



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

House Committee on Human Services and Homelessness

Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair

Tuesday, February 10, 2026 at 9:30 AM
Hawai‘i State Capitol, Conference Room 329

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, 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 HRS § 587A-4 to the recently passed 2025 Haw. Sess. Laws Act 147 (May 30, 2025) (codified as 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.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 2096, RELATING TO AGGRAVATED CIRCUMSTANCES IN CHILD PROTECTIVE PROCEEDINGS.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

DATE: Tuesday, February 10, 2026 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Derek D. Peterson, Deputy Attorney General

Chair Marten and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments and proposed amendments to this bill. After discussions and collaboration with the Judiciary, it is our understanding that the Judiciary supports the Department's proposed amendments to this bill.

This bill would authorize the family court to make a finding of aggravated circumstances at any stage of a Child Protective Act (CPA) proceeding prior to termination of parental rights, rather than limiting such findings to the return hearing, which typically occurs at the beginning of a case. The bill also incorporates the definition of torture in section 707-718, Hawaii Revised Statutes (HRS), for purposes of defining aggravated circumstances involving child torture.

The Department notes that, although the bill authorizes the family court to make a finding of aggravated circumstances at any point prior to termination of parental rights, the relevant provision remains embedded within the return hearing section. (Section 587A-28(e)(4)(C)). This structure could imply that findings of aggravated circumstances are limited to the return hearing only, contrary to the bill's intent. The Department therefore recommends relocating the aggravated circumstances provisions to a separate section.

The Department also notes that the bill requires a party to file a motion seeking a finding of aggravated circumstances within twenty-one days of determining they exist. Although the provision appears intended to ensure that evidence of aggravated circumstances is promptly brought to the family court's attention, a mandatory filing requirement could unintentionally delay permanency for children. For example, if the family court orders an evidentiary hearing and grants the motion, then parents could appeal the finding of aggravated circumstances and then subsequently file a separate appeal of the order terminating their parental rights, resulting in multiple delays for children. In addition, a strict filing deadline may compel parties to file motions prematurely, based on a suspicion that aggravated circumstances exist before sufficient evidence has been developed. The Department's recommended wording instead requires that parties notify the family court "within a reasonable time" of receiving evidence of aggravated circumstances, which preserves notice to the family court while allowing discretion on whether and when to file a motion.

To effectuate the bill's intent, the Department recommends repealing the existing aggravated circumstances provisions from section 587A-28(e)(4), HRS (page 3, line 15, to page 4, line 18), as well as moving the bill's proposed additions (page 4, line 19, to page 5, line 11) from the return hearing section and adding them along with other amendments into a new section, as suggested below. This approach preserves the family court's obligation to address aggravated circumstances at the return hearing, while also authorizing the family court to make such findings at any time prior to the termination of parental rights. The Department further recommends eliminating the mandatory twenty-one-day filing deadline, authorizing the family court to consolidate aggravated circumstances hearings with termination of parental rights hearings at any time to reduce the likelihood of separate appeals, and requiring parties to notify the family court within a reasonable time upon receipt of evidence of aggravated circumstances.

A complete revised version is set forth below for the Committee's consideration.

- §587A Aggravated circumstances.** (a) At the return hearing, the court shall determine whether aggravated circumstances are present.
- (1) If aggravated circumstances are present, the court shall:

- (A) Conduct a permanency hearing within thirty days, and the department shall not be required to provide the child's parents with an interim service plan or interim visitation; and
 - (B) Order the department to file, within sixty days after the court's finding that aggravated circumstances are present, a motion to terminate parental rights unless the department has documented in the safe family home factors or other written report submitted to the court a compelling reason why it is not in the best interest of the child to file a motion; or
- (2) If aggravated circumstances are not present or there is a compelling reason why it is not in the best interest of the child to file a motion to terminate parental rights, the court shall order that the department make reasonable efforts to reunify the child with the child's parents and order an appropriate service plan.
- (b) Whether or not the court finds that aggravated circumstances are present during the return hearing, at any other time during the case prior to the termination of parental rights, the court may, on its own motion or upon the motion of any party, order an evidentiary hearing to determine whether aggravated circumstances are present. If the court finds that aggravated circumstances are present under this subsection, then all applicable portions of subsection (a)(1) and (2) shall apply.
- (c) The court may consolidate an aggravated circumstances hearing with a termination of parental rights hearing pursuant to section 587A-33 at any time.
- (d) Any party shall inform the court within a reasonable time upon receipt of evidence of aggravated circumstances.

