



Selected 2023 Hawai'i Legislation

**Prepared By
Patrick Pascual**

**2023 Child Welfare Law Update
August 11, 2023**



GOV. MSG. NO. 1187

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

SB295 SD2 HD2 CD1

RELATING TO THE CHILD WELFARE
SERVICES.
ACT 086

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 14 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 295
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE CHILD WELFARE SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that criticism of
2 Hawaii's child welfare system has been increasing and is
3 accentuated when there is a tragedy. Shortcomings in Hawaii's
4 child welfare system are not new, and there is strong desire in
5 the community to address these concerns. Before the
6 disappearance of six-year-old Isabella Kalua at her home in
7 Waimanalo, the effects of the coronavirus disease 2019 pandemic
8 were already having an outsized impact on Hawaii's children and
9 youth, further stressing the department of human services and
10 its social services division's child welfare services branch.

11 The legislature further finds that, although Native
12 Hawaiian children and families are overrepresented in the
13 State's child welfare system, all children in the system have
14 similar issues and needs. Historically, Native Hawaiian
15 ancestors had a very well-structured child welfare system in
16 which the people within the kauhale, or community, shared the
17 responsibilities of caring for and nurturing its keiki. This
18 kuleana, or responsibility and privilege, was collectively



1 shared by everyone. The responsibility of ensuring the welfare
2 of keiki was never meant to rest solely on the government and
3 keiki were certainly not intended to be removed from their ohana
4 without a shared decision about where the keiki would reside.
5 The overall well-being of the keiki was always at the center of
6 any decision made concerning the keiki. Traditional practices
7 of hanai and luhi (adoption or temporary care) were not seen as
8 punitive or demeaning but as means to provide comfort and
9 reassurance that the keiki would be in a safe, nurturing, and
10 caring environment.

11 The legislature also finds that the members of Nā Kama a
12 Hāloa, which is a network of community-based organizations and
13 representatives of the child welfare services branch created by
14 Effective Planning and Innovative Communication, Inc., a
15 nonprofit Hawaii corporation operating as EPIC 'Ohana, Inc.,
16 first came together in 2018 to seek ways to address the
17 overrepresentation of Native Hawaiians in Hawaii's child welfare
18 system. Nā Kama a Hāloa demonstrates the value of collaborating
19 for collective impact, and since its formation, the efforts of
20 its working groups have resulted in various positive outcomes.
21 For example, the cultural training programs that were developed



1 for new child welfare services branch workers and resource
2 caregivers are now required by the department of human services.
3 Furthermore, the department now supports and encourages the
4 practices of connecting children in the child welfare system
5 with their siblings and reflecting the voices of the children's
6 makua, or parents, in their care.

7 The legislature finds that the problems faced by children
8 and families in the State's child welfare system are extremely
9 complex and cannot be resolved by the department of human
10 services alone. The legislature further finds that, to address
11 and resolve these diverse and multi-faceted problems, the State
12 must work with the community and various stakeholders to
13 determine where the core infrastructure is failing.

14 The legislature also finds that Act 291, Session Laws of
15 Hawaii 2022, established on a temporary basis the office of
16 wellness and resilience within the office of the governor. The
17 office was established to address the various barriers that
18 impact the physical, social, and emotional well-being of all
19 people in the State by building wellness and resilience through
20 trauma-informed, strength-based strategies; and to support
21 agencies in their individual efforts to address trauma-informed



1 care and move toward a collaborative, shared purpose of
2 collective system reform.

3 The legislature finds that, by establishing a working group
4 within the office of wellness and resilience that comprises
5 members of the child welfare services branch, institutions
6 serving Native Hawaiians, contracted service providers,
7 community-based organizations, birth parents, and youth with
8 lived experience in the State's child welfare system, outcomes
9 can be improved not just for Native Hawaiian children and
10 families but for all children and families in the State's child
11 welfare system. The legislature also believes that the working
12 group will contribute to the development of more effective
13 community support while allowing the community to be heard and
14 to take more responsibility for the well-being and welfare of
15 children.

16 Accordingly, the purpose of this Act is to improve the
17 State's child welfare system by:

18 (1) Establishing within the office of wellness and
19 resilience the malama ohana working group to seek,
20 design, and recommend transformative changes to the
21 State's existing child welfare system;



1 (2) Authorizing the office of wellness and resilience to
2 contract with an administrative facilitator to provide
3 necessary support for the malama ohana working group
4 in carrying out its duties; and

5 (3) Requiring the malama ohana working group to report to
6 the legislature prior to the regular session of 2025.

7 SECTION 2. (a) There is established within the office of
8 wellness and resilience for administrative purposes the malama
9 ohana working group to seek, design, and recommend
10 transformative changes to the State's existing child welfare
11 system.

12 (b) The malama ohana working group shall comprise the
13 following members:

14 (1) The executive director of Effective Planning and
15 Innovative Communication, Inc., operating as EPIC
16 'Ohana, Inc., or the executive director's designee, who
17 shall be invited to participate and to serve as co-
18 chair of the working group;

19 (2) The chief executive officer of Hale Kipa, Inc., or the
20 chief executive officer's designee, who shall be



- 1 invited to participate and to serve as co-chair of the
2 working group;
- 3 (3) Two members from each of the following constituencies,
4 whom the co-chairs shall invite to participate in the
5 working group:
- 6 (A) Former foster youth;
- 7 (B) Birth parents who were involved in the child
8 welfare system, specifically with the department
9 of human services' child welfare services branch;
- 10 (C) Licensed resource caregivers; and
- 11 (D) Kinship resource caregivers;
- 12 (4) The director of human services, or the director's
13 designee;
- 14 (5) Two members of the department of human services' child
15 welfare services branch representing its
16 investigators, case managers, or assistants,
17 designated by the branch administrator;
- 18 (6) The chairperson of the trauma-informed care task force
19 established pursuant to Act 209, Session Laws of
20 Hawaii 2021, or the chairperson's designee;



1 (7) The chief executive officer of the office of Hawaiian
2 affairs, or the chief executive officer's designee;

3 (8) The chief executive officer of Kamehameha Schools, or
4 the chief executive officer's designee; and

5 (9) The chief executive officer of Lili'uokalani Trust, or
6 the chief executive officer's designee.

7 (c) The malama ohana working group shall develop
8 recommendations to establish a child welfare system that is
9 trauma-informed, sustains a community-based partnership, and
10 responds to the needs of children and families in the system and
11 the community. In fulfilling its purpose, the working group
12 shall:

13 (1) Conduct informational meetings throughout the State
14 with affected constituencies;

15 (2) Convene meetings to develop recommendations to better
16 coordinate and improve the protection and well-being
17 of children and families in the State's child welfare
18 system;

19 (3) Identify training, best practices, assessment
20 criteria, and methods to sustain an effective
21 workforce within the child welfare services branch and



1 within the larger circle of community agencies serving
2 the child welfare system;

3 (4) Identify best practices, including Native Hawaiian
4 cultural practices, to assist children and youth who
5 are involved in the child welfare system and their
6 families;

7 (5) Identify other cultural practices that build wellness
8 and resilience in communities and collaboration
9 between communities and the child welfare services
10 branch; and

11 (6) Collaborate with the trauma-informed care task force,
12 and, where appropriate, conduct joint informational
13 meetings.

14 (d) Members of the malama ohana working group shall serve
15 without compensation but shall be reimbursed for reasonable
16 expenses necessary for the performance of their duties,
17 including travel expenses.

18 (e) The office of wellness and resilience may contract
19 with an administrative facilitator to provide necessary support
20 for the malama ohana working group in carrying out its duties,



1 including preparation of the report required pursuant to
2 subsection (f).

3 (f) The malama ohana working group shall submit a report
4 of its findings and recommendations, including any proposed
5 legislation, to the legislature no later than twenty days prior
6 to the convening of the regular session of 2025.

7 (g) The malama ohana working group shall be dissolved upon
8 adjournment sine die of the regular session of 2025.

9 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 14th day of June, 2023



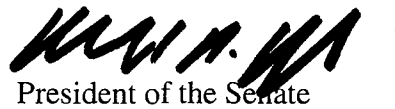
GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI'I

Date: May 4, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 295, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 4, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives



GOV. MSG. NO. 1263

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 29, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 29, 2023, the following bill was signed into law:

SB109 SD1 HD1 CD1

RELATING TO GENDER-NEUTRAL
TERMINOLOGY.
ACT 160

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 109
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO GENDER-NEUTRAL TERMINOLOGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 321-342, Hawaii Revised Statutes, is
2 amended by amending the definition of "family" to read as
3 follows:
4 "Family" means:
5 (1) Each legal parent;
6 (2) ~~[The]~~ Each natural ~~[mother,]~~ parent;
7 ~~[(3)]~~ ~~The natural father,~~
8 ~~[(4)]~~ (3) The adjudicated, presumed, or concerned natural
9 ~~[father]~~ parent as defined under section 578-2;
10 ~~[(5)]~~ (4) Each parent's spouse or former spouses;
11 ~~[(6)]~~ (5) Each sibling or person related by consanguinity
12 or marriage;
13 ~~[(7)]~~ (6) Each person residing in the same dwelling unit;
14 and
15 ~~[(8)]~~ (7) Any other person who, or legal entity that, is a
16 child's legal or physical custodian or guardian, or
17 who is otherwise responsible for the child's care,
18 other than an authorized agency that assumes such a



1 legal status or relationship with the child under
2 chapter 587A."

3 SECTION 2. Section 571-61, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§571-61 Termination of parental rights; petition. (a)
6 Relinquishment. The parents or either parent or the surviving
7 parent who desire to relinquish parental rights to any natural
8 or adopted child and thus make the child available for adoption
9 or readoption, may petition the family court of the circuit in
10 which ~~[they or he or she]~~ the parents or parent resides, or of
11 the circuit in which the child resides, or was born, for the
12 entry of a judgment of termination of parental rights. The
13 petition shall be verified and shall be substantially in ~~[such]~~
14 a form as may be prescribed by the judge or senior judge of the
15 family court. The petition may be filed at any time following
16 the ~~[mother's]~~ birthing parent's sixth month of pregnancy;
17 provided that no judgment may be entered upon a petition
18 concerning an unborn child until after the birth of the child
19 and in respect to a legal parent or parents until the petitioner
20 or petitioners have filed in the termination proceeding a
21 written reaffirmation of their desires as expressed in the



1 petition or in respect to a legal parent or parents until the
2 petitioner or petitioners have been given [~~not~~] no less than ten
3 days' notice of a proposal for the entry of judgment and an
4 opportunity to be heard in connection with [~~such~~] the proposal.

5 (b) Involuntary termination.

6 (1) The family courts may terminate the parental rights
7 [~~in~~] with respect to any child as to any legal parent:

8 (A) Who has deserted the child without affording
9 means of identification for a period of at least
10 ninety days;

11 (B) Who has voluntarily surrendered the care and
12 custody of the child to another for a period of
13 at least two years;

14 (C) Who, when the child is in the custody of another,
15 has failed to communicate with the child when
16 able to do so for a period of at least one year;

17 (D) Who, when the child is in the custody of another,
18 has failed to provide for care and support of the
19 child when able to do so for a period of at least
20 one year;



1 (E) Whose child has been removed from the parent's
2 physical custody pursuant to legally authorized
3 judicial action under section 571-11(9), and who
4 is found to be unable to provide now and in the
5 foreseeable future the care necessary for the
6 well-being of the child;

7 (F) Who is found by the court to be mentally ill or
8 intellectually disabled and incapacitated from
9 giving consent to the adoption of or from
10 providing now and in the foreseeable future the
11 care necessary for the well-being of the child;
12 or

13 (G) Who is found not to be the child's natural or
14 adoptive [~~father~~] non-birthing parent.

15 (2) The family courts may terminate the parental rights in
16 respect to any minor of any natural but not legal
17 [~~father~~] non-birthing parent who is an adjudicated,
18 presumed or concerned [~~father~~] non-birthing parent
19 under chapter 578, or who is named as the [~~father~~]
20 non-birthing parent on the child's birth certificate:



1 (A) Who falls within paragraph (1) (A), (B), (C), (D),
2 (E), or (F);

3 (B) Whose child is sought to be adopted by the
4 child's [~~stepfather~~] birthing parent's spouse and
5 the [~~stepfather~~] birthing parent's spouse has
6 lived with the child and the child's legal
7 [~~mother~~] birthing parent for a period of at least
8 one year;

9 (C) Who is only a concerned [~~father~~] non-birthing
10 parent who has failed to file a petition for the
11 adoption of the child or whose petition for the
12 adoption of the child has been denied; or

13 (D) Who is found to be an unfit or improper parent or
14 to be financially or otherwise unable to give the
15 child a proper home and education.

16 (3) In respect to any proceedings under paragraphs (1) and
17 (2), the authority to terminate parental rights may be
18 exercised by the court only when a verified petition,
19 substantially in the form above prescribed, has been
20 filed by some responsible adult person on behalf of
21 the child in the family court of the circuit in which



1 the parent resides or the child resides or was born
2 and the court has conducted a hearing of the petition.
3 A copy of the petition, together with notice of the
4 time and place of the hearing thereof, shall be
5 personally served at least twenty days [~~prior to~~
6 before the hearing upon the parent whose rights are
7 sought to be terminated. If personal service cannot
8 be effected within the State, service of the notice
9 may be made as provided in section 634-23 or 634-24.

10 (4) The family courts may terminate the parental rights in
11 respect to any child as to any natural [~~father~~
12 non-birthing parent who is not the child's legal,
13 adjudicated, presumed or concerned [~~father~~
14 non-birthing parent under chapter 578.

15 (5) The family courts may terminate the parental rights in
16 respect to any child of any natural parent upon a
17 finding by clear and convincing evidence that the
18 natural parent committed sexual assault of the other
19 natural parent, or an equivalent offense under the
20 laws of another state, territory, possession, or
21 Native American tribe where the offense occurred, and



1 the child was conceived as a result of the sexual
2 assault perpetrated by the parent whose rights are
3 sought to be terminated; provided that:

4 (A) The court shall accept, as conclusive proof of
5 the sexual assault, a guilty plea or conviction
6 of the child's natural parent for the sexual
7 assault, or an equivalent offense under the laws
8 of another state, territory, possession, or
9 Native American tribe where the offense occurred,
10 of the other natural parent;

11 (B) Termination shall mean, when used with respect to
12 parental rights in this paragraph, a complete and
13 final termination of the parent's right to
14 custody of, guardianship of, visitation with,
15 access to, and inheritance from a child;

16 (C) The termination of parental rights shall not
17 affect the obligation of the child's natural
18 parent to support the child;

19 (D) The court may order the child's natural parent to
20 pay child support;



1 (E) It is presumed that termination of parental
2 rights is in the best interest of the child if
3 the child was conceived as a result of the sexual
4 assault;

5 (F) This paragraph shall not apply if subsequent to
6 the date of the sexual assault, the child's
7 natural parent and custodial natural parent
8 cohabitate and establish a mutual custodial
9 environment for the child; and

10 (G) The custodial natural parent may petition the
11 court to reinstate the child's natural parent's
12 parental rights terminated pursuant to this
13 paragraph.

