



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

Senate Committee on Health and Human Services

Senator Joy A. San Buenaventura, Chair

Senator Angus L.K. McKelvey, Vice Chair

Wednesday, February 4, 2026 at 1:01 PM
Hawai‘i State Capitol, Conference Room 225

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: Senate Bill No. 2572, 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.

Judiciary's Position:

The Judiciary strongly supports Senate Bill No. 2572 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



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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.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

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KA MOKU'ĀINA O HAWAII
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TRISTA SPEER
DEPUTY DIRECTOR
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February 2, 2026

TO: The Honorable Senator San Buenaventura, Chair
Senate Committee on Health and Human Services

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 2572 – RELATING TO AGGRAVATED CIRCUMSTANCES IN CHILD PROTECTIVE PROCEEDINGS.**

Hearing: February 4, 2026, Time 1:01 p.m.
Conference Room 225 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates this Judiciary measure and offers comments.

This measure clarifies the definition of "aggravated circumstances" regarding the family court or another court of competent jurisdiction that has found the parent has tortured the child as described by sections 708-718, Hawaii Revised Statutes.

The measure further provides additional opportunity to request an evidentiary hearing to determine whether aggravated circumstances existed at any time prior to the termination of parental rights. The amendment recognizes that during the pendency of the case, additional information, events, and assessments may require the court to hold a hearing to determine whether aggravated circumstances exist. Currently, the presence of aggravated circumstances is determined at the outset of the case or at the return hearing.

DHS is open to discuss with the Judiciary the provision that any party file the motion for an evidentiary hearing no later than twenty-one days from the party's determination that aggravated circumstances exist, and whether there are any appropriate "good cause"

exceptions to allow a motion to be filed after twenty-one days.

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

SB-2572

Submitted on: 2/2/2026 4:26:13 PM
Testimony for HHS on 2/4/2026 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Terri Lum	Testifying for Hawaii State Chapter of Childrens Justice Centers	Support	Written Testimony Only

Comments:

Dear Senators San Buenaventura and McKelvey and Members of the Committee on Health and Human Services,

On behalf of the Hawai'i State Chapter of Children's Justice Centers, a non-profit organization that supports the multi-disciplinary teams which respond to reports of child abuse and neglect, I would like to express our strong support of SB2572. The inclusion of child torture as an aggravated circumstance for cases in our Family Courts demonstrates our State's abhorrence for child maltreatment. Any effort to strengthen the courts ability to consider information about crimes against children is essential to our community's ability to ensure the safety and well being of our most vulnerable population - our children.

Thank you for the opportunity to provide this testimony.

Sincerely,

Terri Lum, LSW

Coordinator, Hawai'i State Chapter of CJC