



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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, February 3, 2026 at 9:00 a.m.

State Capitol, Conference Room 016 & Videoconference

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2149, Relating to Family

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

Judiciary's Position:

The Judiciary supports Senate Bill No. 2149. The Judiciary notes that there are several substantially similar bills regarding exemptions from mediation in cases where there are allegations of domestic abuse: Senate Bill No. 2513, Senate Bill No. 1520 (companion House Bill No. 1283), and Senate Bill No. 2842 (companion House Bill No. 1962).

The family courts of Hawai'i have championed mediation in many of the case types under our jurisdiction, including divorce and parentage cases. We have decades of experience that support our continued policy to order mediation as an alternative to continued litigation. We



Senate Bill No. 2149, Relating to Family
Senate Committee on Judiciary
Tuesday, February 3, 2026 at 9:00 a.m.
Page 2

have witnessed countless cases where parties, including parties who have alleged domestic abuse, have reached positive results through mediation and managed to avoid or minimize the harmful effects of conflict and litigation on children and families. In cases with domestic abuse allegations, safety concerns have prompted the application of different physical protections and legal process protections such as the judges' consideration of the allegations before accepting a mediation agreement.

The Judiciary notes that Section 1 of the bill should refer to the recently passed 2025 Haw. Sess. Laws Act 298 (July 7, 2025) which repeals Hawai'i Revised Statutes ("HRS") Chapter 584 and is codified as HRS Chapter 584A. Also, any reference to Chapter 584 in the bill should be replaced with reference to Chapter 584A and the term "paternity" should be replaced with "parentage."

The Judiciary also observes that §584A-__ (a) states that the court shall not require a party alleging domestic abuse to participate in mediation against the wishes of that party. The Judiciary suggests language be included to make it clear that when the party alleging domestic abuse actually wishes to participate in mediation, the party can do so. The Judiciary suggests that Senate Bill No. 2149 consider the language in §584A-__ (a) of Senate Bill No. 2842, which states that the court may order mediation or refer the parties to mediation only if:

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

This language is present in Senate Bill No. 2149 (in §584A-__ (b)) but appears to only apply to mediators.

The Judiciary also observes that §584A-__ (b)(3) in the present bill refers to HRS §658H-10 but does not completely quote that statute. It is unclear whether the intent of §584A-__ (b)(3) is to somehow limit the applicability of HRS §658H-10, in particular the ability to rescind a waiver of participation.

The Judiciary is unclear how §584A-__ (c) and (d) are intended to affect §584A-__ (a). Presumably, the §584A-__ (a) analysis (as suggested above) would apply regardless of whether or not a temporary restraining order or an order for protection are in effect.

The Judiciary agrees that changes to §580-41.5 should be consistent with changes made to §584A.

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



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

**ON THE FOLLOWING MEASURE:
S.B. NO. 2149, RELATING TO FAMILY.**

**BEFORE THE:
SENATE COMMITTEE ON JUDICIARY**

DATE: Tuesday, February 3, 2026 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFER(S): Anne E. Lopez, Attorney General, or
Erin K. S. Torres, Deputy Attorney General, or
Julio C. Herrera, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill adds a new section to chapter 584, Hawaii Revised Statutes (HRS), to exempt a party from mediation in contested parentage proceedings when there are allegations of domestic abuse. The bill also amends section 580-41.5, HRS, to clarify that the existing exemption in divorce proceedings applies when domestic abuse is alleged.

The Department notes that Act 298, Session Laws of Hawaii 2025, repealed chapter 584 and adopted chapter 584A, an updated version of the Uniform Parentage Act, effective January 1, 2026. Accordingly, the Department recommends replacing references to chapter 584 with chapter 584A on page 1, lines 1 and 4, and replacing the term "paternity" with "parentage" on page 1, line 5, and on the report title page.