14 [~~Such~~] The authority provided under this section may be
15 exercised under this chapter only when a verified petition,
16 substantially in the form [~~above~~] prescribed[7] above, has been
17 filed by some responsible adult person on behalf of the child in
18 the family court of the circuit in which the parent resides or
19 the child resides or was born, and the court has conducted a
20 hearing of the petition.



1 If the [~~mother~~] birthing parent of the child files with the
2 petition an affidavit representing that the identity or
3 whereabouts of the child's [~~father~~] non-birthing parent is
4 unknown to [~~her~~] or not ascertainable by [~~her~~] the birthing
5 parent or that other good cause exists why notice cannot or
6 should not be given to the [~~father,~~] non-birthing parent, the
7 court shall conduct a hearing to determine whether notice is
8 required.

9 If the court finds that good cause exists why notice cannot
10 or should not be given to the child's [~~father,~~] non-birthing
11 parent, and that the [~~father~~] non-birthing parent is neither the
12 legal nor adjudicated nor presumed [~~father~~] non-birthing parent
13 of the child, nor has [~~he~~] the non-birthing parent demonstrated
14 a reasonable degree of interest, concern, or responsibility as
15 to the existence or welfare of the child, the court may enter an
16 order authorizing the termination of the [~~father's~~] non-birthing
17 parent's parental rights and the subsequent adoption of the
18 child without notice to the [~~father,~~] non-birthing parent."

19 SECTION 3. Section 578-1, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§578-1 Who may adopt; jurisdiction; venue. Any [~~proper~~]
2 unmarried adult person, [~~not married, or any~~] person married to
3 the legal [~~father or mother~~] birthing parent or non-birthing
4 parent of a minor child, or [~~a husband and wife~~] married couple
5 jointly[~~7~~] may petition the family court of the circuit in which
6 the person or persons reside or are in military service [~~or the~~
7 ~~family court of the circuit~~], in which the individual to be
8 adopted resides or was born, or in which a child placing
9 organization approved by the department of human services under
10 the provisions of section 346-17 having legal custody (as
11 defined in section 571-2) of the child is located[~~7~~] for leave
12 to adopt an individual toward whom the person or persons do not
13 sustain the legal relationship of parent and child and for a
14 change of the name of the individual. When adoption is the goal
15 of a permanent plan recommended by the department of human
16 services and ordered pursuant to section 587A-31, the department
17 may petition for adoption on behalf of the proposed adoptive
18 parents. The petition shall be in [~~such~~] a form and shall
19 include [~~such~~] information and exhibits as may be prescribed by
20 the family court."



1 SECTION 4. Section 578-2, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Persons required to consent to adoption. Unless
5 consent is not required or is dispensed with under subsection
6 (c) [~~hereof~~], a petition to adopt a child may be granted only if
7 written consent to the proposed adoption has been executed by:

8 (1) The [~~mother~~] birthing parent of the child;

9 (2) A legal [~~father~~] non-birthing parent [as] to whom the
10 child is a legitimate child;

11 (3) An adjudicated [~~father~~] non-birthing parent whose
12 relationship to the child has been determined by a
13 court;

14 (4) A presumed [~~father~~] non-birthing parent under [~~section~~
15 ~~578-2(d)-7~~] subsection (d);

16 (5) A concerned natural [~~father~~] non-birthing parent who
17 is not the legal, adjudicated, or presumed [~~father~~]
18 non-birthing parent but who has demonstrated a
19 reasonable degree of interest, concern, or
20 responsibility as to the welfare of a child, either:



- 1 (A) During the first thirty days after [~~such~~] the
2 child's birth; [~~or~~]
- 3 (B) [~~Prior to~~] Before the execution of a valid
4 consent by the [~~mother~~] birthing parent of the
5 child; or
- 6 (C) [~~Prior to~~] Before the placement of the child with
7 adoptive parents;
8 whichever period of time is greater;
- 9 (6) Any person or agency having legal custody of the child
10 or legally empowered to consent;
- 11 (7) The court having jurisdiction of the custody of the
12 child, if the legal guardian or legal custodian of the
13 person of the child is not empowered to consent to
14 adoption; and
- 15 (8) The child to be adopted if the child is more than ten
16 years of age, unless the court, in the best interest
17 of the child, dispenses with the child's consent."
- 18 2. By amending subsections (c) through (e) to read:
- 19 "(c) Persons as to whom consent not required or whose
20 consent may be dispensed with by order of the court.
- 21 (1) Persons as to whom consent is not required:



- 1 (A) A parent who has deserted a child without
2 affording means of identification for a period of
3 ninety days;
- 4 (B) A parent who has voluntarily surrendered the care
5 and custody of the child to another for a period
6 of two years;
- 7 (C) A parent of the child in the custody of another,
8 if the parent for a period of at least one year
9 has failed to communicate with the child when
10 able to do so;
- 11 (D) A parent of a child in the custody of another, if
12 the parent for a period of at least one year has
13 failed to provide for the care and support of the
14 child when able to do so;
- 15 (E) A natural [~~father~~] non-birthing parent who was
16 not married to the child's [~~mother~~] birthing
17 parent at the time of the child's conception or
18 birth and who does not fall within the provisions
19 of subsection (a)(3), (4), or (5);
- 20 (F) A parent whose parental rights have been
21 judicially terminated under the provisions of



1 sections 571-61 to 571-63, or under the
2 provisions of any other state or other law by a
3 court or other agency having jurisdiction to take
4 the action;

5 (G) A parent who is judicially declared mentally ill
6 or intellectually disabled and [~~who is~~] found by
7 the court to be incapacitated from giving consent
8 to the adoption of the child;

9 (H) Any legal guardian or legal custodian of the
10 child sought to be adopted, other than a parent,
11 who has failed to respond in writing to a request
12 for consent for a period of sixty days or who,
13 after examination of the person's written reasons
14 for withholding consent, is found by the court to
15 be withholding the person's consent unreasonably;

16 (I) A parent of a child who has been in the custody
17 of a petitioner under this chapter for a period
18 of at least one year and who entered the United
19 States of America as a consequence of
20 extraordinary circumstances in the child's
21 country of origin, by reason of which



1 extraordinary circumstances the existence,
2 identity, or whereabouts of the child's parents
3 is not reasonably ascertainable or there is no
4 reasonable means of obtaining suitable evidence
5 of the child's identity or availability for
6 adoption;

7 (J) Any parent of the individual to be adopted, if
8 the individual is an adult eligible for adoption
9 under subsection (b); and

10 (K) A parent whose parental and custodial duties and
11 rights have been divested by an award of
12 permanent custody pursuant to section 587A-33;

13 (2) Persons whose consent may be dispensed with by order
14 of the court. The court may dispense with the consent
15 of a parent who comes within subsection (a) (3), (4),
16 or (5) [herein], upon finding that:

17 (A) The petitioner is the [~~stepfather of the child~~]
18 child's birthing parent's spouse and the child
19 has lived with the child's legal [~~mother~~]
20 birthing parent and the petitioning [~~stepfather~~]



1 birthing parent's spouse for a period of at least
2 one year;

3 (B) The ~~[father]~~ non-birthing parent is a concerned
4 ~~[father]~~ non-birthing parent as provided by
5 subsection (a) (5) [~~herein~~], and has not filed a
6 petition to adopt the child, or the petition to
7 adopt the child filed by the ~~[father]~~ non-
8 birthing parent has been denied; or

9 (C) The ~~[father]~~ non-birthing parent is an
10 adjudicated, presumed, or concerned ~~[father]~~ non-
11 birthing parent as provided by ~~[subsections]~~
12 subsection (a) (3), (4), or (5) [~~herein~~], and is
13 not a fit and proper person or is not financially
14 or otherwise able to give the child a proper home
15 and education.

16 (d) Presumption of ~~[paternity]~~ biological parentage. A
17 ~~[man]~~ person is presumed to be the natural ~~[father]~~ non-birthing
18 parent of a child if:

19 (1) ~~[He]~~ The person and the child's ~~[natural mother]~~
20 birthing parent are or have been married to each other
21 and the child is born during the marriage, or within



1 three hundred days after the marriage is terminated by
2 death, annulment, declaration of invalidity, or
3 divorce, or after a decree of separation is entered by
4 a court;

5 (2) Before the child's birth, [he] the person and the
6 child's [~~natural mother~~] birthing parent have
7 attempted to marry each other by a marriage solemnized
8 in apparent compliance with law, although the
9 attempted marriage is or could be declared invalid,
10 and[+] if the attempted marriage:

11 (A) [~~If the attempted marriage could~~] Could be
12 declared invalid only by a court, the child is
13 born during the attempted marriage, or within
14 three hundred days after its termination by
15 death, annulment, declaration of invalidity, or
16 divorce; or

17 (B) [~~If the attempted marriage is~~] Is invalid without
18 a court order, the child is born within three
19 hundred days after the termination of
20 cohabitation;



1 (3) After the child's birth, [~~he~~] the person and the
2 child's [~~natural mother~~] birthing parent have married,
3 or attempted to marry, each other by a marriage
4 solemnized in apparent compliance with law, although
5 the attempted marriage is or could be declared
6 invalid; and

7 (A) [~~He~~] The person has acknowledged [~~his paternity~~]
8 the person's biological parentage of the child in
9 writing filed with the department of health;

10 (B) With [~~his~~] the person's consent [~~he~~], the person
11 is named as the child's [~~father~~] non-birthing
12 parent on the child's birth certificate; or

13 (C) [~~He~~] The person is obligated to support the child
14 under a written voluntary promise or by court
15 order;

16 (4) While the child is under the age of majority, [~~he~~] the
17 person receives the child into [~~his~~] the person's home
18 and openly holds out the child as [~~his~~] the person's
19 natural child; or

20 (5) [~~He~~] The person acknowledges [~~his paternity~~] the
21 person's biological parentage of the child in writing



1 filed with the department of health, which shall
2 promptly inform the [~~mother~~] birthing parent of the
3 filing of the acknowledgment, and [~~she~~] the birthing
4 parent does not dispute the acknowledgment within a
5 reasonable time after being informed thereof, in a
6 writing filed with the department of health. If
7 another [~~man~~] person is presumed under this section to
8 be the child's [~~father,~~] non-birthing parent,
9 acknowledgment may be effected only with the written
10 consent of the presumed [~~father~~] non-birthing parent
11 or after the presumption has been rebutted. If the
12 acknowledgment is filed and not disputed by the
13 [~~mother~~] birthing parent and if another [~~man~~] person
14 is not presumed under this section to be the child's
15 [~~father,~~] non-birthing parent, the department of
16 health shall prepare a new certificate of birth in
17 accordance with chapter 338.

18 (e) Notice of hearing; minor parent; consent authorizing
19 selection of adoptive parents. No hearing of a petition for
20 adoption shall be had unless each of the living parents of the
21 child who falls within the provisions of subsection (a) and who



1 has not consented to the proposed adoption, but who is alleged
2 to ~~[come]~~ fall within the provisions of ~~[subsection]~~ subsections
3 (c)(1)(A), (B), (C) and (D) or (c)(2) ~~[of this section]~~, and any
4 ~~[man]~~ person whose name appears as ~~[father]~~ non-birthing parent
5 on the child's birth certificate, shall have had due notice,
6 actual or constructive, of the allegations of the petition and
7 of the time and place of the hearing thereof. ~~[Such]~~ The notice
8 need not be given to any parent whose parental rights have been
9 legally terminated as hereinabove provided or whose consent has
10 been filed with the court.

11 The minority of a child's parent shall not be a bar to the
12 right of ~~[such]~~ the parent to execute a valid and binding
13 consent to the adoption of ~~[such]~~ the child.

14 Any parental consent required hereunder shall be valid and
15 binding even though it does not designate any specific adoptive
16 parent or parents, if it clearly authorizes the department of
17 human services, or a child placing organization approved by the
18 department under the provisions of section 346-17 or some proper
19 person not forbidden by law to place a child for adoption, to
20 select and approve an adoptive parent or parents for the child."



SECTION 5. Section 578-14.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) All affected public agencies and all child placing organizations approved by the department of human services under section 346-17 shall make reasonable efforts to complete this form with medical information on both natural parents, to obtain from the natural parents written consent to the release of this information to or for the benefit of the adopted child, and whenever possible, to obtain from the ~~[natural mother]~~ birthing parent a signed release to receive a copy of all of ~~[her]~~ the birthing parent's medical records, relating to the birth of the adopted child, ~~[which]~~ that are within the possession of the hospital or other facility at which the child was born. When applicable, the family court may require the petitioner or the petitioner's agent in the adoption proceeding to obtain this completed form from the natural parents with their consents and the signed release from the ~~[natural mother.]~~ birthing parent."

2. By amending subsection (g) to read:

"(g) The completed forms and, if applicable, the previously sealed copy of the ~~[natural mother's]~~ birthing



1 parent's medical records shall be forwarded to the department of
2 health. The department shall extract from the medical records
3 pertinent information relating to inheritable diseases and
4 genetic disorders and shall retain this information in an
5 abstract. The completed forms and the abstract, if available,
6 shall be included in the department's adoption records."

7 3. By amending subsection (i) to read:

8 "(i) Upon the filing of the application in subsection (h),
9 the department of health shall furnish the applicant with a copy
10 of the completed forms and, if available, the abstract of
11 pertinent information from the [~~natural mother's~~] birthing
12 parent's medical records. The department is authorized to
13 disclose the information under this subsection without prior
14 court approval, notwithstanding section 338-20(e).

15 Nothing in this section shall be construed or applied in
16 any manner to require any public agency or child placing
17 organization to reveal the identities of the natural parents
18 without their consents."

19 SECTION 6. Section 578-15, Hawaii Revised Statutes, is
20 amended by amending subsections (a) and (b) to read as follows:



1 "(a) The records in adoption proceedings, after the
2 petition is filed and [~~prior to~~] before the entry of the decree,
3 shall be open to inspection only by the parties or their
4 attorneys, the director of human services or the director's
5 agent, or [~~by~~] any proper person on a showing of good cause
6 therefor, upon order of the court. Except in the case of an
7 individual being adopted by a person married to the legal
8 [~~father or mother~~] birthing parent or non-birthing parent of the
9 individual or unless authorized by the court, no petition for
10 adoption shall set forth the name of the individual sought to be
11 adopted or the name of either of the parents of the individual;
12 provided that the legal name of the individual and the name of
13 each of the individual's legal parents may be added to the
14 petition by amendment during the course of the hearing thereof
15 and shall be included in the decree. The hearing of the
16 petition shall be in chambers and shall not be open to the
17 public.

