

Honolulu, Hawaii
FEB 19 , 2026

RE: H.B. No. 2096
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 2096 entitled:

"A BILL FOR AN ACT RELATING TO AGGRAVATED CIRCUMSTANCES IN CHILD PROTECTIVE PROCEEDINGS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Incorporate the definition of torture under the Penal Code for purposes of defining aggravated circumstances involving child torture under the Child Protective Act; and
- (2) Authorize the Family Court to make a finding of aggravated circumstances at any stage of a Child Protective Act proceeding prior to the termination of parental rights, rather than limiting these findings to the return hearing.

Your Committee received testimony in support of this measure from the Judiciary; Hawai'i State Chapter of Children's Justice Centers; and one individual. Your Committee received comments on this measure from the Department of the Attorney General.



Your Committee finds that under existing law, the Child Protective Act 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 can create issues because certain aggravated circumstances may not become known until well after a return hearing.

Your Committee notes that although this measure authorizes the Family Court to make a finding of aggravated circumstances at any point prior to termination of parental rights, the relevant provision is embedded in the return hearing section. This structure could imply that findings of aggravated circumstances are limited to the return hearing only, contrary to the measure's intent. Amendments to this measure are therefore necessary for clarity and to further the measure's intent of providing children with a permanent plan as quickly as possible in the most egregious cases of abuse.

Accordingly, your Committee has amended this measure by:

- (1) Repealing existing statutory language regarding aggravated circumstances from the statutory provisions related to return hearings and placing this language into a new section within the Child Protective Act;
- (2) Placing the provisions authorizing the Family Court to make a finding of aggravated circumstances at any time during a Child Protective Act proceeding into this new section and further amending the language by:
 - (A) Eliminating the proposed mandatory twenty-one-day filing deadline;
 - (B) Authorizing the Family Court to consolidate aggravated circumstances hearings with termination of parental rights hearings at any time; and
 - (C) Requiring parties to notify the Family Court within a reasonable time upon receipt of evidence of aggravated circumstances;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2096, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2096, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



LISA MARTEN, Chair



