



The Judiciary, State of Hawai'i
Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i

Testimony to the Thirty-Third State Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, April 7, 2026, 10:15 a.m.
State Capitol, Conference Room 016

by

Dyan M. Medeiros
Senior Judge, Deputy Chief Judge
Luna Kānāwai 'Ohana Nui
Family Court of the First Circuit
'Aha Ho'okolokolo 'Ohana o ke Ka'apuni 'Ekahi

Bill No. and Title: House Bill No. 2096, HD2, SD1, Relating to Aggravated Circumstances in Child Protective Proceedings.

Purpose: Expands the authority of the Family Court in child protective proceedings to find that aggravated circumstances are present at any stage prior to the termination of parental rights. Under current law, such findings may only be made at the outset of the case. Specifies what acts of torture against a child constitute aggravated circumstances.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 2096 which is included in the Judiciary's 2026 legislative package.

If Aggravated Circumstances, as defined under HRS 587A-4, are present in a child protective proceeding it allows the proceeding to advance to permanent planning and a termination of parental rights hearing on an expedited basis. For example, in a case where a



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parent was previously convicted of murdering one of their children, the Family Court may order that the Department of Human Services is not required to engage in “reasonable efforts” to reunify the subject child with the convicted parent before seeking a termination of the parental rights of that parent.

However, as currently written, HRS Chapter 587A 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 is a potential issue because certain Aggravated Circumstances may not become known until well after the Return Hearing. For example, while there may be sufficient evidence to open a child protective proceeding, a child may not disclose the fact that they were actually tortured by a parent until well after the Return Hearing. Also, it often takes a year or more to obtain an autopsy report for a child.

In addition, this bill ties the definition of “torture” under Hawaii Revised Statutes Section 587A-4 to the recently passed 2025 Haw. Sess. Laws Act 147(May 30, 2025) (codified at HRS § 707-718), while still maintaining the appropriate evidentiary standard for a finding of Aggravated Circumstances based on torture in a child welfare case.

Thank you for the opportunity to provide testimony on this matter.



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Support for SB 2572 and HB 2096:

SB 2572 and HB 2096 amend Hawaii's Child Protective Act to allow Family Court judges to determine the existence of aggravated circumstances, including torture and other severe forms of abuse, at any point in the case rather than limiting that determination to the initial return hearing. This change ensures that when aggravated circumstances are found as evidence develops, the court may respond appropriately and adjust case planning accordingly.

Written Testimony

Submitted by

Brad Galbraith, Director of Policy
Center for the Rights of Abused Children

Chair and Members of the Committee,

My name is Brad Galbraith. I serve as Policy Director for the Center for the Rights of Abused Children (Center). Our policy team works with legislators nationwide to strengthen laws to ensure every child who is a victim of abuse finds safe, stable, and permanent homes.

I write in strong support of **SB 2572 and HB 2096**, which allow a court to determine the existence of aggravated circumstances at any stage of a child protection case, rather than limiting that determination to the initial return hearing.

SB 2572 and HB 2096 address a serious procedural gap. In cases involving extreme abuse, the full evidentiary record often does not exist at the time of the initial return hearing. Investigations can be complex. Medical evaluations, forensic analysis, and expert review may take substantial time. Additionally, children themselves may not immediately disclose the full extent of the abuse.

For example, research on children's disclosure of sex abuse demonstrates that delayed disclosure is common, particularly in cases involving intra-familial abuse. Children may delay disclosure due to fear, coercion, manipulation, loyalty conflicts, or concern about retaliation. In such circumstances, it is not realistic to assume that a



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child will fully disclose severe abuse within days or weeks of removal, especially amid ongoing visitation or likely reunification.¹

SB 2572 and HB 2096 do not change the evidentiary burden required to establish aggravated circumstances. They do not remove judicial discretion. They simply ensure that when aggravated circumstances, including torture, are established by evidence at any point prior to termination of parental rights, the court may act accordingly.

That flexibility matters. If aggravated circumstances are proven later in the case but cannot be formally recognized because of a timing limitation, the court's ability to fully protect the child is unnecessarily constrained.

SB 2572 and HB 2096 prioritize children's right to safety by strengthening the system's ability to respond proportionately and responsibly when severe abuse is proven. They align procedure with the fundamental principle that child safety must come first.

For these reasons, we respectfully urge you to pass SB 2572 and HB 2096.

Thank you for your consideration.

Respectfully submitted,

Brad Galbraith
Policy Director
Center for the Rights of Abused Children

¹ Kamala London et al., *Disclosure of Child Sexual Abuse: What Does the Research Tell Us About the Ways That Children Tell?* 11 *Psychology, Public Policy, and Law* 194, 195-196 (2005), <https://www.icmec.org/wp-content/uploads/2015/10/Disclosure-of-CSA-What-Does-the-Research-Tell-Us-about-the-Ways-Children-Tell-London-2005.pdf>.