18 (b) Upon the entry of the decree, or upon the later
19 effective date of the decree, or upon the dismissal or
20 discontinuance or other final disposition of the petition, the
21 clerk of the court shall seal all records in the proceedings;



1 provided that upon the written request of the petitioner or
2 petitioners, the court may waive the requirement that the
3 records be sealed. The seal shall not be broken and the records
4 shall not be inspected by any person, including the parties to
5 the proceedings, except:

6 (1) Upon order of the family court upon a showing of good
7 cause;

8 (2) After the adopted individual attains the age of
9 eighteen and upon submission to the family court of a
10 written request for inspection by the adopted
11 individual or [the] adoptive parents;

12 (3) After the adopted individual attains the age of
13 eighteen and upon submission to the family court of a
14 written request for inspection by the natural parents;

15 (4) Upon request by the adopted individual or [the]
16 adoptive parents for information contained in the
17 records concerning ethnic background and necessary
18 medical information; or

19 (5) Upon request by a natural parent for a copy of the
20 original birth certificate.



1 As used in this subsection, "natural parent" means a biological
2 ~~[mother or father,]~~ birthing parent or non-birthing parent, or a
3 legal parent who is not also the biological parent."

4 SECTION 7. Section 580-21, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§580-21 Grounds for annulment. The family court, by a
7 decree of nullity, may declare void the marriage contract for
8 any of the following causes, existing at the time of the
9 marriage:

10 (1) That the parties stood in relation to each other of
11 ancestor and descendant of any degree whatsoever,
12 ~~[brother and sister]~~ siblings of the half as well as
13 the whole blood, ~~[uncle and niece, aunt and nephew,]~~ a
14 person and the child of the person's biological
15 sibling, whether the relationship is the result of the
16 issue of parents married or not married to each other;

17 (2) That the parties, or either of them, had not attained
18 the legal age of marriage;

19 (3) That ~~[the husband]~~ one of the parties had an
20 undivorced ~~[wife]~~ spouse living~~[, or the wife had an~~
21 ~~undivoreed husband living]~~ ;



1 (4) That one of the parties lacked the mental capacity to
2 consent to the marriage;

3 (5) That consent to the marriage of the party applying for
4 annulment was obtained by force, duress, or fraud, and
5 there has been no subsequent cohabitation; and

6 (6) That one of the parties was a sufferer of or afflicted
7 with any loathsome disease and the fact was concealed
8 from, and unknown to, the party applying for
9 annulment."

10 SECTION 8. Section 580-22, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§580-22 Nonage. An action to annul a marriage on the
13 ground that one of the parties was under legal age, may be
14 brought by the parent or guardian entitled to the custody of the
15 minor, or by any person admitted by the court to prosecute as
16 the friend of the minor. In no case shall the marriage be
17 annulled on the application of a party who was of legal age at
18 the time it was contracted; nor when it appears that the
19 parties, after they attained the legal age, had for any time
20 freely cohabited as ~~[man and wife.]~~ a married couple."



1 SECTION 9. Section 580-23, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§580-23 Former ~~[husband or wife]~~ spouse living.** A
4 marriage may be declared null on the ground that one of the
5 parties has an undivorced ~~[husband or wife]~~ spouse living, on
6 the application of either of the parties during the lifetime of
7 the other, or on the application of the former ~~[husband or~~
8 ~~wife.]~~ spouse."

9 SECTION 10. Section 580-24, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§580-24 Allowance for spouse and family.** Every person
12 who is deceived into contracting an illegal marriage with a ~~[man~~
13 ~~or woman]~~ person having another spouse living, under the belief
14 that ~~[he or she]~~ the person was unmarried, may be entitled to a
15 just allowance for the support of the deceived spouse and family
16 out of the property of the deceiving spouse, which the deceived
17 spouse may obtain at any time after action commenced upon
18 application to the family court having jurisdiction. In
19 addition to the allowance, the court may also compel the
20 defendant to advance reasonable amounts for the compensation of



1 witnesses and other reasonable expenses of trial to be incurred
2 by the plaintiff."

3 SECTION 11. Section 580-26, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§580-26 Lack of mental capacity. The marriage of a
6 person who lacked the mental capacity to consent to the marriage
7 may be annulled on the application of either party, or on the
8 application of a guardian of the party who lacked [~~such~~]
9 capacity; [~~but in such case,~~] provided that no sentence of
10 nullity shall be pronounced if it appears that the parties
11 freely cohabited as [~~husband and wife~~] a married couple after
12 the party who lacked [~~such~~] mental capacity attained the mental
13 capacity necessary to consent to marriage."

14 SECTION 12. Section 580-47, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Upon granting a divorce, or thereafter if, in
17 addition to the powers granted in subsections (c) and (d),
18 jurisdiction of those matters is reserved under the decree by
19 agreement of both parties or by order of court after finding
20 that good cause exists, the court may make any further orders
21 [~~as shall~~] that appear just and equitable (1) compelling the



1 parties or either of them to provide for the support,
2 maintenance, and education of the children of the parties; (2)
3 compelling either party to provide for the support and
4 maintenance of the other party; (3) finally dividing and
5 distributing the estate of the parties, real, personal, or
6 mixed, whether community, joint, or separate; and (4)
7 allocating, as between the parties, the responsibility for the
8 payment of the debts of the parties whether community, joint, or
9 separate, and the attorney's fees, costs, and expenses incurred
10 by each party by reason of the divorce. In making these further
11 orders, the court shall take into consideration: the respective
12 merits of the parties, the relative abilities of the parties,
13 the condition in which each party will be left by the divorce,
14 the burdens imposed upon either party for the benefit of the
15 children of the parties, the concealment of or failure to
16 disclose income or an asset, or violation of a restraining order
17 issued under section 580-10(a) or (b), if any, by either party,
18 and all other circumstances of the case. In establishing the
19 amounts of child support, the court shall use the guidelines
20 established under section 576D-7. Provision may be made for the
21 support, maintenance, and education of an adult or minor child



1 and for the support, maintenance, and education of an
2 incompetent adult child regardless of whether [~~or not~~] the
3 petition is made before or after the child has attained the age
4 of majority. In those cases where child support payments are to
5 continue due to the adult child's pursuance of education, the
6 agency, three months [~~prior to~~] before the adult child's
7 nineteenth birthday, shall send notice by regular mail to the
8 adult child and the custodial parent that prospective child
9 support will be suspended unless proof is provided by the
10 custodial parent or adult child to the child support enforcement
11 agency, [~~prior to~~] before the child's nineteenth birthday, that
12 the child is presently enrolled as a full-time student in school
13 or has been accepted into and plans to attend as a full-time
14 student for the next semester a post-high school university,
15 college, or vocational school. If the custodial parent or adult
16 child fails to do so, prospective child support payments may be
17 automatically suspended by the child support enforcement agency,
18 hearings officer, or court upon the child reaching the age of
19 nineteen years. In addition, if applicable, the agency,
20 hearings officer, or court may issue an order terminating



1 existing assignments against the responsible parent's income and
2 income assignment orders.

3 In addition to any other relevant factors considered, the
4 court, in ordering spousal support and maintenance, shall
5 consider the following factors:

- 6 (1) Financial resources of the parties;
- 7 (2) Ability of the party seeking support and maintenance
8 to meet ~~[his or her]~~ the party's needs independently;
- 9 (3) Duration of the marriage;
- 10 (4) Standard of living established during the marriage;
- 11 (5) Age of the parties;
- 12 (6) Physical and emotional condition of the parties;
- 13 (7) Usual occupation of the parties during the marriage;
- 14 (8) Vocational skills and employability of the party
15 seeking support and maintenance;
- 16 (9) Needs of the parties;
- 17 (10) Custodial and child support responsibilities;
- 18 (11) Ability of the party from whom support and maintenance
19 is sought to meet ~~[his or her]~~ the party's own needs
20 while meeting the needs of the party seeking support
21 and maintenance;



1 (12) Other factors [~~which~~] that measure the financial
2 condition in which the parties will be left as the
3 result of the action under which the determination of
4 maintenance is made; and

5 (13) Probable duration of the need of the party seeking
6 support and maintenance.

7 The court may order support and maintenance to a party for
8 an indefinite period or until further order of the court;
9 provided that in the event the court determines that support and
10 maintenance shall be ordered for a specific duration wholly or
11 partly based on competent evidence as to the amount of time
12 [~~which~~] that will be required for the party seeking support and
13 maintenance to secure adequate training, education, skills, or
14 other qualifications necessary to qualify for appropriate
15 employment, whether intended to qualify the party for a new
16 occupation, update or expand existing qualification, or
17 otherwise enable or enhance the employability of the party, the
18 court shall order support and maintenance for a period
19 sufficient to allow completion of the training, education,
20 skills, or other activity, and shall allow, in addition,
21 sufficient time for the party to secure appropriate employment."



1 SECTION 13. Section 580-56, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) Following the entry of a decree of divorce in any
4 matrimonial action in which the final division of the property
5 of the parties to ~~[such]~~ the action is reserved for further
6 hearings, decisions, and orders, notwithstanding the provisions
7 of section 560:2-802, or any other provisions of the law to the
8 contrary, each party to ~~[such]~~ the action shall continue to have
9 all of the rights to and interests in the property of the other
10 party to ~~[such]~~ the action as provided by ~~[chapter]~~ chapters 533
11 and ~~[chapter]~~ 560, or as otherwise provided by law, to the same
12 extent ~~[he or she]~~ the party would have had ~~[such]~~ the rights or
13 interests if the decree of divorce had not been entered, until
14 the entry of a decree or order finally dividing the property of
15 the parties to ~~[such]~~ the matrimonial action, or as provided in
16 subsection (d) ~~[of this section]~~.

17 (c) When a party to a matrimonial action has remarried
18 following the entry of a decree of divorce, in which the final
19 division of the property of the parties is reserved for further
20 hearings, decisions, and orders, but ~~[prior to]~~ before the entry
21 of a decree or order finally dividing the property owned by the



1 parties to that action, notwithstanding the provisions of
2 ~~[chapter]~~ chapters 533 and ~~[chapter]~~ 560, the spouse of ~~[such]~~
3 the remarried party shall have none of the rights or interests
4 in the former spouse's real property or personal estate as
5 provided in ~~[chapter]~~ chapters 533 and ~~[chapter]~~ 560, or as
6 otherwise provided by law, until ~~[such]~~ the time as a decree or
7 order finally dividing the property owned by the parties or
8 either of them as of the effective date of the entry of the
9 decree of divorce dissolving ~~[his or her]~~ the party's prior
10 marriage shall be entered. Upon the entry of a decree or order
11 finally dividing the property of the parties to a matrimonial
12 action in which a decree of divorce has been entered, the spouse
13 of a party to ~~[such]~~ the action who has remarried shall have all
14 of the rights of a spouse as provided by ~~[chapter]~~ chapters 533
15 and ~~[chapter]~~ 560, or as otherwise provided by law, in and to
16 the property of the former spouse vested in ~~[such]~~ the spouse by
17 ~~[such]~~ the decree or order finally dividing the property of the
18 parties or either of them, as of the effective date of the entry
19 of the decree of dissolution of the prior marriage."



1 SECTION 14. Section 587A-4, Hawaii Revised Statutes, is
2 amended by amending the definition of "family" to read as
3 follows:

4 "Family" means each legal parent of a child; the [~~birth~~
5 ~~mother,~~] birthing parent, unless the child has been legally
6 adopted; the concerned [~~birth-father~~] non-birthing parent as
7 provided in section 578-2(a)(5), unless the child has been
8 legally adopted; each parent's spouse or former spouse; each
9 sibling or person related by blood or marriage; each person
10 residing in the dwelling unit; and any other person or legal
11 entity with:

12 (1) Legal or physical custody or guardianship of the
13 child, or

14 (2) Responsibility for the child's care.

15 For purposes of this chapter, the term "family" does not apply
16 to an authorized agency that assumes the foregoing legal status
17 or relationship with a child."

18 SECTION 15. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 16. This Act shall take effect on January 1, 2024.



S.B. NO. 109
S.D. 1
H.D. 1
C.D. 1

APPROVED this 29th day of June, 2023


A handwritten signature in black ink, appearing to read "Josh Green", is written above the title of the Governor.


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 109, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives



GOV. MSG. NO. 1264

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 29, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 29, 2023, the following bill was signed into law:

SB110 SD1 HD1 CD1

RELATING TO GENDER-NEUTRAL
TERMINOLOGY.
ACT 161

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive script.

Josh Green, M.D.
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO GENDER-NEUTRAL TERMINOLOGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 578, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§578- Interpretation of words to be gender-neutral.
5 With regard to the rights, benefits, protections, and
6 responsibilities of persons set forth in this chapter, all
7 gender-specific terminology, such as "wife", "husband",
8 "mother", "father", or similar terms, shall be construed in a
9 gender-neutral manner. This rule of interpretation shall apply
10 to all administrative rules adopted hereunder."

11 SECTION 2. Chapter 580, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:
14 "§580- Interpretation of words to be gender-neutral.
15 With regard to the rights, benefits, protections, and
16 responsibilities of persons set forth under this chapter, all
17 gender-specific terminology, such as "wife", "husband",
18 "mother", "father", "aunt", "uncle", "niece", "nephew", or



1 similar terms, shall be construed in a gender-neutral manner.
2 This rule of interpretation shall apply to all administrative
3 rules adopted hereunder."

4 SECTION 3. Section 578-1, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§578-1 Who may adopt; jurisdiction; venue. Any [~~proper~~]
7 unmarried adult person, [~~not married, or~~] any person married to
8 the legal [~~father or mother~~] parent of a minor child, or a
9 [~~husband and wife~~] married couple jointly[~~7~~] may petition the
10 family court of the circuit in which the person or persons
11 reside or are in military service [~~or the family court of the~~
12 ~~circuit~~], in which the individual to be adopted resides or was
13 born, or in which a child placing organization approved by the
14 department of human services under the provisions of section
15 346-17 having legal custody (as defined in section 571-2) of the
16 child is located[~~7~~] for leave to adopt an individual toward whom
17 the person or persons do not sustain the legal relationship of
18 parent and child and for a change of the name of the individual.
19 When adoption is the goal of a permanent plan recommended by the
20 department of human services and ordered pursuant to section
21 587A-31, the department may petition for adoption on behalf of




1 the proposed adoptive parents. The petition shall be in [~~such~~]
2 a form and shall include [~~such~~] information and exhibits as may
3 be prescribed by the family court."

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on January 1, 2024.

