

SCR38

Testimony via email to: JGOTestimony@Capitol.hawaii.gov

THE SENATE

THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair /

Senator Dwight Y. Takamine, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 23, 2010

TIME: 9:30 a.m.

PLACE: Conference Room 016

State Capitol

415 South Beretania Street

SCR 38: RECOMMENDING THAT THE KAPOLEI COURT COMPLEX BE RENAMED THE "RONALD T.Y. MOON JUDICIAL COMPLEX".

TESTIMONY FROM: Melinda (Chee) Franklin

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**I write in STRONG OPPOSITION
to SCR38:**

**Recommendation: DO NOT RENAME THE KAPOLEI
COURT COMPLEX.**

A matter of extreme concern is public corruption at the highest levels of government in Hawai'i. Renaming the KAPOLEI COURT COMPLEX after Justice Ronald T.Y. Moon would signal Legislative support for unabashed corruption going on in Hawai'i Family Court. In the best interest of children, families and the people of Hawai'i the better course of valor would be to leave the name of THE KAPOLEI COURT COMPLEX as it is.

Since 2001, stakeholders have been supporting Hawai'i Family Court Reform Legislation, under the impeccable humanitarian leadership of Senator Suzanne Chun-Oakland. Naming the THE KAPOLEI COURT COMPLEX after Justice Ronald T.Y. Moon would discount the ongoing Legislative hearings targeting long-overdue Hawai'i Family Court reform.

United States Attorney General Eric Holder has been made aware of Hawai'i judicial corruption involving Chief Justice Moon, as well as the Hawai'i Disciplinary Counsel, Commission on Judicial Conduct, Hawai'i Family Court and it's support services involving unlicensed social workers. There is documented evidence on multiple cases showing corruption, collusion, violations of civil rights and outright illegal activity. Failure to resolve Family Court issues involving Hawaii's families, and especially children, results in horrific physical, emotional, academic and financial harm.

Hawai'i Family Courts are particularly treacherous due to closed-door policies, appointed positions and "Star Chamber" methods that result in an absence of true accountability or oversight. The action group H.A.L.T. (Help Abolish Legal Tyranny) gave Hawai'i a D+ on their report card for reasons stating: "*Hawaii's system of judicial oversight is one of the most secretive in the*

nation... Hawaii's restrictions not only violate citizen's right to free speech, they also keep the general public in the dark about whether the system of judicial oversight is operating effectively."

http://www.halt.org/about_halt/press_releases/2008/jarc2008_hi.php

Even now, the Judiciary, with regard to H.B. No. 1936, H.D. 1 (bill is to develop standards of practice and establish a child custody evaluator registry to assist the court in awarding custody in child custody cases) requested that social workers employed by the Judiciary continue to be allowed to be appointed by the court as child custody evaluators. Astonishingly, the Judiciary specified that these unlicensed social workers be exempt them from the annual declaration and registration requirements established by this bill. **This is an ongoing issue where the Judiciary desires to exclude its own employees from procedures that apply to others. This is inappropriate, particularly for this bill.** The Judiciary should not be given a pass, by requiring the Legislature to exempt Judiciary social workers when the bill allows the Judiciary to make those decisions themselves.

The Hawai'i Family Court shuns due process and balks at following Hawai'i statutes. Changes of custody occur without hearings, temporary restraining orders persist for years on end and the civil rights of court parties are blatantly violated. These unconstitutional processes have received the support of Justice Ronald T.Y. Moon. In a February, 2004 article in the Hawaii Bar Journal, titled "*Divorce Law in Hawaii: An Update*", eminent Hawaii Family Law attorney, William C. Darrah states: "*The situation has become so bad that because of time constraints lawyers have been forced to resort to presentation*

devices which in fact violate the Hawaii Rules of Evidence.” [Kie v. McMahl, 91 Haw. 438, 984 P.2d 1264 (App 199).] Respected attorneys in Hawai’i shun practicing in Family Court, explaining: *“It’s basically just a bunch of social workers running around practicing law!”* Esteemed psychologists have discontinued practicing in Family Court because: *“The processes are so toxic!”*

Court officers are allowed to run roughshod over families and innocent children. A court order in my case *“contained highly unusual provisions which prohibited notice to Melinda Chee, or her attorneys”*. Frances Q.F. Wong referred to my case as a “Red Herring”. Hawai’i Family Court has many similarly unjust cases. Today, an ever-expanding school of *“Red Herrings”* is teaming around the Hawai’i Family Court and Hawai’i Legislature.

Time is long over-due for the Hawai’i Family Court to implement peer-review processes and permit transparency and fair outcomes. Case reviews could generate constructive critiques and evidence-based enlightenment. Court processes must be open to input regarding investigative methods, diagnostic reasoning, recommendations and potential bias. Chief Justice Ronald T.Y. Moon has failed to support processes permitting sunshine and transparency.

If **ANY** good could come from SCR 38, suggesting renaming of the KAPOLEI COURT COMPLEX, it is this: Ongoing hearings would allow the long line of grievously maligned family court customers to come forward and vigorously oppose renaming the KAPOLEI COURT COMPLEX . The aforementioned school of *“Red Herring”* could individually and collectively provide accounts of defective, unconstitutional Family Court processes, including names, dates and events. This would be an opportunity to bring our cause real-time before an assembled

audience. Press coverage could further illustrate the corruption and toxic depraved leadership manifested by Chief Justice Ronald T.Y. Moon.

But wait, IF sponsors of SCR 38; Senator Brian T. Taniguchi and Senator Colleen Hanabusa, DO want to have the name of the KAPOLEI COURT COMPLEX reflect governmental representatives who prefer lack of sunshine and accountability, why not choose a nationally recognized name? How about renaming the KAPOLEI COURT COMPLEX after the former mayor of Detroit who served prison time for perjury? Rename the KAPOLEI COURT COMPLEX the: KWAME KILPATRICK COURT COMPLEX.

If the Legislature chooses to honor Chief Justice Ronald TY Moon by naming the KAPOLEI COURT COMPLEX as the : "RONALD T.Y. MOON JUDICIAL COMPLEX" , then the injustice my children and I have suffered, and the anguish and injustice many other families and Hawai'i keiki have suffered, will continue with impunity!

Recommendation: Kill SCR 38.

Respectfully submitted,

Melinda (Chee) Franklin

Member, Angel Group, and Hawai'i Children's Rights Council

"Injustice anywhere is a threat to justice everywhere"

Dr. Martin Luther King Jr.