloa	Rep. Garner M. Shimizu

Wednesday, February 25, 2026, 2:00 p.m.  
State Capitol, Conference Room 325

by

Dyan M. Medeiros  
Senior Judge, Deputy Chief Judge  
Luna Kānāwai ‘Ohana Nui  
Family Court of the First Circuit  
‘Aha Ho‘okolokolo ‘Ohana o ke Ka‘apuni ‘Ekahi

---

**Bill No. and Title:** House Bill No. 2096, H.D. 1, Relating to Aggravated Circumstances in Child Protective Proceedings.

**Purpose:** Expands the authority of the Family Court in child protective proceedings to find that aggravated circumstances are present at any stage prior to the termination of parental rights. Under current law, such findings may only be made at the outset of the case. Specifies what acts of torture against a child constitute aggravated circumstances.



House Bill No. 2096, H.D. 1, Relating to Aggravated Circumstances in Child Protective Proceedings.

House Committee on Judiciary & Hawaiian Affairs

Wednesday, February 25, 2026 at 2:00 p.m.

Page 2

## **Judiciary's Position:**

The Judiciary strongly supports House Bill No. 2096, H.D. 1 which is included in the Judiciary's 2026 legislative package.

If "aggravated circumstances," as defined under HRS § 587A-4, are present in a child protective proceeding it allows the proceeding to advance to permanent planning and a termination of parental rights hearing on an expedited basis. For example, in a case where a parent was previously convicted of murdering one of their children, the Family Court may order that the Department of Human Services is not required to engage in "reasonable efforts" to reunify the subject child with the convicted parent before seeking a termination of the parental rights of that parent.

However, as currently written, HRS Chapter 587A only allows the Family Court to make a finding that aggravated circumstances are present at the return hearing, which occurs at the outset of the case. This limitation is a potential issue because certain aggravated circumstances may not become known until well after the return hearing. For example, while there may be sufficient evidence to open a child protective proceeding, a child may not disclose the fact that they were actually tortured by a parent until well after the return hearing. Also, it often takes a year or more to obtain an autopsy report for a child.

In addition, this bill ties the definition of "torture" under HRS § 587A-4 to the recently passed 2025 Haw. Sess. Laws Act 147 (May 30, 2025) (codified as HRS § 707-718), while still maintaining the appropriate evidentiary standard for a finding of aggravated circumstances based on torture in a child welfare case.

Thank you for the opportunity to provide testimony on this matter.



CENTER FOR THE RIGHTS  
OF ABUSED CHILDREN

**Support for SB 2572 and HB 2096:**

SB 2572 and HB 2096 amends Hawaii's Child Protective Act to allow Family Court judges to determine the existence of aggravated circumstances, including torture and other severe forms of abuse, at any point in the case rather than limiting that determination to the initial return hearing. This change ensures that when aggravated circumstances are found as evidence develops, the court may respond appropriately and adjust case planning accordingly.

**Written Testimony**

Submitted by

Brad Galbraith, Director of Policy  
Center for the Rights of Abused Children

---

Chair and Members of the Committee,

My name is Brad Galbraith. I serve as Policy Director for the Center for the Rights of Abused Children (Center). Our policy team works with legislators nationwide to strengthen laws to ensure every child who is a victim of abuse finds safe, stable, and permanent homes.

I write in strong support of **SB 2572 and HB 2096**, which allow a court to determine the existence of aggravated circumstances at any stage of a child protection case, rather than limiting that determination to the initial return hearing.

SB 2572 and HB 2096 address a serious procedural gap. In cases involving extreme abuse, the full evidentiary record often does not exist at the time of the initial return hearing. Investigations can be complex. Medical evaluations, forensic analysis, and expert review may take substantial time. Additionally, children themselves may not immediately disclose the full extent of the abuse.

For example, research on children's disclosure of sex abuse demonstrates that delayed disclosure is common, particularly in cases involving intra-familial abuse. Children may delay disclosure due to fear, coercion, manipulation, loyalty conflicts, or concern about retaliation. In such circumstances, it is not realistic to assume that a



CENTER FOR THE RIGHTS  
OF ABUSED CHILDREN

child will fully disclose severe abuse within days or weeks of removal, especially amid ongoing visitation or likely reunification.<sup>1</sup>

SB 2572 and HB 2096 do not change the evidentiary burden required to establish aggravated circumstances. They do not remove judicial discretion. They simply ensure that when aggravated circumstances, including torture, are established by evidence at any point prior to termination of parental rights, the court may act accordingly.

That flexibility matters. If aggravated circumstances are proven later in the case but cannot be formally recognized because of a timing limitation, the court's ability to fully protect the child is unnecessarily constrained.

SB 2572 and HB 2096 prioritize children's right to safety by strengthening the system's ability to respond proportionately and responsibly when severe abuse is proven. They align procedure with the fundamental principle that child safety must come first.

For these reasons, we respectfully urge you to pass SB 2572 and HB 2096.

Thank you for your consideration.