APPROVED this 29th day of June, 2023



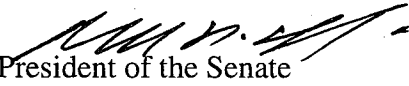
GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI‘I

Date: May 2, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 110, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives



GOV. MSG. NO. 1181

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

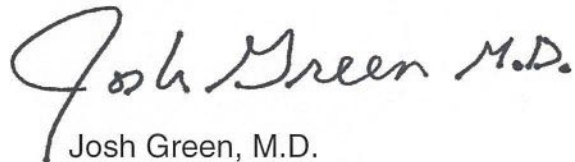
Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

HB350 HD2 SD1

RELATING TO CHILD ABUSE REPORTING.
ACT 080

Sincerely,



Josh Green, M.D.
Governor, State of Hawai'i

on JUN 14 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 350
H.D. 2
S.D. 1

A BILL FOR AN ACT

RELATING TO CHILD ABUSE REPORTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that exempting members of
2 the clergy from mandatory reporting of suspected future child
3 abuse or neglect creates a danger that extreme cases of abuse
4 and neglect may never be reported to appropriate authorities if
5 details of those cases were revealed only in the context of a
6 penitential communication with clergy. The legislature
7 recognizes both the importance of ensuring the confidentiality
8 of penitential communications and the societal obligation to
9 protect vulnerable minors and prevent further harm in cases of
10 suspected future child abuse or neglect. The legislature
11 believes that this Act's limited exception to the exemption from
12 mandatory reporting by members of the clergy strikes an
13 appropriate balance between these two competing interests.

14 Accordingly, the purpose of this Act is to specify that the
15 exemption from mandatory reporting by members of the clergy does
16 not apply when the clergy member believes that there exists a
17 substantial risk that child abuse or neglect that is especially



1 heinous, atrocious, or cruel, manifesting exceptional depravity,
2 may occur in the reasonably foreseeable future.

3 SECTION 2. Section 350-1.1, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Notwithstanding any other state law concerning
6 confidentiality to the contrary, the following persons who, in
7 their professional or official capacity, have reason to believe
8 that child abuse or neglect has occurred or that there exists a
9 substantial risk that child abuse or neglect may occur in the
10 reasonably foreseeable future, shall immediately report the
11 matter orally to the department or to the police department:

12 (1) Any licensed or registered professional of the healing
13 arts or any health-related occupation who examines,
14 attends, treats, or provides other professional or
15 specialized services, including but not limited to
16 physicians, including physicians in training,
17 psychologists, dentists, nurses, osteopathic
18 physicians and surgeons, optometrists, chiropractors,
19 podiatrists, pharmacists, and other health-related
20 professionals;

21 (2) Employees or officers of any public or private school;



- 1 (3) Employees or officers of any public or private agency
2 or institution, or other individuals, providing
3 social, medical, hospital, or mental health services,
4 including financial assistance;
- 5 (4) Employees or officers of any law enforcement agency,
6 including but not limited to the courts, police
7 departments, department of public safety, correctional
8 institutions, and parole or probation offices;
- 9 (5) Individual providers of child care, or employees or
10 officers of any licensed or registered child care
11 facility, foster home, or similar institution;
- 12 (6) Medical examiners or coroners;
- 13 (7) Employees of any public or private agency providing
14 recreational or sports activities;
- 15 (8) Commercial film and photographic print or image
16 processors;
- 17 (9) Commercial computer technicians; and
- 18 (10) Members of the clergy or custodians of records
19 therefor; provided that a member of the clergy shall
20 not be required to report information gained solely
21 during a penitential communication~~[+]~~, except when the



1 clergy member believes that there exists a substantial
2 risk that child abuse or neglect that is especially
3 heinous, atrocious, or cruel, manifesting exceptional
4 depravity, may occur in the reasonably foreseeable
5 future. When a clergy member receives reportable
6 information from any ~~[other]~~ source~~[,]~~ other than a
7 penitential communication, the clergy member shall
8 comply with the reporting requirements of this
9 section, regardless of whether the clergy member
10 received the same information during a penitential
11 communication. For purposes of this paragraph~~[,~~
12 ~~"penitential"]~~:

13 "Especially heinous, atrocious, or cruel,
14 manifesting exceptional depravity" has the same
15 meaning as in section 706-657.

16 "Penitential communication" means a
17 communication, including a sacramental confession,
18 that is intended to be kept confidential and is made
19 to a member of the clergy who, in the course of the
20 discipline or practice of the applicable religious
21 organization, is authorized or accustomed to hear



1 those communications, and under the discipline,
2 tenets, customs, or practices of the applicable
3 religious organization, has a duty to keep those
4 communications secret."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 14th day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 350, HD 2, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

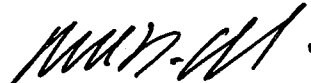


Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 5, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate



GOV. MSG. NO. 1189

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

HB777 HD2 SD2 CD1

RELATING TO BACKGROUND CHECKS.
ACT 088

Sincerely,



Josh Green, M.D.
Governor, State of Hawai'i

on JUN 14 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 777
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO BACKGROUND CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the department of
2 human services assists vulnerable persons, including minors,
3 young adults, and vulnerable adults. It is therefore necessary
4 for the department of human services to exercise caution when
5 employing or retaining workers, including volunteers,
6 contractors, and others, whose positions place them in close
7 proximity with persons who may be at risk.

8 The purpose of this Act is to:

9 (1) Help ensure the safety of vulnerable persons by
10 authorizing the department of human services to
11 conduct comprehensive background checks on current or
12 prospective employees, volunteers, contractors,
13 contractors' employees and volunteers, subcontractors,
14 and subcontractors' employees and volunteers, whose
15 position places or would place them in close proximity
16 to certain minors, young adults, or vulnerable adults;
17 and



1 (2) Clarify that any state law permitting a more extensive
2 inquiry into an individual's criminal history by the
3 State and any of its branches, political subdivisions,
4 agencies, or semi-autonomous public bodies corporate
5 and politic will prevail over conflicting conviction
6 record inquiries under the State's employment
7 practices law.

8 SECTION 2. Section 323F-5.5, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) Any inquiry into or consideration of the criminal
11 history record of an employee or prospective employee of the
12 corporation shall be limited to that which is ~~[allowed under~~
13 ~~section 378-2.5 or]~~ required under federal law."

14 SECTION 3. Section 346-2.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~[+]§346-2.5[+] Criminal history record]~~ **Background checks.**

17 (a) The department shall develop procedures for obtaining
18 verifiable information regarding the criminal history of any
19 person who is employed or seeking employment, including a
20 contractor and its employees or ~~[agents]~~ subcontractor and its
21 employees if prior authority to access federal tax information



1 has been provided by the United States Department of the
2 Treasury, if the person will require access to federal tax
3 information. The procedures shall include criminal history
4 record checks in accordance with section 846-2.7. Information
5 obtained pursuant to this subsection shall be used exclusively
6 by the department for the purpose of determining whether a
7 person is suitable for accessing federal tax information in
8 accordance with applicable federal laws.

9 (b) The department may terminate or deny employment to any
10 current or prospective employee [~~or applicant,~~] or terminate or
11 refuse to secure the services of a contractor and its employees
12 or [~~agents~~] subcontractor and its employees authorized under
13 subsection (a), if the department finds by reason of the nature
14 and circumstances of the background investigation conducted
15 under subsection (a) that the current or prospective employee,
16 [~~applicant,~~] contractor, [~~or~~] contractor's employees [~~or~~
17 ~~agents~~], subcontractor, or subcontractor's employees pose a risk
18 to the security of federal tax information. Termination or
19 denial of employment or refusal to secure services under this
20 subsection shall only occur after appropriate notification to
21 the current or prospective employee, [~~applicant, or~~] contractor,



1 or subcontractor of the findings of the background
2 investigation, and after the current or prospective employee,
3 ~~[applicant, or]~~ contractor, or subcontractor is given an
4 opportunity to respond to the findings. Nothing in this
5 subsection shall abrogate any applicable appeal rights under
6 chapters 76 and 89, or administrative rules of the department.

7 (c) The department shall develop procedures for obtaining
8 verifiable information regarding the criminal history, and
9 information confirming the reputable and responsible character,
10 of any current or prospective employee, volunteer, contractor,
11 contractor's employee or volunteer, subcontractor, or
12 subcontractor's employee or volunteer, whose position places or
13 would place them in close proximity to minors, young adults, or
14 vulnerable adults who are receiving from the department:

- 15 (1) Child welfare services;
16 (2) Social services;
17 (3) Services intended to prevent abuse or neglect; or
18 (4) Services intended to assist youth aging out of foster
19 care with obtaining and maintaining independent living
20 skills.



- 1 (d) Any current or prospective employee, volunteer,
2 contractor, contractor's employee or volunteer, subcontractor,
3 or subcontractor's employee or volunteer, whose position places
4 or would place them in close proximity to minors, young adults,
5 or vulnerable adults as described in subsection (c) shall:
- 6 (1) Be fingerprinted for purposes of a criminal history
7 record check;
- 8 (2) Submit to a criminal history record check in
9 accordance with section 846-2.7;
- 10 (3) Consent to the department obtaining other criminal
11 history records for verification; and
- 12 (4) Consent to the department conducting searches of the
13 state adult protective services central registry of
14 reported cases established in section 346-224 and
15 child abuse and neglect registry;
- 16 provided that a new department employee or volunteer shall be
17 fingerprinted before beginning employment or volunteer work;
18 provided further that the information obtained pursuant to this
19 subsection and subsection (e) shall be used exclusively by the
20 department to determine whether it is appropriate for the person



1 to work in close proximity to minors, young adults, or
2 vulnerable adults.

3 (e) The department may periodically obtain criminal
4 history information on all persons who are subject to this
5 section through the Hawaii criminal justice data center.

6 (f) The department may terminate or deny employment to a
7 current or prospective employee or volunteer, or terminate or
8 refuse to secure the services of a contractor or the
9 contractor's employees or volunteers, or a subcontractor or the
10 subcontractor's employees or volunteers, if the department
11 finds, based on the results of the background investigation
12 conducted pursuant to subsections (d) and (e), that the current
13 or prospective employee, volunteer, contractor, contractor's
14 employee or volunteer, subcontractor, or subcontractor's
15 employee or volunteer may pose a risk to the health, safety,
16 security, or well-being of minors, young adults, or vulnerable
17 adults as described in subsection (c). Termination or denial of
18 employment or termination or refusal to secure services under
19 this subsection shall occur only after the department notifies
20 the current or prospective employee, contractor, or
21 subcontractor of the findings of the background investigation,



1 and after the current or prospective employee, contractor, or
2 subcontractor is given an opportunity to respond to the
3 findings. Nothing in this subsection shall abrogate any
4 applicable rights to appeal under chapters 76 and 89 or the
5 administrative rules of the department.

6 ~~[(e)]~~ (g) The department shall be exempt from section
7 831-3.1 and need not conduct investigations, notifications, or
8 hearings under this section in accordance with chapter 91.

9 (h) For purposes of this section:

10 "Vulnerable adult" has the same meaning as defined in
11 section 346-222.

12 "Young adult" means a person between the ages of eighteen
13 and twenty-one or a person authorized by the Foster Care
14 Independence Act of 1999, P.L. 106-169, or other applicable law,
15 regardless of age, to receive benefits and services aimed at
16 assisting youth aging out of foster care in the United States in
17 obtaining and maintaining independent living skills."

18 SECTION 4. Section 378-2.5, Hawaii Revised Statutes, is
19 amended by amending subsection (d) to read as follows:

20 "(d) Notwithstanding subsections (b) and (c), the
21 requirement that inquiry into and consideration of a prospective



1 employee's conviction record may take place only after the
2 individual has received a conditional job offer, and the
3 limitation to the most recent seven-year period for felony
4 convictions and the most recent five-year period for misdemeanor
5 convictions, excluding the period of incarceration, shall not
6 apply to employers who are expressly permitted to inquire into
7 an individual's criminal history for employment purposes
8 pursuant to any federal or state law other than subsection (a),
9 including:

- 10 (1) The State or any of its branches, political
11 subdivisions, or agencies pursuant to sections 78-2.7
12 and 831-3.1; provided that any state law permitting
13 the State and any of its branches, political
14 subdivisions, agencies, or semi-autonomous public
15 bodies corporate and politic to conduct more extensive
16 inquiries into an individual's criminal history for
17 employment purposes than those permitted under this
18 section shall prevail;
- 19 (2) The department of education pursuant to section
20 302A-601.5;



- 1 (3) The department of health with respect to employees,
2 providers, or subcontractors in positions that place
3 them in direct contact with clients when providing
4 non-witnessed direct mental health services pursuant
5 to section 321-171.5;
- 6 (4) The judiciary pursuant to section 571-34;
- 7 (5) The counties pursuant to section 846-2.7(b) (5), (33),
8 (34), (35), (36), and (38);
- 9 (6) Armed security services pursuant to section 261-17(b);
- 10 (7) Providers of a developmental disabilities domiciliary
11 home pursuant to section 321-15.2;
- 12 (8) Private schools pursuant to sections 302C-1 and
13 378-3(8);
- 14 (9) Financial institutions in which deposits are insured
15 by a federal agency having jurisdiction over the
16 financial institution pursuant to section 378-3(9);
- 17 (10) Detective agencies and security guard agencies
18 pursuant to sections 463-6(b) and 463-8(b);
- 19 (11) Employers in the business of insurance pursuant to
20 section 431:2-201.3;



- 1 (12) Employers of individuals or supervisors of individuals
2 responsible for screening passengers or property under
3 title 49 United States Code section 44901 or
4 individuals with unescorted access to an aircraft of
5 an air carrier or foreign carrier or in a secured area
6 of an airport in the United States pursuant to title
7 49 United States Code section 44936(a);
8 (13) The department of human services pursuant to sections
9 346-2.5, 346-97, and 352-5.5;
10 (14) The public library system pursuant to section
11 302A-601.5;
12 (15) The department of public safety pursuant to section
13 353C-5;
14 (16) The board of directors of a cooperative housing
15 corporation or the manager of a cooperative housing
16 project pursuant to section 421I-12;
17 (17) The board of directors of an association under chapter
18 514B, or the managing agent or resident manager of a
19 condominium pursuant to section 514B-133; and
20 (18) The department of health pursuant to section
21 321-15.2."



