

JAN 21 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 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;



1 (2) A mediator who is trained in the field of domestic
2 abuse provides mediation in a specialized manner that
3 protects the safety of the alleged victim; and

4 (3) The alleged victim may have a supporting person of the
5 alleged victim's choice, including but not limited to
6 an attorney or other individual designated by the
7 alleged victim pursuant to section 658H-10, in
8 attendance at mediation; provided that if the alleged
9 victim elects this option, any other party to the
10 mediation may have a supporting person of that party's
11 choice, including but not limited to an attorney or
12 other individual designated by the other party
13 pursuant to section 658H-10, in attendance at
14 mediation.

15 (c) The court shall not require a party alleging domestic
16 abuse to participate in any component of any mediation program
17 against the wishes of that party if a temporary restraining
18 order or a protective order is in effect with regard to the
19 parties.

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]~~ 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]~~ 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.

18
INTRODUCED BY: Karl Rhoads



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.

