

STAND. COM. REP. NO. **2807**

Honolulu, Hawaii

MAR - 5 2026

RE: S.B. No. 2149
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2149 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish an exemption from mediation in paternity proceedings where there are allegations of domestic abuse; and
- (2) Clarify the exemption from mediation in divorce proceedings as it relates to domestic abuse.

Your Committee received testimony in support of this measure from the Judiciary, Hawai'i State Coalition Against Domestic Violence, and two individuals.

Your Committee received comments on this measure from the Department of the Attorney General and Commission to Promote Uniform Laws.

Your Committee finds that the State's family courts have championed mediation in numerous types of cases, including divorce and paternity cases. In cases with domestic abuse allegations, safety concerns have prompted the application of different



physical protections and legal process protections, such as the judge's consideration of the allegations before accepting the mediation agreement. This measure recognizes the possible advantages of mediation while balancing the autonomy of a party to exercise mediation opportunities in paternity cases and applies to these cases the many protections afforded to parties in divorce cases that involve allegations of domestic abuse.

Your Committee has amended this measure by:

- (1) Specifying that in contested parentage proceedings or divorce proceedings where there are allegations of domestic abuse, the court may order mediation or refer the parties to mediation only if:
 - (A) Mediation is authorized by the alleged victim of the domestic abuse;
 - (B) Mediation is provided, in a specialized manner that protects the safety of the alleged victim, by a mediator who is trained in the field of domestic abuse; and
 - (C) The alleged victim and any other party may have a supporting person designated pursuant to section 658H-10, Hawaii Revised Statutes, to accompany the party and participate in the mediation; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2149, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2149, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