1 SECTION 5. Section 846-2.7, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Criminal history record checks may be conducted by:
4 (1) The department of health or its designee on operators
5 of adult foster homes for individuals with
6 developmental disabilities or developmental
7 disabilities domiciliary homes and their employees, as
8 provided by section 321-15.2;
9 (2) The department of health or its designee on
10 prospective employees, persons seeking to serve as
11 providers, or subcontractors in positions that place
12 them in direct contact with clients when providing
13 non-witnessed direct mental health or health care
14 services as provided by section 321-171.5;
15 (3) The department of health or its designee on all
16 applicants for licensure or certification for,
17 operators for, prospective employees, adult
18 volunteers, and all adults, except adults in care, at
19 healthcare facilities as defined in section 321-15.2;
20 (4) The department of education on employees, prospective
21 employees, and teacher trainees in any public school



- 1 in positions that necessitate close proximity to
2 children as provided by section 302A-601.5;
- 3 (5) The counties on employees and prospective employees
4 who may be in positions that place them in close
5 proximity to children in recreation or child care
6 programs and services;
- 7 (6) The county liquor commissions on applicants for liquor
8 licenses as provided by section 281-53.5;
- 9 (7) The county liquor commissions on employees and
10 prospective employees involved in liquor
11 administration, law enforcement, and liquor control
12 investigations;
- 13 (8) The department of human services on operators and
14 employees of child caring institutions, child placing
15 organizations, and [~~foster boarding~~] resource family
16 homes as provided by section 346-17;
- 17 (9) The department of human services on prospective
18 adoptive parents as established under section
19 346-19.7;
- 20 (10) The department of human services or its designee on
21 applicants to operate child care facilities, household



1 members of the applicant, prospective employees of the
2 applicant, and new employees and household members of
3 the provider after registration or licensure as
4 provided by section 346-154, and persons subject to
5 section 346-152.5;

6 (11) The department of human services on persons exempt
7 pursuant to section 346-152 to be eligible to provide
8 child care and receive child care subsidies as
9 provided by section 346-152.5;

10 (12) The department of health on operators and employees of
11 home and community-based case management agencies and
12 operators and other adults, except for adults in care,
13 residing in community care foster family homes as
14 provided by section 321-15.2;

15 (13) The department of human services on staff members of
16 the Hawaii youth correctional facility as provided by
17 section 352-5.5;

18 (14) The department of human services on employees,
19 prospective employees, and volunteers of contracted
20 providers and subcontractors in positions that place
21 them in close proximity to youth when providing



- 1 services on behalf of the office or the Hawaii youth
2 correctional facility as provided by section 352D-4.3;
- 3 (15) The judiciary on employees and applicants at detention
4 and shelter facilities as provided by section 571-34;
- 5 (16) The department of public safety on employees and
6 prospective employees who are directly involved with
7 the treatment and care of persons committed to a
8 correctional facility or who possess police powers
9 including the power of arrest as provided by section
10 353C-5;
- 11 (17) The board of private detectives and guards on
12 applicants for private detective or private guard
13 licensure as provided by section 463-9;
- 14 (18) Private schools and designated organizations on
15 employees and prospective employees who may be in
16 positions that necessitate close proximity to
17 children; provided that private schools and designated
18 organizations receive only indications of the states
19 from which the national criminal history record
20 information was provided pursuant to section 302C-1;



- 1 (19) The public library system on employees and prospective
2 employees whose positions place them in close
3 proximity to children as provided by section
4 302A-601.5;
- 5 (20) The State or any of its branches, political
6 subdivisions, or agencies on applicants and employees
7 holding a position that has the same type of contact
8 with children, vulnerable adults, or persons committed
9 to a correctional facility as other public employees
10 who hold positions that are authorized by law to
11 require criminal history record checks as a condition
12 of employment as provided by section 78-2.7;
- 13 (21) The department of health on licensed adult day care
14 center operators, employees, new employees,
15 subcontracted service providers and their employees,
16 and adult volunteers as provided by section 321-15.2;
- 17 (22) The department of human services on purchase of
18 service contracted and subcontracted service providers
19 and their employees [~~serving clients of the adult~~
20 ~~protective and community services branch,~~] and



1 volunteers, as provided by [~~section~~] sections 346-2.5
2 and 346-97;

3 (23) The department of human services on foster grandparent
4 program, senior companion program, and respite
5 companion program participants as provided by section
6 346-97;

7 (24) The department of human services on contracted and
8 subcontracted service providers and their current and
9 prospective employees that provide home and community-
10 based services under section 1915(c) of the Social
11 Security Act, title 42 United States Code section
12 1396n(c), or under any other applicable section or
13 sections of the Social Security Act for the purposes
14 of providing home and community-based services, as
15 provided by section 346-97;

16 (25) The department of commerce and consumer affairs on
17 proposed directors and executive officers of a bank,
18 savings bank, savings and loan association, trust
19 company, and depository financial services loan
20 company as provided by section 412:3-201;



- 1 (26) The department of commerce and consumer affairs on
2 proposed directors and executive officers of a
3 nondepository financial services loan company as
4 provided by section 412:3-301;
- 5 (27) The department of commerce and consumer affairs on the
6 original chartering applicants and proposed executive
7 officers of a credit union as provided by section
8 412:10-103;
- 9 (28) The department of commerce and consumer affairs on:
- 10 (A) Each principal of every non-corporate applicant
11 for a money transmitter license;
- 12 (B) Each person who upon approval of an application
13 by a corporate applicant for a money transmitter
14 license will be a principal of the licensee; and
- 15 (C) Each person who upon approval of an application
16 requesting approval of a proposed change in
17 control of licensee will be a principal of the
18 licensee,
- 19 as provided by sections 489D-9 and 489D-15;



- 1 (29) The department of commerce and consumer affairs on
2 applicants for licensure and persons licensed under
3 title 24;
- 4 (30) The Hawaii health systems corporation on:
- 5 (A) Employees;
- 6 (B) Applicants seeking employment;
- 7 (C) Current or prospective members of the corporation
8 board or regional system board; or
- 9 (D) Current or prospective volunteers, providers, or
10 contractors,
- 11 in any of the corporation's health facilities as
12 provided by section 323F-5.5;
- 13 (31) The department of commerce and consumer affairs on:
- 14 (A) An applicant for a mortgage loan originator
15 license, or license renewal; and
- 16 (B) Each control person, executive officer, director,
17 general partner, and managing member of an
18 applicant for a mortgage loan originator company
19 license or license renewal,
20 as provided by chapter 454F;



- 1 (32) The state public charter school commission or public
2 charter schools on employees, teacher trainees,
3 prospective employees, and prospective teacher
4 trainees in any public charter school for any position
5 that places them in close proximity to children, as
6 provided in section 302D-33;
- 7 (33) The counties on prospective employees who work with
8 children, vulnerable adults, or senior citizens in
9 community-based programs;
- 10 (34) The counties on prospective employees for fire
11 department positions that involve contact with
12 children or vulnerable adults;
- 13 (35) The counties on prospective employees for emergency
14 medical services positions that involve contact with
15 children or vulnerable adults;
- 16 (36) The counties on prospective employees for emergency
17 management positions and community volunteers whose
18 responsibilities involve planning and executing
19 homeland security measures including viewing,
20 handling, and engaging in law enforcement or



1 classified meetings and assisting vulnerable citizens
2 during emergencies or crises;

3 (37) The State and counties on employees, prospective
4 employees, volunteers, and contractors whose position
5 responsibilities require unescorted access to secured
6 areas and equipment related to a traffic management
7 center;

8 (38) The State and counties on employees and prospective
9 employees whose positions involve the handling or use
10 of firearms for other than law enforcement purposes;

11 (39) The State and counties on current and prospective
12 systems analysts and others involved in an agency's
13 information technology operation whose position
14 responsibilities provide them with access to
15 proprietary, confidential, or sensitive information;

16 (40) The department of commerce and consumer affairs on:
17 (A) Applicants for real estate appraiser licensure or
18 certification as provided by chapter 466K;
19 (B) Each person who owns more than ten per cent of an
20 appraisal management company who is applying for



- 1 registration as an appraisal management company,
2 as provided by section 466L-7; and
3 (C) Each of the controlling persons of an applicant
4 for registration as an appraisal management
5 company, as provided by section 466L-7;
- 6 (41) The department of health or its designee on all
7 license applicants, licensees, employees, contractors,
8 and prospective employees of medical cannabis
9 dispensaries, and individuals permitted to enter and
10 remain in medical cannabis dispensary facilities as
11 provided under sections 329D-15(a) (4) and 329D-
12 16(a) (3);
- 13 (42) The department of commerce and consumer affairs on
14 applicants for nurse licensure or license renewal,
15 reactivation, or restoration as provided by sections
16 457-7, 457-8, 457-8.5, and 457-9;
- 17 (43) The county police departments on applicants for
18 permits to acquire firearms pursuant to section 134-2
19 and on individuals registering their firearms pursuant
20 to section 134-3;
- 21 (44) The department of commerce and consumer affairs on:



1 (A) Each of the controlling persons of the applicant
2 for licensure as an escrow depository, and each
3 of the officers, directors, and principals who
4 will be in charge of the escrow depository's
5 activities upon licensure; and

6 (B) Each of the controlling persons of an applicant
7 for proposed change in control of an escrow
8 depository licensee, and each of the officers,
9 directors, and principals who will be in charge
10 of the licensee's activities upon approval of the
11 application,
12 as provided by chapter 449;

13 (45) The department of taxation on current or prospective
14 employees or contractors who have access to federal
15 tax information in order to comply with requirements
16 of federal law, regulation, or procedure, as provided
17 by section 231-1.6;

18 (46) The department of labor and industrial relations on
19 current or prospective employees or contractors who
20 have access to federal tax information in order to



1 comply with requirements of federal law, regulation,
2 or procedure, as provided by section 383-110;

3 (47) The department of human services on current or
4 prospective employees or contractors who have access
5 to federal tax information in order to comply with
6 requirements of federal law, regulation, or procedure,
7 and on current or prospective employees, volunteers,
8 contractors, or contractors' employees or volunteers,
9 subcontractors, or subcontractors' employees or
10 volunteers, whose position places or would place them
11 in close proximity to minors, young adults, or
12 vulnerable adults, as provided by section 346-2.5;

13 (48) The child support enforcement agency on current or
14 prospective employees or contractors who have access
15 to federal tax information in order to comply with
16 federal law, regulation, or procedure, as provided by
17 section 576D-11.5;

18 (49) The department of the attorney general on current or
19 prospective employees or employees or agents of
20 contractors who have access to federal tax information
21 to comply with requirements of federal law,



1 regulation, or procedure, as provided by section
2 28-17;
3 [+] (50) [+] The department of commerce and consumer affairs on
4 each control person, executive officer, director,
5 general partner, and managing member of an installment
6 loan licensee, or an applicant for an installment loan
7 license, as provided in chapter 480J;
8 [+] (51) [+] The University of Hawaii on current and prospective
9 employees and contractors whose duties include
10 ensuring the security of campus facilities and
11 persons; and
12 [+] (52) [+] Any other organization, entity, or the State, its
13 branches, political subdivisions, or agencies as may
14 be authorized by state law."

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval;
18 provided that the amendments made to sections 378-2.5 and
19 846-2.7, Hawaii Revised Statutes, by sections 4 and 5 of this
20 Act, respectively, shall not be repealed when those sections are



H.B. NO. 777
H.D. 2
S.D. 2
C.D. 1

- 1 amended on January 1, 2024, pursuant to section 62 of Act 278,
- 2 Session Laws of Hawaii 2022.

APPROVED this 14th day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 777, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

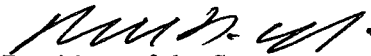



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate



GOV. MSG. NO. 1178

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

SB406 SD1 HD2

RELATING TO CHILD VISITATION.
ACT 077

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 14 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 406
S.D. 1
H.D. 2

A BILL FOR AN ACT

RELATING TO CHILD VISITATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 571-46.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§571-46.3 Grandparents' visitation rights; petition;**
4 **notice; order.** (a) A grandparent or the grandparents of a
5 minor child may file a petition with the court for an order of
6 reasonable visitation rights. The court may award reasonable
7 visitation rights; provided that the following [~~criteria are~~
8 ~~met;~~] findings are made:

9 (1) [~~This~~] The State is the home state of the child at the
10 time of the commencement of the proceeding; [~~and~~]

11 (2) [~~Reasonable visitation rights are in the best~~
12 ~~interests of the child.~~] The petitioner's child, who
13 is a parent of the minor child, is otherwise unable to
14 exercise parental visitation of the minor child due to
15 incarceration or death; and

16 (3) Denial of reasonable grandparent visitation rights
17 would cause significant harm to the child.



1 (b) No hearing for an order of reasonable visitation
2 rights under this section shall ~~[be had unless]~~ commence until
3 each of the living parents and the child's custodians ~~[shall~~
4 ~~have had]~~ are provided due notice, actual or constructive, of
5 the allegations of the petition and of the time and place of the
6 hearing ~~[thereof]~~.

7 (c) In any proceeding on a petition filed pursuant to this
8 section, there shall be a rebuttable presumption that a parent's
9 or custodian's decision regarding visitation is in the best
10 interest of the child. The presumption may be rebutted by clear
11 and convincing evidence that denial of reasonable grandparent
12 visitation rights would cause significant harm to the child.

13 (d) In awarding reasonable grandparent visitation, the
14 court shall be guided by all standards, considerations, and
15 procedures for parent visitation rights under section 571-46.

16 (e) An order ~~[made]~~ issued pursuant to this section shall
17 be enforceable by the court, and the court may issue other
18 orders to carry out these enforcement powers if in the best
19 interests of the child.

20 (f) Any person who violates the terms and conditions of an
21 order awarding reasonable grandparent visitation rights pursuant



1 to subsection (a) shall be subject to sanctions as determined by
2 the court and in accordance with section 571-81."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 14th day of June, 2023



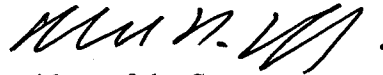
GOVERNOR OF THE STATE OF HAWAII



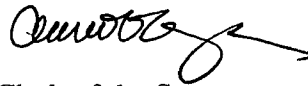
THE SENATE OF THE STATE OF HAWAI'I

Date: April 18, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate


THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 3, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives



GOV. MSG. NO. 1180

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

HB349 HD2 SD1 CD1

RELATING TO CHILDREN.
ACT 079

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 14 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAIIH.B. NO. 349
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 571-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§571-11 Jurisdiction; children.** Except as otherwise
4 provided in this chapter, the court shall have exclusive
5 original jurisdiction in proceedings:

6 (1) Concerning any person who is alleged to have committed
7 an act [~~prior to~~] before achieving eighteen years of
8 age that would constitute a violation or attempted
9 violation of any federal, state, or local law or
10 county ordinance. Regardless of where the violation
11 occurred, jurisdiction may be taken by the court of
12 the circuit where the person resides, is living, or is
13 found, or in which the offense is alleged to have
14 occurred;

15 (2) Concerning any child living or found within the
16 circuit[+] who is:



1 (A) [~~Who is neglected~~] Neglected as to or deprived of
2 educational services because of the failure of
3 any person or agency to exercise that degree of
4 care for which it is legally responsible;

5 (B) [~~Who is beyond~~] Beyond the control of the child's
6 parent or other custodian or whose behavior is
7 injurious to the child's own or others' welfare;

8 (C) [~~Who is neither~~] Neither attending school nor
9 receiving educational services required by law
10 whether through the child's own misbehavior or
11 nonattendance or otherwise; or

12 (D) [~~Who is in~~] In violation of curfew;

13 (3) To determine the custody of any child or appoint a
14 guardian of any child;

15 (4) For the adoption of a person under chapter 578;

16 (5) For the termination of parental rights under sections
17 571-61 through 571-63;

18 (6) For judicial consent to the marriage, employment, or
19 enlistment of a child, when consent is required by
20 law;



- 1 (7) For the treatment or commitment of a mentally
2 defective or mentally ill child, or a child with an
3 intellectual disability;
- 4 (8) Under the Interstate Compact on Juveniles under
5 chapter 582 or the Interstate Compact for Juveniles
6 under chapter 582D;
- 7 (9) For the protection of any child under chapter 587A;
- 8 (10) For a change of name as provided in section 574-
9 5 (a) (2) (C); ~~[and]~~
- 10 (11) Concerning custody or guardianship of an immigrant
11 child pursuant to a motion for special immigrant
12 juvenile factual findings requesting a determination
13 that the child was abused, neglected, or abandoned
14 before the age of eighteen years for purposes of
15 section 101(a) (27) (J) of the federal Immigration and
16 Nationality Act. For the purposes of this paragraph,
17 "child" means an unmarried individual under the age of
18 twenty-one years[-]; and
- 19 (12) Concerning emancipation of a minor pursuant to section
20 577-25."