These changes would promote clarity and further the bill's intent of providing children with a permanent plan as quickly as possible in the most egregious cases of abuse.

Thank you for the opportunity to present our comments.

HB-2096

Submitted on: 2/6/2026 10:06:00 AM

Testimony for HSH on 2/10/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Terri Lum	Hawaii State Chapter of Childrens Justice Centers	Support	Written Testimony Only

Comments:

Aloha Representatives Marten and Olds and Members of the Committee on Human Services and Homelessness,

On behalf of the Hawai'i State Chapter of Children's Justice Centers, I would like to express our strong support of HB2096, Relating to Aggravated Circumstances in child protection hearings. This bill is critical in our State's ability to provide safety and protection of child victims of abuse, especially in cases of child torture. Enabling the Family Court to consider aggravated circumstances throughout the course of the case can be crucial in decisions regarding visitation or any contact between a child victim and their alleged offender. Child victims are often reluctant to fully disclose their maltreatment due to fears of further harm. Ongoing contact with their offender(s) reinforces this fear and prevents investigators from gaining a complete account of their abuse. In turn, this challenges our child welfare system from preventing further harm and holding offenders accountable for their actions.

Thank you for this opportunity to testify on this bill.

Sincerely, Terri Lum, LSW

Coordinator, Hawai'i State Chapter of CJs

HB-2096

Submitted on: 2/9/2026 9:24:40 AM

Testimony for HSH on 2/10/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Minami Murata	Individual	Support	Written Testimony Only

Comments:

Bill Number: HB2096 - RELATING TO AGGRAVATED CIRCUMSTANCES IN CHILD PROTECTIVE PROCEEDINGS

Committee Name: House Committee on Human Services & Homelessness

Hearing Date: February 10, 2026

Position: SUPPORT

Aloha Chair and Members of the Committee,

My name is Minami Murata and I am a Master of Social Work (MSW) student and a therapist intern. Thank you for the opportunity to submit testimony in strong support of HB2096.

As a therapist intern, I am also a mandated reporter, legally and ethically responsible for reporting suspected child abuse or neglect when concerns arise. Early and decisive intervention in cases involving severe abuse or neglect is essential to preventing further harm to children, yet the information that leads to those determinations often unfolds over time rather than all at once.

In my clinical training, I have worked alongside clinicians who have experienced the weight of mandated reporting firsthand. Sitting with children and families knowing that concerns were serious, evolving, and deeply troubling. Recognizing the role required to act to protect a child, even when the system's response felt constrained by procedural timing. As a mandated reporter, it is distressing to recognize risk and take appropriate steps, only to see limitations. Uncertainty about when aggravated circumstances can be formally recognized

creates confusion not only for families, but also for mandated reporters when attempting to protect children while navigating complex legal timelines. These delays can unintentionally place children at continued risk and contribute to distress among professionals who are legally and ethically responsible to act.

HB2096 directly addresses this gap by allowing the family court to determine aggravated circumstances at any point during a child protective proceeding, rather than restricting that determination to specific stages. This change better reflects the reality of mandated reporting: new disclosures, evidence, and patterns of harm often emerge gradually, not neatly within predetermined timelines.

From a social work and mandated-reporter perspective, this bill strengthens the child welfare system by aligning legal processes with clinical realities. It supports professionals who are required to report concerns in good faith and ensures that the court has the flexibility to respond appropriately when serious risk becomes clear.

For these reasons, I respectfully urge you to pass HB2096.

Mahalo for your time, consideration, and commitment to protecting Hawai'i's children and supporting the professionals' responsibility with their safety.

Sincerely,

Minami Murata