

JAN 21 2026

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## 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 paternity proceedings. (a) In contested paternity 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.

10       (b) A mediator who receives a referral or order from a  
11 court to conduct mediation shall screen for the occurrence of  
12 domestic abuse between the parties. A mediator shall not engage  
13 in mediation when it appears to the mediator, or when either  
14 party asserts, that domestic abuse has occurred, unless:

15       (1) The alleged victim of the domestic abuse authorizes  
16 mediation;



20 (d) If a party has alleged domestic abuse and a temporary  
21 restraining order or a protective order is not in effect with

1 regard to the parties, the court may order mediation or refer  
2 either party to mediation only if all of the conditions  
3 specified in subsection (b) are met.

4 (e) For the purposes of this section, "domestic abuse" has  
5 the same meaning as defined in section 586-1."

6 SECTION 2. Section 580-41.5, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§580-41.5 [Battered spouses;] Domestic abuse; exemption**  
9 **from mediation in divorce proceedings.** (a) In contested  
10 divorce proceedings where there are allegations of [spousal]  
11 domestic abuse, the court shall not require a party alleging the  
12 [spousal] domestic abuse to participate in any component of any  
13 mediation program against the wishes of that party.

14 (b) A mediator who receives a referral or order from a  
15 court to conduct mediation shall screen for the occurrence of  
16 [family violence] domestic abuse between the parties. A  
17 mediator shall not engage in mediation when it appears to the  
18 mediator, or when either party asserts, that [family violence]  
19 domestic abuse has occurred, unless:



- 1       (1) [Mediation is authorized by the victim of the alleged  
2       family violence;] The alleged victim of the domestic  
3       abuse authorizes mediation;
- 4       (2) [Mediation is provided in a specialized manner that  
5       protects the safety of the victim by a] A mediator who  
6       is trained [in family violence; and] in the field of  
7       domestic abuse provides mediation in a specialized  
8       manner that protects the safety of the alleged victim;  
9       and
- 10      (3) The alleged victim [is permitted to] may have [~~in~~  
11      ~~attendance at mediation,~~] a supporting person of the  
12      alleged victim's choice, including but not limited to  
13      an attorney or [~~advocate.~~ ~~If~~] other individual  
14      designated by the alleged victim pursuant to section  
15      658H-10, in attendance at mediation; provided that if  
16      the alleged victim [~~chooses to exercise such~~] elects  
17      this option, any other party to the mediation [~~will be~~  
18      ~~permitted to~~] may have [~~in attendance at mediation,~~] a  
19      supporting person of [~~the~~] that party's choice,  
20      including but not limited to an attorney or  
21      [~~advocate.~~] other individual designated by the other



1                   party pursuant to section 658H-10, in attendance at  
2                   mediation.

3                   (c)    If a temporary restraining order or a protective  
4                   order is in effect with regard to the parties of a proceeding  
5                   concerning the custody or visitation of a child, [if a  
6                   protective order is in effect,] the court shall not require a  
7                   party alleging [family violence] domestic abuse to participate  
8                   in any component of any mediation program against the wishes of  
9                   that party.

10                  (d)    If a party has alleged domestic abuse and a  
11                  temporary restraining order or a protective order is not in  
12                  effect with regard to the parties of a proceeding concerning the  
13                  custody or visitation of a child, [if there is an allegation of  
14                  family violence and a protective order is not in effect,] the  
15                  court may order mediation or refer either party to mediation  
16                  only if[+

17                  (1)    Mediation is authorized by the victim of the alleged  
18                  family violence;  
19                  (2)    Mediation is provided in a specialized manner that  
20                  protects the safety of the victim by a mediator who is  
21                  trained in family violence; and



1                   (3) ~~The victim is permitted to have in attendance at~~  
2                   ~~mediation, a supporting person of the victim's choice~~  
3                   ~~including but not limited to an attorney or advocate.~~  
4                   ~~If the victim chooses to exercise such option, any~~  
5                   ~~other party to the mediation will be permitted to have~~  
6                   ~~in attendance at mediation, a supporting person of the~~  
7                   ~~party's choice including but not limited to an~~  
8                   ~~attorney or advocate.] all of the conditions specified~~  
9                   ~~in subsection (b) are met.~~

10                  (e) For the purposes of this section, "domestic abuse" has  
11                  the same meaning as defined in section 586-1."

12                  SECTION 3. This Act does not affect rights and duties that  
13                  matured, penalties that were incurred, and proceedings that were  
14                  begun before its effective date.

15                  SECTION 4. Statutory material to be repealed is bracketed  
16                  and stricken. New statutory material is underscored.

17                  SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Karl Rhoade



# S.B. NO. 2149

**Report Title:**

Domestic Abuse; Mediation; Exemption; Paternity Proceedings; Divorce Proceedings

**Description:**

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.

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