1 SECTION 2. Section 577-25, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~§577-25~~§~~] **Emancipation of certain minors.** (a) Any
4 law to the contrary notwithstanding, a minor [~~who has been~~
5 ~~married pursuant to chapter 572~~] shall be deemed to be
6 emancipated [~~and shall be regarded as though he or she were of~~
7 ~~legal age and shall have all the rights, duties, privileges, and~~
8 ~~responsibilities provided by the civil law to a person who has~~
9 ~~reached the age of majority under civil law; provided that:~~

10 ~~(1) Nothing in this section shall be deemed to confer upon~~
11 ~~such person the right to vote in any federal, state,~~
12 ~~or county election or the right to purchase, possess,~~
13 ~~or sell alcoholic beverages; and~~

14 ~~(2) Nothing in this section shall change the status of~~
15 ~~such persons as minors in connection with any criminal~~
16 ~~law, nor affect the exclusive original jurisdiction of~~
17 ~~the family court over such persons under section 571-~~
18 ~~11(1).~~

19 ~~For purposes of this section, "minor" means a person under~~
20 ~~the age of majority.] if the minor has:~~



1 (1) Entered into a valid marriage pursuant to chapter 572;

2 or

3 (2) Received a declaration of emancipation issued by the
4 family court pursuant to this section.

5 (b) An emancipated minor shall be considered to have the
6 rights and responsibilities of an adult; provided that nothing
7 in this section shall:

8 (1) Be deemed to confer upon an emancipated minor the
9 right to vote in any federal, state, or county
10 election, or the right to purchase, possess, consume,
11 or sell alcoholic beverages, tobacco products, or
12 electronic smoking devices;

13 (2) Prevent the petitioning minor from continuing to
14 receive educational, mental health, or other services
15 the minor is receiving solely due to the minor's age;
16 or

17 (3) Change the status of the emancipated minor to be
18 deemed a minor in connection with any criminal law or
19 affect the exclusive original jurisdiction of the
20 family court over such persons under sections 571-
21 11(1) and (12).



- 1 (c) A minor shall be considered emancipated for the
2 purposes of, but not limited to the right to:
- 3 (1) Enter into enforceable contracts, including apartment
4 leases;
- 5 (2) Sue or be sued in the minor's own name;
- 6 (3) Retain the minor's personal earnings;
- 7 (4) Establish a separate domicile;
- 8 (5) Act autonomously, and with the rights and
9 responsibilities of an adult, in all business
10 relationships, including property transactions and
11 obtaining accounts for utilities, except for estate or
12 property matters that a court determines may require a
13 conservator or guardian ad litem;
- 14 (6) Earn a living, subject only to the health and safety
15 regulations designed to protect individuals under the
16 age of majority regardless of their legal status;
- 17 (7) File the minor's own tax returns and pay taxes
18 pursuant to applicable personal income tax laws;
- 19 (8) Authorize the minor's own preventive health care,
20 medical care, dental care, mental health care, and



- 1 substance abuse treatment without knowledge or
2 liability of the minor's parents or guardian;
3 (9) Apply for a driver's license or other state licenses
4 for which the minor may be eligible;
5 (10) Register for school;
6 (11) Marry;
7 (12) Apply to medical and other public assistance programs
8 administered by the State or its political
9 subdivisions;
10 (13) If the minor is a parent, make decisions and give
11 authority in caring for the minor's child; and
12 (14) Execute a will and other estate planning documents,
13 including trust documents, durable power of attorney,
14 and an advance health care directive.
15 (d) A minor who has reached the age of sixteen years who
16 seeks to be emancipated may file a petition for a declaration of
17 emancipation with the family court in the circuit in which the
18 minor resides. The petition shall be filed on behalf of the
19 minor seeking emancipation by any state agency or an attorney of
20 the minor, and a parent or guardian of a minor shall not, in



1 their individual capacity or as a representative or agent of the
2 minor, petition for emancipation of the minor.

3 (e) The petition for a declaration of emancipation shall
4 be signed and verified by the petitioning minor, and shall
5 include:

6 (1) The minor's full name and birth date;

7 (2) A certified copy of the minor's birth certificate, if
8 available;

9 (3) The name and last known address of the minor's parents
10 or guardian;

11 (4) The minor's present address and duration of the
12 minor's residency at that address;

13 (5) A declaration by the minor attesting that:

14 (A) The minor resides separately and apart from the
15 minor's parents or guardian at the minor's own
16 will;

17 (B) The minor is managing or has the ability to
18 manage the minor's financial affairs, including
19 supporting documentation of the minor's income
20 and expenses;



1 (C) The minor is managing or has the ability to
2 manage the minor's personal and social affairs,
3 including supporting documentation on proof of
4 housing; and

5 (D) The source of the minor's income is not derived
6 from any activity in violation of any laws of the
7 State or the United States; and

8 (6) Any other information deemed necessary by the court.

9 The judiciary shall prepare and make available to the public
10 forms that may be used for emancipation proceedings.

11 (f) Upon receipt of the petition, the court shall:

12 (1) Set a date for hearing on the petition as soon as
13 practicable;

14 (2) Issue a summons requiring the appearance of the
15 minor's parents or guardian and any other person
16 deemed necessary by the court unless the parents or
17 guardian and the person deemed necessary by the court
18 promise in writing to appear voluntarily; and

19 (3) Appoint a guardian ad litem to represent the interest
20 of the minor throughout the pendency of the minor's
21 emancipation proceedings.



1 Nothing in this subsection shall be construed to prevent the
2 petitioning minor from obtaining the minor's own legal counsel
3 to represent the minor in the emancipation proceeding.

4 (g) The fees and costs of a guardian ad litem appointed
5 pursuant to subsection (f) may be paid for by the court, unless
6 the minor or the minor's parents or guardian have sufficient
7 funds.

8 (h) Proceedings for a petition for declaration of
9 emancipation shall be heard by the court separately from
10 hearings of adult cases and without a jury. The court shall
11 grant the petition and issue a declaration of emancipation if it
12 finds clear and convincing evidence that:

13 (1) The minor is at least sixteen years of age;

14 (2) The minor is a resident of the State;

15 (3) The minor resides separately and apart from the
16 minor's parents or guardian at the minor's own will,
17 with or without the parents' or guardian's consent,
18 and in absence of undue influence or coercion by a
19 third party;

20 (4) The minor is managing or has the ability to manage the
21 minor's financial affairs;



1 (5) The minor is managing or has the ability to manage the
2 minors' personal and social affairs;

3 (6) The source of the minor's income is not derived from
4 any activity in violation of any laws of the State or
5 the United States;

6 (7) The minor understands the minor's rights and
7 responsibilities as an emancipated minor in the State,
8 and has been given the time and opportunity to
9 consider alternatives to emancipation, if any, before
10 conclusion of the hearing;

11 (8) The minor is not seeking emancipation under duress,
12 including by coercion of a parent, guardian, or any
13 other third party; and

14 (9) Emancipation is in the best interest of the minor.

15 A declaration of emancipation issued by the court shall be
16 conclusive evidence that the minor is emancipated and shall
17 terminate the rights of the minor's parents to the custody,
18 control, services, and earnings of the minor.

19 (i) A declaration of emancipation obtained by fraud or by
20 the withholding of material information shall be voidable. A
21 petition to void a declaration of emancipation on the ground



1 that the declaration was obtained by fraud or by the withholding
2 of material information may be filed by any person with the
3 family court that issued the declaration of emancipation.

4 (j) A declaration of emancipation of a minor who has
5 subsequently become indigent with no means of support shall be
6 subject to rescission. A petition to rescind a declaration of
7 emancipation on the ground that the minor has become indigent
8 may be filed by:

- 9 (1) The minor declared emancipated;
10 (2) The minor's parents or former guardian; or
11 (3) The corporation counsel or county attorney of the
12 county in which the minor resides,
13 with a family court in the circuit in which the minor or the
14 parents or former guardian resides.

15 (k) Upon filing of a petition to void or rescind a
16 declaration of emancipation pursuant to subsection (i) or (j),
17 the court shall:

- 18 (1) Set a date for hearing on the petition as soon as
19 practicable; and
20 (2) Issue a summons requiring the appearance of the minor
21 if the minor is not the petitioner, the minor's



parents or former guardian, and any other person
deemed necessary by the court unless the minor, the
minor's parents or former guardian, and the person
deemed necessary by the court promise in writing to
appear voluntarily. Summons issued to the parents or
former guardian of the minor shall be accompanied by a
statement that they may be liable to provide support
to the minor, including provision of medical insurance
coverage, if the declaration of emancipation is voided
or rescinded. Liability shall not accrue to a parent
or guardian of a minor whose emancipation has been
voided or rescinded until the parent or guardian has
actual notice of the voidance or rescission.

(1) Proceedings for a petition to void or rescind a
declaration of emancipation shall be heard by the court
separately from hearings of adult cases and without a jury. The
court shall grant the petition and issue an order:

(1) Voiding the declaration of emancipation if the court
finds clear and convincing evidence that the
declaration was obtained by fraud or by the
withholding of material information; or



1 (2) Rescinding the declaration of emancipation if the
2 court finds clear and convincing evidence that the
3 rescission of the declaration of emancipation will be
4 in the best interest of the minor.

5 The voiding or rescission of a declaration of emancipation shall
6 not alter any contractual obligation or right or any property
7 right or interest that arose during the period that the
8 declaration was in effect.

9 (m) Service of summons issued pursuant to this section
10 shall be made personally by the delivery of a copy thereof,
11 together with a copy of the relevant petition, to the person
12 summoned; provided that if a judge determines that personal
13 service of the summons is impracticable, the judge may order
14 service by certified or registered mail addressed to the last
15 known address or by publication, or both. Service effected no
16 less than forty-eight hours before the time fixed in the summons
17 for the return thereof shall be sufficient to confer
18 jurisdiction; provided that jurisdiction shall be conferred if
19 any person who might be so summoned appears voluntarily at the
20 time and place appointed and waives the service and the notice.



1 Service of summons, process, or any notice required by this
2 section may be made by any suitable person under the direction
3 of the court and upon request of the court shall be made by any
4 police officer.

5 (n) Notwithstanding any other law to the contrary, and
6 except as otherwise provided in this section, the court shall
7 order reasonable fees for counsel, experts, and other costs of
8 services required in relation to a petition for declaration of
9 emancipation, including reasonable fees for service of process
10 of the petition, summons, and notice of hearing, to be paid by
11 the minor's parents or guardian, regardless of whether the fees
12 were incurred by the minor or other parties or ordered by the
13 court.

14 (o) The petitioner or any other person admitted as party
15 to a petition hearing concerning emancipation of a minor
16 pursuant to this section may file an appeal from the court's
17 issuance of or denial of a declaration of emancipation, an order
18 voiding a declaration of emancipation, or an order rescinding a
19 declaration of emancipation pursuant to section 571-54.

20 (p) As used in this section:



1 "Emancipation" means termination of the rights of the
2 parents of a minor to the custody, control, services, and
3 earnings of a minor.

4 "Guardian" means a person appointed or qualified by a court
5 as a guardian of an individual and includes a limited guardian,
6 but excludes a person who is merely a guardian ad litem.

7 "Minor" means a person under the age of majority."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on January 1, 2024.

APPROVED this 14th day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 349, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

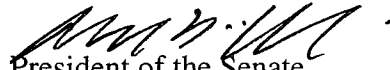



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate



GOV. MSG. NO. 1373

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 12, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

RE: Senate Bill No. 45

Pursuant to Section 16 of Article III of the State Constitution, Senate Bill No. 45, entitled "RELATING TO MINORS," became law without my signature as ACT 259, Session Laws of Hawaii 2023, on July 11, 2023.

Sincerely,

Anne E. Lopez
Acting Governor, State of Hawaii

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 45
S.D. 1
H.D. 2

A BILL FOR AN ACT

RELATING TO MINORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that adolescence can be a
2 challenging time for young people. During this stage of life,
3 adolescents are navigating new experiences while encountering
4 potential changes in their social spheres, including their
5 relationships with peers and family members. Adolescents'
6 romantic relationships can cause tension between family members,
7 such as when parents do not want their child to date, advise
8 their child against entering into a relationship with a
9 particular person, or express disapproval of their child's
10 dating relationship. It is not uncommon for some adolescents to
11 keep private the details, in particular any problems or
12 challenges, of their romantic relationships.

13 The legislature also finds that adolescents in abusive
14 romantic relationships that were entered into without parental
15 approval may be reluctant to approach their parents for
16 assistance. Some adolescents have the option of seeking the
17 help of another trusted adult who is not their parent, such as a



1 school counselor or domestic violence victim advocate. This
2 other person may be able to help obtain a protective order when
3 it is necessary for the adolescent's safety and protection.
4 However, not all adolescents have access to such a person.

5 The purpose of this Act is to allow minors sixteen years of
6 age or older, on their own behalf, and emancipated minors to
7 petition for domestic abuse protective orders.