Respectfully submitted,

Brad Galbraith  
Policy Director  
Center for the Rights of Abused Children

---

<sup>1</sup> Kamala London et al., *Disclosure Of Child Sexual Abuse: What Does the Research Tell Us About the Ways That Children Tell?* 11 *Psychology, Public Policy, and Law* 194, 195-196 (2005), <https://www.icmec.org/wp-content/uploads/2015/10/Disclosure-of-CSA-What-Does-the-Research-Tell-Us-about-the-Ways-Children-Tell-London-2005.pdf>.

**HB-2096-HD-1**

Submitted on: 2/24/2026 1:05:09 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelby "Pikachu" Billionaire	Kingdom of The Hawaiian Islands & Ohana Unity Party	Support	Remotely Via Zoom

Comments:

**\*\*Testimony in STRONG Support of HB1963 HD1\*\***

**\*\*Relating to Image-Based Sexual Abuse\*\***

Aloha Chair and Members of the Committee,

Mahalo for the opportunity to testify in **\*\*STRONG SUPPORT\*\*** of **\*\*HB1963 HD1\*\***. This bill creates a specific felony offense for nonconsensual disclosure of intimate or private images (image-based sexual abuse, often called "revenge porn" or "nonconsensual intimate imagery") and broadens extended imprisonment criteria when such acts result in the death of a minor or vulnerable adult. It addresses a critical gap in Hawai'i law by criminalizing coercive sharing of explicit images with intent to harm, control, or exploit victims.

**### Key Provisions of HB1963 HD1**

- **\*\*New Felony Offense (Class B Felony)\*\***: A person commits the offense if they intentionally or knowingly disclose (or threaten to disclose) an intimate or private image of an identifiable person without consent, with intent to: - Compel the victim to act/refrain against their will - Provide additional images - Engage in sexual acts - Engage in self-harm - Provide anything of value OR if the victim is a **\*\*minor\*\*** or **\*\*vulnerable adult\*\*** (and offender is adult), or disclosure causes bodily injury or death.

- **\*\*Definitions\*\***: -

“Intimate image”: Depicts nudity, undress, or sexual conduct.

- “Private image”: Depicts self-harm, mutilation, or injury causing bodily injury. - “Minor”: Under 18. - “Vulnerable adult”: Per HRS §346-222.

- **\*\*Extended Imprisonment\*\***: Amends HRS §706-662 to allow extended terms if offense against minor/vulnerable adult results in death. - **\*\*Legislative Findings\*\***: Highlights severe harms (depression, anxiety, isolation, financial ruin, suicide) and the need for accountability against abusers using technology for control or gratification.

- **Effective Date**: July 1, 3000 (placeholder; standard implementation).

**Why This Bill Must Pass – Stats & Realities in Hawai‘i** Image-based sexual abuse is a form of technology-facilitated violence that destroys lives, disproportionately impacting women, youth, and vulnerable populations—including Native Hawaiian communities facing elevated domestic violence and exploitation risks.

- **Prevalence & Victim Impact**: Nationally, **1 in 8** adults experience nonconsensual intimate image sharing; **93%** of victims are women. Up to **82%** report anxiety/depression, **34%** suicidal ideation, and many face job loss or harassment. In Hawai‘i, reports of revenge porn and sextortion have surged with social media/AI deepfakes (e.g., rising cases in 2024–2025 involving teens).

- **Youth Vulnerability**: **1 in 4** teen girls and **1 in 6** teen boys report nonconsensual sharing. Minors are prime targets; Hawai‘i has seen blackmail-linked suicides among youth.

- **Native Hawaiian Disparities**: Native Hawaiian women are **2.5×** more likely to experience severe physical violence in intimate relationships; digital abuse exacerbates trauma in ‘ohana. Vulnerable adults (e.g., disabled, elderly) face heightened risks. This bill protects our wāhine, keiki, and kūpuna from modern exploitation.

- **Accountability Gap**: Hawai‘i lacks a dedicated felony for coercive nonconsensual disclosure; existing laws (harassment, extortion) are insufficient. Class B felony (up to 5–10 years) deters offenders and provides justice.

- **Broader Context**: 48+ states have similar laws; federal efforts combat sextortion. Public demand grows amid online abuse trends. I have testified strongly on bills protecting vulnerable groups this session (e.g., HB1628 compassionate release, HB2101 aquarium ban, OHA package for cultural/health equity). HB1963 HD1 confronts digital violence harming our lāhui—especially wāhine and keiki—by holding perpetrators accountable with clear felony consequences. Pass HB1963 HD1 without weakening amendments. Let us safeguard privacy, dignity, and safety in the digital era with pono and aloha.

Mahalo nui loa for your kuleana. Imua!

Respectfully submitted,

Pikachu Shelby “Pikachu” Billionaire HRM Kingdom of The Hawaiian Islands H.I. Ohana Unity Party, Chairman – [www.Ohanaunityparty.com](http://www.Ohanaunityparty.com)