The Department also notes that the provisions governing the attendance of supporting persons at mediation in proposed sections 584- (b)(3) and 580-41.5(b)(3), HRS (page 2, lines 4-14; and page 4, line 10, through page 5, line 2), differ from section 658H-10, HRS, of the Uniform Mediation Act. Under the bill, an alleged victim of domestic abuse may bring a supporting person to mediation, while the other party may do so only if the alleged victim elects that option. This differs from section 658H-10, HRS, which permits any party to designate an attorney or other individual to accompany

Testimony of the Department of the Attorney General

Thirty-Third Legislature, 2026

Page 2 of 2

the party to and participate in mediation. This discrepancy could lead to confusion or unintended outcomes.

To address this issue, the Department recommends deleting sections 584-(b)(3) and 580-41.5(b)(3), HRS (page 2, lines 4-14; and page 4, line 10, through page 5, line 2). Removal of these provisions would preserve the applicability of section 658H-10, HRS, which already governs the attendance and participation of designated individuals in mediation.

Alternatively, if this Committee decides to retain these paragraphs (page 2, lines 4-14; and page 4, line 10, through page 5, line 2), the Department respectfully requests that they be amended to mirror the wording in the Uniform Mediation Act as follows:

- (3) An attorney or other individual designated by a party may accompany the party to and participate in a mediation pursuant to section 658H-10.

These changes would ensure consistency across the statutes governing mediation.

Thank you for the opportunity to present our comments.



February 3, 2026

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads
Vice Chair Mike Gabbard
Rep. Stanley Chang
Rep. Joy A. San Buenaventura
Rep. Brenton Awa

Re: SB2149 Relating to Family

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) mission is to unite Hawai'i to end all forms of domestic violence. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 20 member programs statewide, I respectfully submit testimony in strong support of SB2149. We commend the Legislature for taking important steps to protect survivors of domestic violence from being compelled into mediation in family court proceedings. This bill appropriately recognizes the risks mediation can pose when domestic abuse is present.

We respectfully request two clarifying amendments to strengthen the bill and ensure its consistent and equitable application. First, we urge the Legislature to replace references to **“paternity”** with **“parentage”** throughout the bill, in alignment with the **Hawai'i Parentage Act**, which took effect on January 1, 2026. Updating this terminology is necessary to ensure legal consistency and to accurately reflect the governing statutory framework now in effect.

Second, I respectfully request that SB2149 **replace the language on Page 2, lines 4-14** with the language found on **page 2, lines 12–15 of HB1962**, that incorporates the language in **HRS §658H-10**. Aligning this language is essential to ensure that **all parties have access to the remedies enshrined in HRS §658H-10**. During the prior legislative session, concerns were raised that inconsistent statutory language resulted in the inequitable application of HRS §658H-10. Matching the language will promote clarity, consistency, and fairness in how courts apply these protections.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director

LATE

SB-2149

Submitted on: 2/2/2026 10:14:55 AM
Testimony for JDC on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Testifying for Commission to Promote Uniform Laws	Comments	Written Testimony Only

Comments:

Aloha,

Thank you for the opportunity to submit comments on this bill. I am one of Hawai‘i's Uniform Law Commissioners and my testimony focuses on two uniform laws.

First, Chapter 658H, Hawai‘i Revised Statutes, was enacted in 2013. I believe that the language found on page 2, lines 4-14 and page 4 - 5, lines 10 - 2, conflicts with the language in Section 658H-10. Another bill that is pending on the same subject, SB 2842, addresses this problem.

Second, SB 2149 references Chapter 584. I believe that chapter was repealed last year and replaced with Chapter 584A (another Uniform Law).

Thank you for considering my remarks.

Elizabeth Kent

SB-2149

Submitted on: 2/1/2026 4:53:00 PM
Testimony for JDC on 2/3/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Christine L. Andrews, J.D.	Individual	Support	Written Testimony Only

Comments:

People who have been subjected to domestic violence should be exempt from mediation with their abuser if they so choose. No person who has been subjected to abuse should have to face their abuser in this context.

SB-2149

Submitted on: 2/2/2026 9:28:55 PM
Testimony for JDC on 2/3/2026 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Maya Maxym	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.