8 SECTION 2. Section 586-3, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) A petition for relief under this chapter may be made
11 by:

12 (1) Any family or household member on the member's own
13 behalf or on behalf of a family or household member
14 who is a minor or who is an incapacitated person as
15 defined in section 560:5-102 or who is physically
16 unable to go to the appropriate place to complete or
17 file the petition; ~~or~~

18 (2) Any state agency on behalf of a person who is a minor
19 or who is an incapacitated person as defined in
20 section 560:5-102 or a person who is physically unable



1 to go to the appropriate place to complete or file the
2 petition on behalf of that person[-];

3 (3) Any minor sixteen years of age or older on their own
4 behalf without the consent of a parent or legal
5 guardian; or

6 (4) Any minor deemed emancipated pursuant to section 577-
7 25."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

APPROVED this day of , 2023

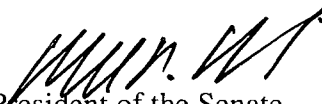
GOVERNOR OF THE STATE OF HAWAII

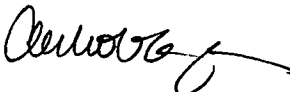


THE SENATE OF THE STATE OF HAWAI‘I

Date: April 18, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 3, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives



GOV. MSG. NO. 1127

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

April 19, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on April 19, 2023, the following bill was signed into law:

HB841 HD2

RELATING TO DOMESTIC ABUSE PROTECTIVE
ORDERS.
ACT 027

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on APR 19 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 841
H.D. 2

A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that when a parent seeks
2 a domestic abuse restraining order against another parent or
3 household member for allegations of domestic abuse, the law
4 requires a referral to the department of human services for
5 intervention or investigation by the child welfare services
6 branch. The legislature further finds that the law is
7 unnecessarily broad and overburdens the child welfare services
8 branch. Automatic referrals should be limited to allegations of
9 child abuse. The legislature notes that the family court
10 currently has the authority, at its discretion, to refer a case
11 to the department of human services where investigation is
12 warranted to ensure the family's safety.

13 Accordingly, the purpose of this Act is to amend the
14 automatic referral requirements regarding domestic abuse
15 protective orders to apply only when there are allegations of
16 alleged child abuse.



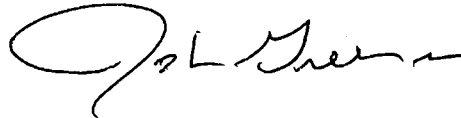
1 SECTION 2. Section 586-10.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§586-10.5 Reports by the department of human services;**
4 **court responsibilities.** In cases where there are allegations of
5 ~~[domestic]~~ child abuse or neglect, as defined in section 350-1,
6 involving a family or household member who is a minor or an
7 incapacitated person as defined in section 560:5-102, the
8 employee or appropriate nonjudicial agency designated by the
9 family court to assist the petitioner shall report the matter to
10 the department of human services, as required under chapters 350
11 and 587A, and ~~[shall]~~ further notify the department of the
12 granting of the temporary restraining order and of the hearing
13 date. The department of human services shall provide the family
14 court with a written report on the disposition of the referral.
15 The court shall file the report and mail it to the petitioner
16 and respondent at least two working days before the hearing
17 date, if possible. If circumstances prevent the mailing of the
18 report as required in this section, the court shall provide
19 copies of the report to the petitioner and respondent at the
20 hearing. The report shall be noted in the order dismissing the
21 petition or granting the restraining order."



- 1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 19th day of April , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 841, HD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 7, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: APR 11 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Ronald D. Kouchi
President of the Senate



Carol T. Taniguchi
Clerk of the Senate



GOV. MSG. NO. 1182

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

SB1267 SD1 HD1

RELATING TO PROTECTIVE ORDERS.
ACT 081

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive script.

Josh Green, M.D.
Governor, State of Hawai'i

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 1267
S.D. 1
H.D. 1

A BILL FOR AN ACT

RELATING TO PROTECTIVE ORDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 586-2, Hawaii Revised Statutes, is
2 amended to read as follows:
- 3 "[+]§586-2[+] Court jurisdiction. (a) An application for
4 relief under this chapter may be filed in [~~any~~] the family court
5 in the circuit in which [~~the~~]:
- 6 (1) The petitioner resides[+] or is temporarily located;
7 (2) The respondent resides;
8 (3) The subject of the petition, a petitioner's family or
9 household member who is a minor, an incapacitated
10 person as defined in section 560:5-102 or physically
11 unable to go to the appropriate place to complete or
12 file the petition, resides or is temporarily located;
13 or
14 (4) The domestic abuse occurred.
- 15 (b) Actions under this chapter shall be given docket
16 priorities by the court."



1 SECTION 2. Section 604-10.5, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Any person who has been subjected to harassment may
4 petition the district court [~~of the district in which the~~
5 ~~petitioner resides~~] for a temporary restraining order and an
6 injunction from further harassment[~~-~~] in the district in which:

7 (1) The petitioner resides or is temporarily located;

8 (2) The respondent resides; or

9 (3) The harassment occurred."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 14th day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



THE SENATE OF THE STATE OF HAWAI'I

Date: April 19, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 3, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives



GOV. MSG. NO. 1123

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

April 19, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on April 19, 2023, the following bill was signed into law:

HB1344 HD2

RELATING TO ANGER MANAGEMENT.
ACT 023

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on APR 19 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 1344
H.D. 2

A BILL FOR AN ACT

RELATING TO ANGER MANAGEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 586-4, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:
3 "(e) When a temporary restraining order is granted and the
4 respondent or person to be restrained knows of the order, a
5 knowing or intentional violation of the restraining order is a
6 misdemeanor. A person convicted under this section shall
7 ~~[undergo domestic violence intervention]~~ be ordered by the court
8 to complete an assessment at any available domestic violence
9 program ~~[as ordered by the court.]~~ and shall complete a domestic
10 violence intervention or anger management course as determined
11 by the domestic violence program. The court additionally shall
12 sentence a person convicted under this section as follows:
13 (1) Except as provided in paragraph (2), for a first
14 conviction for a violation of the temporary
15 restraining order, the person shall serve a mandatory
16 minimum jail sentence of forty-eight hours and be
17 fined ~~[not]~~ no less than \$150 nor more than \$500;



- 1 ~~[provided that the court shall not sentence a~~
2 ~~defendant to pay a fine unless the defendant is or~~
3 ~~will be able to pay the fine;]~~
- 4 (2) For a first conviction for a violation of the
5 temporary restraining order, if the person has a prior
6 conviction for any of the following felonies:
- 7 (A) Section 707-701 relating to murder in the first
8 degree;
- 9 (B) Section 707-701.5 relating to murder in the
10 second degree;
- 11 (C) Section 707-710 relating to assault in the first
12 degree;
- 13 (D) Section 707-711 relating to assault in the second
14 degree;
- 15 (E) Section 707-720 relating to kidnapping;
- 16 (F) Section 707-721 relating to unlawful imprisonment
17 in the first degree;
- 18 (G) Section 707-730 relating to sexual assault in the
19 first degree;
- 20 (H) Section 707-731 relating to sexual assault in the
21 second degree;



- 1 (I) Section 707-732 relating to sexual assault in the
2 third degree;
- 3 (J) Section 707-733.6 relating to continuous sexual
4 assault of a minor under the age of fourteen
5 years;
- 6 (K) Section 707-750 relating to promoting child abuse
7 in the first degree;
- 8 (L) Section 708-810 relating to burglary in the first
9 degree;
- 10 (M) Section 708-811 relating to burglary in the
11 second degree;
- 12 (N) Section 709-906 relating to abuse of family or
13 household members; or
- 14 (O) Section 711-1106.4 relating to aggravated
15 harassment by stalking;
- 16 and if any of these offenses has been committed
17 against a family or household member as defined in
18 section 586-1, the person shall serve a mandatory
19 minimum term of imprisonment of fifteen days and be
20 fined ~~[not]~~ no less than \$150 nor more than \$600;
21 ~~[provided that the court shall not sentence a~~



1 ~~defendant to pay a fine unless the defendant is or~~
2 ~~will be able to pay the fine;]~~ and

3 (3) For the second and any subsequent conviction for a
4 violation of the temporary restraining order, the
5 person shall serve a mandatory minimum jail sentence
6 of thirty days and be fined [~~not~~] no less than \$250
7 nor more than \$1,000;

8 provided that the court shall not sentence a defendant to pay a
9 fine unless the defendant is or will be able to pay the fine.

10 Upon conviction and sentencing of the defendant, the court
11 shall order that the defendant immediately be incarcerated to
12 serve the mandatory minimum sentence imposed; provided that the
13 defendant may be admitted to bail pending appeal pursuant to
14 chapter 804. The court may stay the imposition of the sentence
15 if special circumstances exist.

16 The court may suspend any jail sentence, except for the
17 mandatory sentences under paragraphs (1), (2), and (3) upon
18 condition that the defendant remain alcohol- and drug-free,
19 conviction-free, or complete court-ordered assessments or
20 intervention. Nothing in this section shall be construed as



1 limiting the discretion of the judge to impose additional
2 sanctions authorized in sentencing for a misdemeanor."

3 SECTION 2. Section 586-11, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Whenever an order for protection is granted pursuant
6 to this chapter, a respondent or person to be restrained who
7 knowingly or intentionally violates the order for protection
8 ~~[is]~~ shall be guilty of a misdemeanor. A person convicted under
9 this section shall ~~[undergo domestic violence intervention]~~ be
10 ordered by the court to complete an assessment at any available
11 domestic violence program ~~[as ordered by the court.]~~ and shall
12 complete a domestic violence intervention or anger management
13 course as determined by the domestic violence program. The
14 court additionally shall sentence a person convicted under this
15 section as follows:

16 (1) For a first conviction for violation of the order for
17 protection:

18 (A) That is in the nature of non-domestic abuse, the
19 person may be sentenced to a jail sentence of
20 forty-eight hours and be fined ~~[not]~~ no more than
21 \$150; ~~[provided that the court shall not sentence~~



1 ~~a defendant to pay a fine unless the defendant is~~
2 ~~or will be able to pay the fine,] or~~

3 (B) That is in the nature of domestic abuse, the
4 person shall be sentenced to a mandatory minimum
5 jail sentence of ~~[not]~~ no less than forty-eight
6 hours and be fined ~~[not]~~ no less than \$150 nor
7 more than \$500; ~~[provided that the court shall~~
8 ~~not sentence a defendant to pay a fine unless the~~
9 ~~defendant is or will be able to pay the fine,]~~

10 (2) For a second conviction for violation of the order for
11 protection:

12 (A) That is in the nature of non-domestic abuse, and
13 occurs after a first conviction for violation of
14 the same order that was in the nature of
15 non-domestic abuse, the person shall be sentenced
16 to a mandatory minimum jail sentence of ~~[not]~~ no
17 less than forty-eight hours and be fined ~~[not]~~ no
18 more than \$250; ~~[provided that the court shall~~
19 ~~not sentence a defendant to pay a fine unless the~~
20 ~~defendant is or will be able to pay the fine,]~~



1 (B) That is in the nature of domestic abuse, and
2 occurs after a first conviction for violation of
3 the same order that was in the nature of domestic
4 abuse, the person shall be sentenced to a
5 mandatory minimum jail sentence of ~~[not]~~ no less
6 than thirty days and be fined ~~[not]~~ no less than
7 \$250 nor more than \$1,000; ~~[provided that the~~
8 ~~court shall not sentence a defendant to pay a~~
9 ~~fine unless the defendant is or will be able to~~
10 ~~pay the fine;]~~

11 (C) That is in the nature of non-domestic abuse, and
12 occurs after a first conviction for violation of
13 the same order that was in the nature of domestic
14 abuse, the person shall be sentenced to a
15 mandatory minimum jail sentence of ~~[not]~~ no less
16 than forty-eight hours and be fined ~~[not]~~ no more
17 than \$250; ~~[provided that the court shall not~~
18 ~~sentence a defendant to pay a fine unless the~~
19 ~~defendant is or will be able to pay the fine;]~~ or

20 (D) That is in the nature of domestic abuse, and
21 occurs after a first conviction for violation of



1 the same order that is in the nature of
2 non-domestic abuse, the person shall be sentenced
3 to a mandatory minimum jail sentence of ~~[not]~~ no
4 less than forty-eight hours and be fined ~~[not]~~ no
5 more than \$150; ~~[provided that the court shall~~
6 ~~not sentence a defendant to pay a fine unless the~~
7 ~~defendant is or will be able to pay the fine,]~~
8 and

9 (3) For any subsequent violation that occurs after a
10 second conviction for violation of the same order for
11 protection, the person shall be sentenced to a
12 mandatory minimum jail sentence of not less than
13 thirty days and be fined not less than \$250 nor more
14 than \$1,000;

15 provided that the court shall not sentence a defendant to pay a
16 fine unless the defendant is or will be able to pay the fine.

17 Upon conviction and sentencing of the defendant, the court
18 shall order that the defendant immediately be incarcerated to
19 serve the mandatory minimum sentence imposed; provided that the
20 defendant may be admitted to bail pending appeal pursuant to



1 chapter 804. The court may stay the imposition of the sentence
2 if special circumstances exist.

3 The court may suspend any jail sentence under subparagraphs
4 (1) (A) and (2) (C), upon condition that the defendant remain
5 alcohol- and drug-free, conviction-free, or complete court-
6 ordered assessments or intervention. Nothing in this section
7 shall be construed as limiting the discretion of the judge to
8 impose additional sanctions authorized in sentencing for a
9 misdemeanor offense. All remedies for the enforcement of
10 judgments shall apply to this chapter."

11 SECTION 3. Section 586-13, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§586-13[+] Domestic violence intervention[-]; anger
14 management. Notwithstanding chapter 706 or any other law to the
15 contrary, any sentence for a domestic violence intervention or
16 anger management course specified by section 586-4 or section
17 586-11 shall be imposed by the court, with or without
18 probation."

19 SECTION 4. Section 709-906, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsection (7) to read:



1 "(7) Whenever a court sentences a person or grants a
2 motion for deferral pursuant to subsections (5) and (6), it
3 shall also [~~shall~~] require that the offender first complete,
4 within a specified time frame, an assessment at any available
5 domestic violence intervention [~~programs,~~] program, and then
6 complete a domestic violence intervention or anger management
7 course as determined by the domestic violence program, and, if
8 the offense involved the presence [~~of~~] or abuse of a minor, any
9 available parenting classes ordered by the court. The court
10 shall revoke the defendant's probation or set aside the
11 defendant's deferred acceptance of guilty plea and enter an
12 adjudication of guilt, if applicable, and sentence or resentence
13 the defendant to the maximum term of incarceration if:

14 (a) The defendant fails to complete, within the specified
15 time frame, any domestic violence intervention
16 [~~programs~~] course, anger management course, or
17 parenting classes ordered by the court; or

18 (b) The defendant violates any other term or condition of
19 the defendant's probation or deferral imposed by the
20 court;



1 provided that, after a hearing on an order to show cause, the
2 court finds that the defendant has failed to show good cause why
3 the defendant has not timely completed the domestic violence
4 intervention [~~programs~~] course, anger management course, or
5 parenting classes, if applicable, or why the defendant violated
6 any other term or condition of the defendant's sentence.
7 However, the court may suspend any portion of a jail sentence,
8 except for the mandatory sentences under subsection (5) (a) and
9 (b), upon the condition that the defendant remain arrest-free
10 and conviction-free or complete court-ordered intervention."

