

Honolulu, Hawaii
, 2026

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RE: H.B. No. 2096
H.D. 2

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2096, H.D. 1, 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) Clarify and expand procedures for aggravated circumstances determinations in Child Protective Act proceedings;
- (2) Authorize the Family Court to make a finding of aggravated circumstances at any stage of a Child Protective Act proceeding before the termination of parental rights, rather than limiting these findings to the return hearing; and
- (3) Incorporate the definition of torture under the Penal Code for purposes of defining aggravated circumstances involving child torture under the Child Protective Act.

Your Committee received testimony in support of this measure from the Judiciary; Center for the Rights of Abused Children; and



one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that child protective cases involving severe abuse often unfold over time, and critical evidence, such as disclosures of torture or results of autopsy reports, may emerge well after the initial return hearing. Your Committee further finds that existing law, which limits the Family Court's ability to determine aggravated circumstances to the outset of a case, can delay necessary protections and impede timely permanency planning for children who face the most serious harm. Your Committee believes that allowing aggravated circumstances to be found at any point in the proceeding will ensure the court can act swiftly when new information arises and better safeguard children from ongoing abuse.

Your Committee has amended this measure by:

- (1) Clarifying that the Family Court may consolidate an aggravated circumstances hearing with a termination of parental rights at any time during the case;
- (2) Requiring the Family Court to make a determination of aggravate circumstances pursuant to procedures established for aggravated circumstances determinations if the Family Court finds that the child's physical or psychological health or welfare has been harmed or is subject to threatened harm by the acts or omissions of the child's family; and
- (3) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2096, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2096, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

David Tarnas

DAVID A. TARNAS, Chair