11 2. By amending subsection (17) to read:

12 "(17) When a person is ordered by the court to complete
13 any domestic violence intervention [~~programs~~] course, anger
14 management course, or parenting classes, that person shall
15 provide adequate proof of compliance with the court's order.
16 The court shall order a subsequent hearing at which the person
17 is required to make an appearance, on a date certain, to
18 determine whether the person has completed the ordered domestic
19 violence intervention [~~programs~~] course, anger management
20 course, or parenting classes. The court may waive the
21 subsequent hearing and appearance where a court officer has



1 established that the person has completed the intervention
2 ordered by the court."

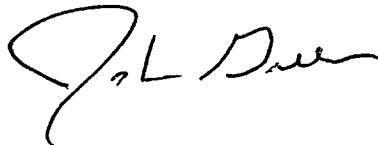
3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon its approval;
9 provided that the amendments made to section 709-906, Hawaii
10 Revised Statutes, by section 3 of this Act shall not be repealed
11 when that section is reenacted on June 30, 2026, pursuant to:

- 12 (1) Section 15 of Act 19, Session Laws of Hawaii 2020; and
13 (2) Section 4 of Act 238, Session Laws of Hawaii 2021.

APPROVED this 19th day of April , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 1344, HD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 7, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: APR 05 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Ronald D. Kouchi
President of the Senate



Carol T. Taniguchi
Clerk of the Senate



GOV. MSG. NO. 1184

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

HB579 HD2 SD1 CD1

RELATING TO HUMAN TRAFFICKING.
ACT 083

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 14 2023

ACT 083

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 579
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that children in the
2 State are vulnerable to sex trafficking and commercial sexual
3 exploitation. Foster children and runaways with histories of
4 abuse and neglect are at particularly high risk. Other highly
5 vulnerable groups include LGBTQ+ youth, immigrants, undocumented
6 workers, and youth suffering from mental illnesses and substance
7 abuse issues. Victims are often lured into sex trafficking
8 through traffickers' use of emotional manipulation and control,
9 force, fraud, or threats.

10 The legislature recognizes that, in the last decade, the
11 commercial sexual exploitation of children has garnered greater
12 attention in Hawaii and throughout the United States. The
13 department of human services has received an increasing number
14 of hotline calls involving witnesses or victims of child sex
15 trafficking. However, because child sex trafficking is covert,
16 it is difficult to accurately measure the scope of the problem,



1 and exploited youth do not necessarily identify themselves as
2 victims.

3 The legislature further finds that to adequately assist all
4 persons who have been sexually exploited, a statewide human
5 trafficking program is needed to develop and utilize
6 comprehensive interagency case management strategies and
7 protocols, combined with a multidisciplinary response. It is
8 the intent of the legislature that the department of the
9 attorney general will provide leadership in addressing the
10 commercial sexual exploitation of children and the broader issue
11 of human trafficking.

12 Accordingly, the purpose of this Act is to require the
13 department of the attorney general to:

- 14 (1) Address the needs of victims of human trafficking
15 through the development and implementation of a
16 statewide human trafficking prevention program; and
17 (2) Report to the legislature on the State's efforts to
18 address human trafficking and the commercial sexual
19 exploitation of children.



1 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . HUMAN TRAFFICKING PREVENTION PROGRAM**

5 **§28- Definitions.** As used in this part:

6 "Child" means a person under eighteen years of age.

7 "Commercial sexual exploitation of children" means any
8 sexual activity involving a child for the exchange or promise of
9 anything of value by any person.

10 "Human trafficking" includes "severe forms of trafficking
11 in persons", as defined in title 22 United States Code section
12 7102(11), and "sex trafficking", as defined in title 22 United
13 States Code section 7102(12) and as described in section
14 712-1202.

15 **§28- Human trafficking prevention program.** (a) The
16 department of the attorney general shall develop and implement a
17 program to prevent, and assist victims of, human trafficking.
18 The program shall:

19 (1) Assess the current needs of the State's
20 anti-trafficking response and develop:



- 1 (A) A statewide strategy to prevent human
2 trafficking; and
- 3 (B) A plan to provide increased support and
4 assistance to victims of human trafficking and
5 victims of the commercial sexual exploitation of
6 children;
- 7 (2) Implement statewide strategies to address offender
8 accountability for child enticement, commercial sexual
9 exploitation, and human trafficking through law
10 enforcement efforts, prosecutions, and crime
11 prevention efforts;
- 12 (3) Promote public awareness of:
- 13 (A) Human trafficking and the commercial sexual
14 exploitation of children;
- 15 (B) The availability of services for victims of human
16 trafficking; and
- 17 (C) The availability of national and state hotlines
18 for victims and witnesses;
- 19 (4) Produce and maintain informational materials,
20 including a website, on:



- 1 (A) The prevention of human trafficking and the
2 commercial sexual exploitation of children; and
3 (B) The availability of public resources for victims
4 and witnesses;
- 5 (5) Develop and provide comprehensive training on ways to
6 prevent, identify, and address human trafficking and
7 the commercial sexual exploitation of children; and
8 (6) Apply for and monitor federal funding available for
9 anti-trafficking efforts.
- 10 (b) Each public official and state and county department
11 shall render all necessary assistance and cooperation within the
12 official's or department's jurisdictional power to share
13 information and assist the program in carrying out its duties
14 under this part."
- 15 SECTION 3. (a) The department of the attorney general
16 shall submit a report to the legislature no later than twenty
17 days prior to the convening of the regular session of 2026 on
18 the State's efforts to address the commercial sexual
19 exploitation of children; and shall submit a report to the
20 legislature no later than twenty days prior to the convening of



1 the regular session of 2027 on the State's efforts to address
2 human trafficking.

3 (b) Each report identified in subsection (a) shall
4 include:

- 5 (1) Plans to assist state and county agencies in
6 identifying and responding to victims;
- 7 (2) Best practices used in other states to identify and
8 serve victims;
- 9 (3) A comprehensive evaluation of applicable programs and
10 services currently offered by the State;
- 11 (4) Strategies for public outreach and education;
- 12 (5) An assessment of any barriers that inhibit government
13 agencies, law enforcement agencies, service providers,
14 and nongovernmental organizations in the State from
15 supporting victims and holding offenders accountable;
- 16 (6) A review of criminal statutes in chapter 712, Hawaii
17 Revised Statutes, on prostitution and sex trafficking;
- 18 (7) Plans for a training program for educators, community
19 members, members of law enforcement agencies, and
20 mandatory reporters of child abuse, including an
21 outline of the training content and an assessment of



- 1 whether training should be mandatory and in what
2 intervals;
- 3 (8) Statewide assessment tools that may be used by first
4 responders, medical professionals, and service
5 providers to identify victims;
- 6 (9) Plans for prevention strategies that mitigate the risk
7 factors for victims and offenders;
- 8 (10) Recommendations for enhancing statewide collaboration
9 and coordination through multidisciplinary teams,
10 committees, and task forces;
- 11 (11) An analysis of the existing data regarding
12 trafficking, which may include but shall not be
13 limited to the following:
- 14 (A) Data specific to the commercial sexual
15 exploitation of children, including:
- 16 (i) The number of reports to national and state
17 hotlines alleging the sexual trafficking of
18 a child;
- 19 (ii) The total number of children in the State
20 suspected to be victims of sex trafficking,
21 including demographic information and



1 information on whether each child was
2 previously served by the department of the
3 attorney general or department of human
4 services;

5 (iii) The total number of children in the State
6 confirmed to be victims of sex trafficking,
7 including demographic information and
8 information on whether each child was
9 previously served by the department of the
10 attorney general or department of human
11 services;

12 (iv) Data collected by state-contracted service
13 providers, including the types and aggregate
14 costs of services provided to children in
15 the State who are suspected or confirmed
16 victims of sex trafficking, number of
17 children in the State receiving each type of
18 service, and total number of new children
19 and families in the State served through
20 these service providers;

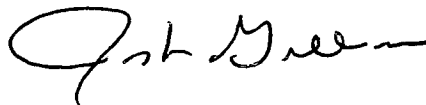


- 1 (v) The total number of reports made to the
2 department of the attorney general via the
3 National Center for Missing and Exploited
4 Children CyberTipline, and the number of
5 these reports that resulted in an arrest;
6 and
- 7 (vi) The number of arrests, prosecutions, and
8 convictions in the State, delineated by
9 county and disaggregated by race, for crimes
10 related to human trafficking, commercial
11 sexual exploitation, or the commercial
12 sexual exploitation of children;
- 13 (B) Data specific to sex and labor trafficking;
- 14 (C) The identification of any gaps in the State's
15 ability to collect data; and
- 16 (D) Recommendations for improving data collection and
17 data sharing among service providers,
18 nongovernmental organizations, and government
19 agencies, including law enforcement agencies; and
- 20 (12) Any proposed legislation.



- 1 (c) The department of the attorney general may submit
2 additional reports to the legislature providing data, status
3 updates, and recommendations, as determined by the department.
4 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 14th day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 579, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

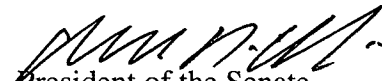


Brian L. Takeshita
Chief Clerk
House of Representatives


THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.



President of the Senate



Clerk of the Senate



GOV. MSG. NO. 1190

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 14, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 14, 2023, the following bill was signed into law:

HB948 HD2 SD2 CD1

RELATING TO CHILD AND ADOLESCENT
MENTAL HEALTH.
ACT 089

Sincerely,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 948
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO CHILD AND ADOLESCENT MENTAL HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there is a need to
2 improve mental health crisis intervention for at-risk youths in
3 the community by expanding existing crisis response services to
4 provide trauma-informed engagement within the system and
5 individual training in trauma-informed care. These expanded
6 services may reduce the risk of harm to youths; promote safety
7 for youths in home, school, and community settings; reduce the
8 use of emergency facilities, acute psychiatric hospitals, and
9 other out-of-home placements for youths; increase supports
10 available to youths and families to maintain placement and
11 improve quality of life; and provide trauma-informed care and
12 ongoing support to youths and families in the community.

13 The purpose of this Act is to establish, and appropriate
14 funds for, a child and adolescent crisis mobile outreach team
15 pilot program to provide additional support and expansion of
16 services for existing crisis response services, with one crisis
17 mobile outreach team to be located on Oahu and one crisis mobile



1 outreach team to be located at a site on a neighbor island, as
2 determined by the department of health.

3 SECTION 2. (a) There is established a child and
4 adolescent crisis mobile outreach team pilot program within the
5 child and adolescent mental health division of the department of
6 health to expand and support existing crisis response services
7 and programs for at-risk youths. One crisis mobile outreach
8 team shall be located on Oahu, and one crisis mobile outreach
9 team shall be located at a site on a neighbor island. The
10 department of health shall determine the most appropriate site
11 on a neighbor island for the crisis mobile outreach team. The
12 pilot program shall begin on January 1, 2024.

13 (b) The child and adolescent crisis mobile outreach team
14 pilot program shall provide, to the extent practicable with
15 available resources, the following services to children and
16 adolescents:

- 17 (1) Crisis prevention with community collaboration and
18 community program development;
19 (2) Face-to-face intervention within one hour of a request
20 for intervention;
21 (3) Crisis de-escalation and assessment; and



- 1 (4) Stabilization for not more than eight weeks,
- 2 including:
- 3 (A) Connecting youths to community supports and
- 4 services;
- 5 (B) In-home clinical support for youths and families;
- 6 (C) Connection with higher level support if
- 7 determined necessary by the crisis mobile
- 8 outreach team; and
- 9 (D) Collaboration with community partners and other
- 10 state agencies.

11 (c) The child and adolescent mental health division of the
12 department of health shall submit a report to the legislature,
13 no later than twenty days prior to the convening of the regular
14 session of 2025, with findings and recommendations arising from
15 the child and adolescent crisis mobile outreach team pilot
16 program, including any proposed legislation and a recommendation
17 as to whether the pilot program should be extended.

18 (d) The child and adolescent crisis mobile outreach team
19 pilot program shall end on December 31, 2025.

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$3,500,000 or so much



1 thereof as may be necessary for fiscal year 2023-2024 and the
2 same sum or so much thereof as may be necessary for fiscal year
3 2024-2025 to establish a crisis mobile outreach team pilot
4 program to expand existing crisis response services and for the
5 hiring and training of mental health professionals with trauma-
6 informed training and experience working with youth; provided
7 that the sums appropriated shall be allocated as follows:

8 (1) \$1,750,000 for one crisis mobile outreach team to be
9 located on Oahu; and

10 (2) \$1,750,000 for one crisis mobile outreach team to be
11 located at a site on a neighbor island; provided
12 further that the site shall be determined by the
13 department of health.

14 The sums appropriated shall be expended by the department
15 of health for the purposes of this Act.

16 SECTION 4. In accordance with section 9 of article VII of
17 the Hawaii State Constitution and sections 37-91 and 37-93,
18 Hawaii Revised Statutes, the legislature has determined that the
19 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D.
20 1, will cause the state general fund expenditure ceiling for
21 fiscal year 2023-2024 to be exceeded by \$1,063,767,367 or 10 per

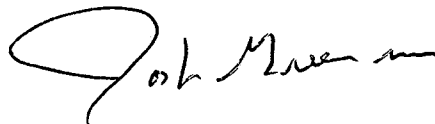


1 cent. In addition, the appropriations contained in this Act
2 will cause the general fund expenditure ceiling for fiscal year
3 2023-2024 to be further exceeded by \$3,500,000 or 1 per cent.
4 The combined total amount of general fund appropriations
5 contained in only these two Acts will cause the state general
6 fund expenditure ceiling for fiscal year 2023-2024 to be
7 exceeded by \$1,067,267,367 or 11 per cent. The reasons for
8 exceeding the general fund expenditure ceiling are that:

- 9 (1) The appropriation made in this Act is necessary to
10 serve the public interest; and
11 (2) The appropriation made in this Act meets the needs
12 addressed by this Act.

13 SECTION 5. This Act shall take effect on July 1, 2023.

APPROVED this 14th day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 948, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: **MAY 04 2023**
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



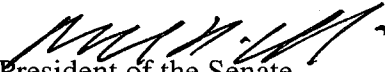
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

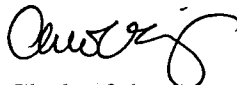
Date: MAY 04 2023

Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.



President of the Senate



Clerk of the Senate